

## Daniel A. Kaplan

### Partner

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Madison

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Daniel Kaplan is a partner and litigation attorney with Foley & Lardner LLP and is co-chair of the firm's Labor & Employment Practice. Dan counsels employers in all aspects of the employer-employee relationship, including wage and hour, employment contracts, confidentiality and non-compete agreements, worker's and unemployment compensation, family and medical leave, disability accommodations and compliance with the Americans with Disability Act, and all state, federal and local discrimination laws. Dan has experience litigating before various state and federal agencies, various state courts, and federal courts throughout the country, including the Supreme Court.

In addition, Dan works with employers on employee and supervisor training and traditional labor matters, such as union organizing, collective bargaining, grievance processes and arbitration. Dan also has extensive experience in defending and advising employers on safety and health-related matters under the Occupational Safety & Health Act (OSHA). Dan has defended employers in OSHA matters throughout the country and in over three dozen matters involving employee fatalities.

Dan also regularly counsels employers on affirmative action obligations under Executive Order 11246, Section 503 of the Rehabilitation Act and VEVRAA, affirmative action plans, AAP audits, and all matters involving the OFCCP. Dan has represented employers throughout the country on their AAP needs, including petitions to the OFCCP for functional plan development, defense of desk and on-site plan audits, and litigation.

Dan's wage and hour experience includes regularly representing national and international clients in federal and state courts, as well as the United States Supreme Court, on FLSA collective action claims and state wage and hour class actions claims.

Dan joined Foley in 1995 after practicing law for a large firm in Salt Lake City, Utah, for three years in the same areas.

## Awards and Recognition

Dan was selected as a “Leading U.S. Corporate Employment Lawyer” by *Lawdragon* (2021-2022).

Dan has been Peer Review Rated as BV Distinguished®, a mark of excellence in the Martindale-Hubbell® Peer Review Ratings™ system.

Specifically for his labor and employment work, Dan was one of only three Wisconsin attorneys recognized in the *Who’s Who of Legal Management Labour & Employment Lawyers* (2011 – 2016).

Dan has been selected by his peers for inclusion in *The Best Lawyers in America*® in the fields of Labor and Employment Law (2007 – 2011, 2023 – 2024), Employment Law – Management, Labor Law – Management and Litigation – Labor and Employment (2011 – 2024). He has been named the Best Lawyers® Labor Law – Management “Lawyer of the Year” in Madison (2015, 2016, 2018 and 2019).

In addition, again for his labor and employment work, Dan has been included in *Chambers USA: America’s Leading Lawyers for Business* since 2008, and selected for inclusion to the Wisconsin Super Lawyers list since 2010.

## Affiliations

Dan served on the board of directors for the Wisconsin State Bar’s Labor & Employment Law Section (to which he had been elected on two separate occasions) and is a member of the Wisconsin State Bar.

## Presentations and Publications

- “What to Do When OSHA Knocks on Your Door – Best Practices for Dealing With an OSHA Investigation,” 2019 Wisconsin Safety Council Annual Conference, Wisconsin Dells, WI (April 17, 2019)
- “An Update for Federal Contractors – The “New” Transparent OFCCP,” Labor & Employment Law Advanced Practices Symposium, Las Vegas, NV (April 3, 2019)
- “An Update for Federal Contractors – the OFCCP Under a Trump Administration,” Labor & Employment Law Advanced Practices Symposium, Las Vegas, NV (April 11, 2018)
- “Workplace Investigations: What to Do & What to Avoid,” Labor & Employment Law Advanced Practices Symposium, Las Vegas, NV (March 16, 2016)
- “Managing Employee Leave – Setting Policy, Staying in Compliance,” Labor & Employment Law Advanced Practices Symposium, Las Vegas, NV (March 16, 2016)
- “Unique Issues Facing Federal Contractors – OFCCP & More,” Labor & Employment Law Advanced Practices Symposium, Las Vegas, NV (April 9, 2015)
- “Update for Federal Contractors – the New Regulations Hit Home (and Other New Matters),” Labor & Employment Law Advanced Practices Symposium, Las Vegas, NV (March 13, 2014)
- “Leave Your Leave Troubles Behind: Your Guide to Managing All Types of Employee Leaves,” Labor & Employment Law Advanced Practices Symposium, Las Vegas, NV (March 12, 2014)

- “FMLA and Other Employee Leaves – New Challenges, New Insights,” Labor & Employment Law Advanced Practices Symposium, Las Vegas, NV (April 5, 2013)
- “Navigating Legal and PR Challenges When Confronted with an OSHA Inspection or Citation,” Wisconsin Safety Council’s Food Safety Conference, Wisconsin Dells, WI (February 19, 2013)
- “Labor & Employment Law and Case Update: Year-In-Review,” Health, Labor and Employment Law Institute, Wisconsin Dells, WI (August 23, 2012)
- “OFCCP & More – Unique Issues for Federal Contractors,” Labor & Employment Law Advanced Practices Symposium, Las Vegas, NV (March 23, 2012)

## Thought Leadership

Dan has been a presenter at numerous employment seminars, including seminars for the Wisconsin State Bar Association, the *Labor Letter* (a management-side employment law publication), the Labor Employment Advanced Practices Symposium, the Society of Human Resource Management, MRA – the Management Association, the Human Resources Specialist, and the Wisconsin Safety Council, among others.

## Sectors

- [Food & Beverage](#)
- [Health Care & Life Sciences](#)
- [Manufacturing](#)
- [Racial Justice & Equity](#)

## Practice Areas

- [ADA & FMLA Compliance](#)
- [Discrimination, Harassment & Retaliation](#)
- [Labor & Employment](#)
- [Labor & Employment Class Actions](#)
- [Litigation](#)
- [Privacy, Security & Information Management](#)
- [Trade Secret Noncompete Litigation](#)
- [Union/Employer Matters](#)

## Education

- Marquette University Law School (J.D., cum laude, 1992)
- University of Wisconsin – Madison (B.A., 1988)

## Admissions



FOLEY & LARDNER LLP

- Wisconsin
- Western and Eastern District Courts of Wisconsin
- District Court of Utah
- Seventh Circuit Court of Appeals
- United States Supreme Court