

Amber K. Dodds

Managing Partner – San Antonio

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SAN ANTONIO

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Amber Dodds counsels employers in all areas of employment law. Her advice includes analysis and direction on issues such as leave administration, employee investigations, use of background checks and consumer reports, employee discipline and preventing harassment and retaliation claims. She drafts employment policies and employee handbooks specific to client industry and management needs. Amber routinely advises on employee pay practices, such as compliance with overtime, per diem, pay deduction, and exemption classification requirements. She has experience advising clients on compliance with Occupational Safety and Health Act (OSHA) regulations, including the General Duty Clause, Process Safety Management, and a variety of industry or hazard-specific regulations.

Amber devotes a significant portion of her practice to counseling clients in the labor and employment aspects of large merger and acquisition transactions, including diligence, strategizing on employment issues, risk analysis, integrating third-party staffing entities, and drafting relevant provisions of purchase agreements, transition services agreements and other related documents.

In addition to regulatory and employment-law compliance, Amber represents employers in pre-litigation administrative investigation and hearings, settlement negotiations, and federal and state court litigation. Her litigation matters have included a variety of employment-law claims, such as retaliation, wrongful termination, discrimination, harassment, enforcement of restrictive covenants and wage and hour issues, as well as general civil litigation matters in the public, private and religious organization employer context. Amber is also experienced in Fair Labor Standards Act (FLSA) collective action litigation, including class certification and notice issues.

Industries

[Energy](#)

[Healthcare](#)

Practices

[Healthcare & Life Sciences](#)

[Incident Prevention & Response](#)

[Labor & Employment](#)

Amber served as an intern in the United States District Court for the Western District of Texas with the Honorable Lee Yeakel and the Texas First Court of Appeals with Justice Evelyn V. Keyes.

Experience

Aris Water Solutions, Inc.

- advised Aris Water Solutions, Inc. in its acquisition of seven saltwater disposal wells and related infrastructure from Delaware Energy Services, LLC for approximately 3.37 million of Class A shares of Aris stock plus a small, volumetric-based contingent consideration paid over five years

Automobile Dealership

- successful defense of Unfair Labor Practice Charge alleging termination for discussing wages, including National Labor Relations Board denial of former employee appeal of Regional Director's refusal to issue a complaint

Alice Meadows v. Texas TransEastern, Inc. (55th Judicial District Court, Harris County, June 2019)

- Obtained jury verdict in favor of Texas TransEastern on claims that it discriminated, harassed, failed to accommodate and retaliated against a former employee because of a disability. Also obtained an advisory verdict from the jury that Texas TransEastern be paid the attorneys' fees it incurred defending against the plaintiff's claims.

International cybersecurity and logistics provider

- arbitration of former employee in Americans with Disabilities Act, Family and Medical Leave Act, and breach of contract claims; obtained dismissal of most claims through motion briefing; resolved remaining claims for minimal settlement amount

Bexar County, Texas

- Reyes v. Bexar County et al., (W.D. Tex. 2016); against deputy constable First Amendment claim regarding employment termination; drafted successful motion for summary judgment resulting in dismissal of case

Multi-state organization of national religious denomination

- led financial evidence section of legal team in state court financial fraud litigation; developed expert report and damages model with client and forensic accounting expert; obtained judgment for full amount of damages model, totaling more than \$2 million, in favor of client

Fortune 20 vehicle sales and rental company

- Equal Employment Opportunity Commission directed investigation of hiring practices for compliance with Age Discrimination in Employment Act, including review of hiring process and documents, strategy, preparation of submission to Commission, and response to Commission inquiries

National energy production company

- Fair Labor Standards Act collective action litigation; co-wrote successful motion opposing class certification; grant of motion led to very favorable settlement

REXAM Beverage Can Americas

- multiple grievances filed by union representing its employees; advice involved multiple mediations and settlement of grievances

Leading beverage distributor

- contesting OSHA citations under the Process Safety Management, confined space entry, and grain dust standards; representation included depositions of multiple OSHA investigators; extensive research on affirmative defenses; finding, engaging and interviewing an expert witness; and ensuring compliance with abatement requirements under the resulting abatement agreement

Manufacturing company

- analyzed business need to reduce staff and designed reduction in force program that complied with the Age Discrimination in Employment Act; drafted employee notice for compliance with federal Worker Adjustment and Retraining Notice Act; counseled client regarding options for benefits, drafted communication with participants, produced separation agreements, and assisted client with implementation

Private university

- designed successful Voluntary Exit Program enabling university to meet financial constraints through employee voluntary separation from employment; program provided benefits to two employee groups, staff and faculty, in compliance with Age Discrimination in Employment Act; counseled client regarding options for benefits, drafted communication with participants, produced separation agreements, and assisted client with implementation

Credentials

Education

- The University of Texas School of Law, J.D., 2012, *with honors*

BRACEWELL

- Boston University School of Law, Master of Theological Studies, 2008, *summa cum laude*
- Trinity University, B.A., 2006, *summa cum laude*, *Phi Beta Kappa*

Bar Admissions

- Texas

Affiliations

- Texas Bar Foundation, Fellow, 2022
- Concordia University, Nebraska, Personnel Committee

Recognition

ALM

- *Texas Lawyer*, Texas Legal Excellence Awards, Texas Lawyer On the Rise, 2022

American City Business Journals

- *San Antonio Business Journal*, 40 Under 40, 2022

BL Rankings

- *Best Lawyers*, Ones to Watch, Labor and Employment Law – Management, 2021 – 2022, 2024 – 2025

Lawdragon Inc.

- *Lawdragon 500 Leading Corporate Employment Lawyers*, Employment Law, 2024 – 2025
- *Lawdragon 500 X – The Next Generation*, Employment, 2023 – 2024

U.S. District Court for the Western District of Texas

- Intern

Texas First Court of Appeals

- Intern

The University of Texas School of Law

- *Texas International Law Journal*, Article and Notes Editor
- Dean's Achievement Award, Outstanding Performance in Business Associations

Resources

Religious Education Employers see Two Significant Jurisdictional Decisions in Summer 2020

Update

The 2020 Election: Previewing the Potential for Shifts in Labor & Employment Law

Update

Marijuana and Workplace Safety: Managing the Risk of Occupational Accidents as Cannabis Use Increases and Legal Prohibitions Are Relaxed

Video

Unintended Consequences: Legal Compliance Concerns With Long-Term Remote Work Arrangements

Video

What to Expect From a More Aggressive OSHA in the Next 12 Months

Video

Bonuses Tied to Low Injury Rates: Will They Be Unacceptable to Biden's OSHA

Video

Employment Background Check Class-Action Litigation: Avoiding the Seemingly Minor Mistakes Fueling a Costly Wave of New Lawsuits

Video

Kema Ogden: Dispensing Cannabis, Dispensing Wisdom, Creating Community!

Podcast

Fifth Circuit Sets New Framework for Fair Labor Standards Act Certification Analysis

Update

Vaccine Incentives: How Employers Can Encourage Employee Vaccination

Update

Fifth Circuit Holds Highly Compensated Oilfield Workers Paid a Day Rate are Entitled to Overtime

Update

OSHA Issues COVID-19 Emergency Temporary Standard Requiring Employee Vaccination or Weekly Testing

Update

President Biden and OSHA Launch New Effort to Protect Workers from Heat Hazards, Indoors and Outdoors

Update

Federal Court of Appeals Allows OSHA's Vaccination/Testing Rule for Employers with 100+ Employees to Go Forward

Update

The 411 on 420: Can Employers Still Test for Marijuana?

Article

Given Deadlines Set by Sixth Circuit, ETS Likely Stayed Until at Least December 10, 2021

Update

Federal Contractor COVID-19 Vaccination Requirements: Are Changes Coming?

Update

US Supreme Court: Highly Compensated Oilfield Workers Entitled to Overtime

Update

Proliferation of Laws Providing Employment Protections for Marijuana Users Complicate Businesses' Efforts to Maintain Occupational and Public Safety

Article

Federal Contractors Beware: New Hiring Restrictions Proposed on Companies Doing Business With the Federal Government

Update

How Meta's \$1.4 Billion Settlement Impacts Your Obligations Under the Texas Capture or Use of Biometric Identifier Act

Update

AI in Your Workplace

Video

Using the False Claims Act to Police Federal Contractors' Employment Practices

Update

Publications & Speeches

- "Proliferation of Laws Providing Employment Protections for Marijuana Users Complicate Businesses' Efforts to Maintain Occupational and Public Safety," *Texas Lawyer*, May 18, 2022.
- "The 411 on 420: Can Employers Still Test for Marijuana?" *IndustryWeek*, April 14, 2022.
- "Developments in Disability Discrimination Law," 27th Annual Labor and Employment Law Conference, May 8, 2020.
- "Arbitration Agreements," SAHRMA Employment Law Conference, August 22, 2018.
- "'Why Matters' - In Texas, Proving Same-Sex Harassment 'More Complicated' than Proving Opposite-Sex Harassment," *Lexology*, April 10, 2018.
- "The case for uniform ban-the-box laws," *Strategic HR Review*, December 2017.
- "Fitness-for-Duty Inquiries and Examinations under the ADA, FMLA, GINA and HIPAA: What Information an Employer may Seek and How to Do It Right," SAHRMA Employment Law Conference, August 23, 2017.
- "Employment Law Retaliation in the Digital Age," *Corporate Compliance Insights*, July 14, 2017.
- "OSHA Obligations in Crisis Situations: Is Your Facility Prepared?" *Westlaw Journal*, October 2016.
- "Austin Bans the Box: Is it Time to Review Your Employment Application and Hiring Process?" *Law360*, July 2016.
- "Strategies for Compliance with the Department of Labor Revised Overtime Regulations," *Webinar*, June 23, 2016.
- "Labor & Employment 2015-2016 A Year in Review & Trends," *Webinar*, January 21, 2016.
- "OSHA Sharpens Focus on Businesses' Obligations to Contingent Workers," *HR Online*, December 2, 2015.
- "Don't Tell Me No! The NLRB Crackdown on Employer Social Media and Behavior Policies," *Human Resources Executive Online*, March 16, 2015.

- “Ten Employer New Year’s Resolutions: Implementing Lessons Learned from 2014,” *Bloomberg Law*, February 2015.
- “Making Room for Fido at Work: Animals in the Workplace as Reasonable Accommodations,” *Labor Law Journal*, Winter 2014.
- “Effects Bargaining: Understanding the Impact on the Sale of Businesses,” *Inside Counsel*, October 27, 2014.
- “Thinking about Hiring Interns? New Case Reminds Employers of Rules on Interns,” *Employee Benefit Plan Review*, October 2014.
- “Accommodations for the Non-Disabled Pregnant Worker: EEOC Guidance and Supreme Court Developments,” *Corporate Counsel*, September 2014.
- “Considerations Before Mandating English In The Workplace,” *Law360*, December 18, 2013.
- “Pregame Strategies To Beat Bullying,” *Law360*, December 12, 2013.
- “To AMA, Obesity Is A Disease, But To ADA ...,” *Law360*, August 16, 2013.