



## CHARLES E. MCCLELLAN PARTNER

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### PROFILE

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Charles McClellan provides a wide range of client counseling, employee benefits, employment, and commercial litigation services for business, nonprofit, government, and individual clients.

Charles regularly counsels clients and provides training on a wide range of business topics. He advises taxable, tax-exempt, and governmental employers on employee benefit and executive compensation issues, including ERISA and tax-code compliance and the design and administration of welfare benefit plans and qualified and nonqualified pension, retirement savings, and deferred compensation plans. He helps employers draft and revise employee handbooks and advises them on discipline, termination, reduction-in-force, and other employment-related issues. And he advises manufacturing clients on the interpretation, application, and enforcement of supply-chain agreements. Charles also has extensive experience preparing affirmative action plans for federal government contractors, advising them on contractor compliance, and navigating them through OFCCP audits.

In the employment litigation context, Charles handles pre-litigation disputes, including internal investigations and external agency actions, such as by the KHRC, EEOC, OFCCP, as well as administrative, grievance, and arbitration proceedings. He regularly defends employers facing large class and collective actions and litigates traditional, single-plaintiff lawsuits. His experience includes discrimination, wrongful discharge, retaliation, harassment, breach of contract, wage payment, non-compete, labor-management, and ERISA disputes.

Charles also represents parties facing complex commercial disputes. For example, he has litigated disputes over the sale of equipment under the Uniform Commercial Code, the provision of services under a supply agreement, the enforcement of an asset purchase agreement, corporate governance, and zoning for a renewable energy project. Charles enjoys digging into complex matters and zealously advocating for his clients.

Prior to his life as a lawyer, Charles managed logistical operations for a nonprofit in San Francisco and served as the director of an international commodity trading firm. He and his wife are proud parents of four daughters and happy grandparents! Outside of work and family, Charles is active in his church and is an avid college sports fan and television binger.

# FOULSTON

ATTORNEYS AT LAW

## Education

- University of Iowa (J.D.)  
With Honors; Order of the Coif; Note Editor, Transnational Law & Contemporary Problems
- University of California, Davis (B.A. in Russian and International Relations)  
With Honors

## Admissions

- Kansas
- U.S. District Court for the District of Kansas

## PRACTICE AREAS

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- Employment & Labor
- Litigation & Disputes
- Supply Chain Management
- Employee Benefits & ERISA
- Insurance Regulatory

## COMMUNITY INVOLVEMENT

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- Mental Health Association of South Central Kansas, Board of Directors

## PROFESSIONAL MEMBERSHIPS, AFFILIATIONS, AND HONORS

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- Selected by peers for inclusion in *The Best Lawyers in America*® in the area of Litigation - Labor and Employment, 2025
- Named a "Labor & Employment Star" by Benchmark Litigation, 2020-2022
- Kansas Bar Association
- Wichita Bar Association

## PRESENTATIONS

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### 2024

- HR 102: FLSA Basics II, ERISA Fiduciary Duties, and Workplace Safety (Foulston Siefkin LLP, HR Training Series)
- Benefits Update 2024 – SECURE Act 2.0 & Beyond (Foulston Siefkin LLP, HR Training Series)
- Employment Law Squares (Foulston Siefkin LLP, Employment Law Institute)

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## ATTORNEYS AT LAW

- Avoiding Common Employee Benefits Mistakes (Foulston Siefkin LLP, Employment Law Institute)

### 2023

- Payroll Perils (Foulston Siefkin LLP, Employment Law Institute)

### 2022

- Are We There Yet? The Latest COVID-Related Legal Developments and the Legacy of COVID (Foulston Siefkin LLP, Employment Law Institute Webinar Series)

### 2021

- All-New Employment Law Mythbusters (Foulston Siefkin LLP, Employment Law Institute Webinar Series)

### 2020

- Recent Awards and Settlements – and What We Can Learn from Them (Foulston Siefkin LLP, Employment Law Institute Webinar Series)
- 2020 Vision: A Look at the Latest (Non-COVID) Employment Law Cases, Issues, and Trends (Foulston Siefkin LLP, Employment Law Institute Webinar Series)

### 2019

- Pay-Data Collection and Government Contractor Update (Foulston Siefkin LLP, HR Training Series)
- Employment Law Mythbusters (Foulston Siefkin LLP, Kansas Employment Law Institute)

### 2018

- Back to the Basics: HR Topics from A-Z that Every HR Professional Should Know (Foulston Siefkin LLP, HR Training Series)
- Five Things You Can Do to Avoid Wage and Hour Law Headaches (Foulston Siefkin LLP, Employment Law Institute)

## PUBLICATIONS

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### 2024

- Your Company's Benefit Plan  
-TK Business Magazine

### 2023

- Discretionary PTO Cashout Policies Create Hidden Tax Risk to Employers  
-Foulston Employment Law Blog, November 8, 2023

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## ATTORNEYS AT LAW

- Federal Government Contractor Update  
-Foulston Employment Law Blog, September 7, 2023

### 2022

- New Government Contractor AAP Verification Process in the Works  
- HR Daily Advisor, February 17, 2022

### 2021

- Ban the Box Legislation for Federal Contractors Takes Effect  
-Kansas Employment Law Blog, December 20, 2021
- Task Force Releases Vaccine Guidance for Federal Contractors  
- Midwest Employment Law Letter, Vol.2., No. 11
- How To Protect Info from Employees' Improper Use After SCOTUS Ruling  
- Midwest Employment Law Letter, Vol. 2, No. 10
- Divided 10th Circuit Clarifies Elements of ADA Claim  
- HR Daily Advisor, February 2, 2021

### 2019

- Our Parents Were Correct—Two Wrongs Don't Make a Right  
- Kansas Employment Law Letter, Vol. 26, No. 9
- Pay Data Reporting is Back (For Now)  
- Kansas Employment Law Letter, Vol. 26, No. 4
- County's Failure to Accommodate *May* Not Be Enough to Prove ADA Claim  
- Kansas Employment Law Letter, Vol. 26, No. 2

### 2008

- America, Land of (Extraterritorial) Discovery: Section 1782 Discovery for Foreign Litigants  
-17 Transnat'l L. & Contemp. Probs. 809

## ISSUE ALERTS

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### 2019

- Pay Data Reporting Is Back (For Now)

### 2015

- NLRB Joint Employer Ruling
- OFCCP Publishes Final Pay Transparency Regulations for Government Contractors

### 2014

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ATTORNEYS AT LAW

- December 2014 Affirmative Action Update

## 2012

- Healthcare Providers' Affirmative Action Obligations Take Center Stage