



## Steven D. Wheelless

Steven D. Wheelless is a partner in the Phoenix office of Steptoe & Johnson LLP where he represents management in labor relations and employment matters. He also represents commercial clients in business litigation. Prior to joining the firm, Mr. Wheelless was an F-16 Instructor Pilot, a Diplomatic Exchange Officer to the Royal Danish Air Force, and a Program Manager in the Intelligence Industry.

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### AREAS OF PRACTICE

Employment Advice &  
Litigation

Labor/Management  
Relations

Litigation

### EDUCATION

The George Washington  
University School of Law,  
J.D., with highest honors,  
1994

Golden Gate University,  
M.S., Information Systems,  
1986

Roosevelt University, B.S.,  
Computer Science, with  
honors, 1983

United States Air Force  
Academy, B.S.,  
Astronautical Engineering,  
with honors, 1979

### BAR & COURT ADMISSIONS

Arizona

US Court of Appeals,  
District of Columbia

US Court of Appeals,  
Ninth Circuit

### Primary Areas of Practice

Mr. Wheelless' practice focuses on labor and employment law. Mr. Wheelless represents management in all aspects of labor relations including union avoidance, strategic planning, training, and campaigns, representation hearings, unfair labor practice proceedings, labor related RICO actions, collective bargaining, contract interpretation, and grievance arbitration. Additionally, he represents employers responding to employment discrimination suits, related tort actions, employment contract claims, and EEOC, ACRD, and DOL charges. In his practice, he counsels employers on avoiding liability for employee termination and discipline decisions, sexual harassment, wage and hour issues, employment contracts and restrictive covenants, drug and alcohol testing, and other Human Resources matters. Mr. Wheelless also practices before all pertinent agencies, including the Equal Employment Opportunity Commission, Department of Labor, the National Labor Relations Board, and the Civil Rights Division of the Arizona Attorney General's Office. He regularly litigates matters in state and federal court at the trial and appellate level. Mr. Wheelless also represents businesses in complex commercial litigation. He has represented numerous businesses litigating contract, partnership, and financial disputes.

### Noteworthy

- Listed in *Southwest Super Lawyers 2007* for Labor and Employment Law
- "Leading Lawyers," *The Business Journal*, 2006
- Listed in Chambers USA: America's Leading Labor & Employment Lawyers (2007, 2006, 2005): Top Employment Group in Arizona
- *Workforce Management* magazine's Hot List: Top 15 Labor & Employment law firms in the US
- "Best of the Bar," *The Business Journal*, 2005
- "Top 15 Arizona 'Up and Comers,'" *bizAZ Magazine*, 2004

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- A multi-office team of Steve Wheelless, Stacey Gottlieb, Frank Burke and Karl Tilleman in Phoenix, Chuck Cole and Alice Loughran in Washington, and Sandra Cavazos in New York achieved a significant victory for a major financial services and communications company in Phoenix when Superior Court Judge Kenneth Fields invalidated several extraterritorial subpoenas issued by the Arizona Attorney General to the client.
- The Employment and Labor group won a major victory in a class-certification case for Wal-Mart Stores, Inc., brought in Arizona Superior Court. On behalf of Wal-Mart, the Steptoe attorneys successfully argued that class treatment was inappropriate because individualized issues would pre-dominate any trial.

### Professional Affiliations

- Labor Lawyers Advisory Council to National CUE Association
- American Bar Association, Developing Labor Law Committee
- National Financial Institutions Employment Lawyers Committee
- American Bar Association, Section on Labor and Employment Law
- Arizona State Bar Association, Section on Employment Law
- Volunteer Lawyers Program

### Publications & Speaking Engagements

Mr. Wheelless has co-authored and spoken on:

- Speaker/Writer: Fifth Annual Labor Relations Conference: *Sorting Out Protected vs. Unprotected Activity Under the NLRA; Revisiting Employer Solicitation and E-Mail Policies; Basic NLRA Law for New Managers* (4/11/08) (A Steptoe-Sponsored Event);
- Speaker/Writer: ABA Midwinter Meeting; Committee on Development of the Law Under the NLRA: *Ethical Issues Arising In Labor Arbitrations* (2/17/08) (Naples, FL);
- Writer: SHRM/CUE Legal Alert: *NLRB Rules That An Employer's Property Interest in its E-Mail System Gives it the Right to Prohibit Union Communications* (1/8/08);
- Speaker/Writer: *Union Pursues Organizing in the Hospitality Industry; Webinar/In-House Seminar* (11/15/07) (A Steptoe-Sponsored Event);

**Steven D. Wheelless**

- Speaker/Writer: *Labor Law Update: What Health Care Employers Need to Know About SEIU*; Webinar (10/15/07) (A Steptoe-Sponsored Event);
- Speaker/Writer: CUE Fall 2007 Conference: Will A Union Surf the Web Into Your Workplace? - *Strategies and Tactics for Union Avoidance in Cyberspace* (10/14/07) (Colorado Springs, CO);
- Writer: *Steptoe & Johnson LLP Takes Lead On New NLRB Law* (5/18/07);
- Speaker/Writer: Fourth Annual Labor Relations Conference: *Employee Use of E-Mail and Internal Publications To Discuss Unions; How the NLRB Works "R" and "C" Cases* (5/02/07) (A Steptoe-Sponsored Event);
- Writer: *Labor Issues for Non-Organized and Organized Employers, Sarbanes-Oxley Compliance and Whistle-blower Protection, Labor Issues and Union Avoidance*, Annual Employment Law Update (2/6/2007);
- Speaker/Writer: *What Every Employer Needs to Know About Proposition 202 by January 1, 2007*; Webinar (12/19/06) (A Steptoe-Sponsored Event);
- Speaker/Writer: *Guard Publishing: Is Email A Cyberspace Workplace or Company Property?* National Finance Industry Employment Law Committee (6/8/2006);
- Writer: *Trade Secrets & Employee Raiding Update* (4/20/06)
- Writer: *Labor Relations Law Update* (3/1/06);
- Writer: *Advanced Employment Law: Working Through Common Problems*, National Business Institute Teleconference (2006);
- Speaker/Writer: *Lessons Learned From Restrictive Covenant Litigation<sup>®</sup>, Steven Wheelless, Key Employees In Transition: Trends & Tactics for Protecting Intellectual Property and Trade Secrets in the Workplace* - Corporate Counsel Teleconference (2006);
- Speaker/Writer: *2006 Sarbanes-Oxley Update*, National Finance Industry Employment Law Committee;
- Speaker/Writer: *The Importance of Quickly and Correctly Determining Who Is A Supervisor Under the NLRA, Resisting A Union Campaign From A-Z, The Critical First Battleground Of The Campaign: Bargaining Unit Issues*, Third Annual Labor Relations Conference (2006);

**Steven D. Wheelless**

- Speaker/Writer: *The Most Effective Tool To Prevent Inevitable Disclosure and Litigation Strategies and Tactics for Dealing with Key Employees in Transition, Key Employees In Transition: Trends & Tactics for Protecting Intellectual Property and Trade Secrets in the Workplace* - Biltmore Labor and IP Law Seminar (2006);
- Speaker/Writer: *Training Supervisors To Be Effective, Lawful Members Of A Union-Avoidance Team*, National Duty Association Annual Meeting (2006);
- Writer: *Sarbanes Oxley And The Non-Public Subsidiary: A Non-Sequitur?*, The Corporate Counselor (2005);
- Writer: *Confidential Client Communications? Maybe Not: Sarbanes-Oxley Versus the Attorney-Client Privilege*; The Corporate Counselor (2005);
- Speaker/Writer: *Managing Labor Relations Risk in the 21st Century*, American Express Labor Training Seminar (2005);
- Speaker/Writer: *Training Supervisors to be Effective Members of the Union-Avoidance Team*, Second Annual Labor Relations Conference (2005);
- Speaker/Writer: *Clarifying the FMLA's Legalese, Auditing Your Policies and Procedures for Compliance: What Exactly Are the Employer's Responsibilities under the FMLA?*, Council for Education in Management (2005);
- Speaker/Writer: *Untangling the Web of Overlapping Provisions of the FMLA, ADA, PDA, Workers' Comp, and Antidiscrimination Laws*, Council for Education in Management (2005);
- Speaker/Writer: *Is Gordon Gekko (Wall Street) Really Gone? Practical and Ethical Issues of Importance to Labor and Employment Attorneys under Sarbanes-Oxley*, ABA Developing Labor Law Mid-Winter Meeting (2005);
- Writer: *A Guide to Union Picketing and Handbilling*, The Practical Lawyer (2005);
- Writer: *What Bush's Re-Election Means for Trends in National Labor Policy: Legal Principles with Practical Effects on Employers*, Corporate Counsel Division (2005);
- Speaker/Writer: *Changing Times & Tactics: Labor Law in the 21st Century*, Biltmore Labor Law Seminar (2004);

**Steven D. Wheelless**

- Speaker/Writer: *2004 Labor Trends in the Finance Industry*, National Finance Industry Employment Law Committee;
- Speaker/Writer: *Negotiating the Weingarten Obstacle Course in the Non-Union Setting*, ALI-ABA Employment and Labor Law (2004);
- Contributing editor to *Developing Labor Law* (Cumulative Supplement 2004 and 2005);
- Speaker/Writer: *Reasonable Accommodation: How Far Must You Go?*, AAI Annual Human Resources Summit;
- Speaker/Writer: *Legal Research: Advanced Techniques and Tools*, National Business Institute Annual Conference;
- Speaker/Writer: *Current Issues of Significance under the Americans with Disabilities Act*, ALI-ABA Employment and Labor Law (8th Ed. 1997);
- Speaker/Writer: *Employer Policies and Procedures: Conducting a Legal Audit, Avoiding Liability for Hostile Work Environment Sexual Harassment Claims, Limiting Liability for Workplace Violence, the Process of Achieving a Reasonable Accommodation under the ADA*, East Valley Seminar Series;
- Speaker/Writer: *Multi-Employer Job Site Liability*, LES Annual OSHA Conference;
- Speaker/Writer: *Can You Be Disabled when You're Not?*, CUE Annual Conference;
- Writer: *Problem Areas under the ADA: Pre-Employment Inquiries and Reasonable Accommodations*, *Arizona Labor Letter*; and, *The Family and Medical Leave Act, Age Discrimination in Employment Act and Veterans' Affairs Sections of the Arizona Chamber of Commerce Employer Handbook*;
- Contributing editor to *Schlei & Grossman's Employment Discrimination Law* (3d Ed. 1997).