



Kyle A. Ferachi

Partner

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Kyle Ferachi represents and advises clients nationwide on labor and employment issues. Committed to providing clients with the most helpful advice, Kyle prioritizes understanding their business from the ground up. He strives to not only help them with their legal issues but also provide solutions to problems that will benefit their business.

Kyle defends private employers against allegations of violations of federal and state statutes governing discrimination and harassment, ERISA claims, whistleblower claims, and alleged violations of non-compete agreements. Kyle also counsels clients facing Fair Labor Standards Act (FLSA) investigations and litigation, as well as in responding to OSHA complaints and post-accident investigations. He further helps employers navigate social media in the workplace, including the creation and implementation of social media policies.

Kyle represents employers in responding to allegations brought before the U.S. Health and Occupational Review Commission, the Equal Employment Opportunity Commission (EEOC), and state commissions on human rights. He also works with clients to prevent employment claims by drafting policy manuals, conducting training seminars for managers and employees, and counseling clients on employment decisions involving hiring and termination.

A portion of Kyle's practice is also dedicated to managed care disputes and employee benefits litigation, both ERISA and non-ERISA. His experience in this area includes representing employee benefit plans and fiduciaries, as well as the defense of health, life, and disability claims.

In addition to his extensive labor and employment experience, Kyle also handles commercial litigation. Focusing on energy litigation matters, he represents clients in cases involving the Outer Continental Shelf Lands Act, Jones Act, and land-based oil and gas claims.

Professional Affiliations

- American Bar Association
- Baton Rouge Bar Association
 - Board of Directors, 2009 – 2012
 - Young Lawyers Council, Chair, 2009; Secretary/Treasurer, 2007
- The Federal Bar Association

Practices

Labor & Employment

Appellate

Life, Health, Disability & ERISA
Litigation

Commercial Litigation

Industries

Energy

Education

J.D., Louisiana State University
Paul M. Hebert Law Center,
2001

B.A., *cum laude*, Louisiana
Tech University, 1998

Admissions

Louisiana

Texas

U.S. Court of Appeals for the
Fifth Circuit

U.S. District Court for the
Eastern, Middle, and Western
Districts of Louisiana

U.S. District Court for the
Eastern, Northern, Southern,
and Western Districts of Texas



- Houston Bar Association
- Leadership Council on Legal Diversity (LCLD), Fellow, 2013
 - Executive Committee, Chair of the All In Campaign, 2023 – 2024
 - Advocacy Group Committee, Co-Chair, 2016 – 2017
- Louisiana State Bar Association
 - Young Lawyers Division, Chair, 2013 – 2014
 - House of Delegates, 2010 – 2012
 - Young Lawyers Section, Council
- Louisiana State Law Institute, Council Member
- Texas Bar Association

Honors & Awards

- Selected by his peers for inclusion in *The Best Lawyers in America*® for Litigation – Labor and Employment, 2024

Presentations

- Co-Presenter, "East Coast/South Labor & Employment Regional Law Update," Hinshaw & Culbertson LLP, Virtual Event, July 26, 2022
- Moderator, "Coronavirus: Bring Your Employment Questions, Part 2," Labor & Employment webinar, March 27, 2020
- Moderator, "Coronavirus: Bring Your Employment Questions," Labor & Employment webinar, March 20, 2020
- Co-Presenter, "The Biggest Misunderstandings about Arbitration Clauses Post-Epic Systems: How Practitioners are Now Approaching Class Action Waivers and Enforceability," ACI's 32nd National Forum on Wage & Hour Claims and Class Actions, New York, New York, June 24, 2019
- Co-Presenter, "Employment Policies – Bring Your Own Policy," German American Chamber of Commerce of the Southern U.S., Inc., Houston, Texas, October 30, 2018
- "Recharging Your Practice," Louisiana State Bar Association's *Dazzling Disney!* Seminar, Lake Buena Vista, Florida, February 27, 2017

Publications

- "IRS Guidance on Recapturing Excess Employment Tax Credits," *Client Alert*, July 28, 2020
- "Considerations for Workplace Safety in Light of Updated EEOC Guidance," *Client Alert*, June 18, 2020
- "Three Things Employers Can Do Today in Light of Landmark SCOTUS LGBTQ+ Decision," *Client Alert*, June 15, 2020
- "FAQs from Coronavirus Employment Webinar (Part 2)," *Client Alert*, April 2, 2020
- "Take-Out and Drive-Thru Only: Have Your Tipped Employees Just Become Hourly?" *Client Alert*, March 26, 2020
- "FAQs from Coronavirus Employment Webinar (Part 1)," *Client Alert*, March 26, 2020
- "Amended House Bill Passes Senate," *Client Alert*, March 18, 2020
- "Clarifying Wage Payments during COVID-19 Pandemic," *Client Alert*, March 17, 2020
- "House Bill may present major changes for employers," *Client Alert*, March 16, 2020
- "Coronavirus (COVID-19): Employers need to take swift action," *Client Alert*, March 6, 2020
- "Employers Beware: The U.S. Supreme Court Allows a Plaintiff to Bypass the EEOC," *Client Alert*, June 5, 2019
- "Deadline Extension for EEOC Survey Announced Due to Shutdown," *Client Alert*, February 4, 2019
- "Supreme Court rules interstate transportation workers exempt from FAA arbitration requirements," *Client Alert*, January 18, 2019



- "Is the New FMLA Tax Credit Worth It?" *Client Alert*, January 19, 2018
- "Employer Update: Controversial DOL Regulation Regarding Tip-Pooling Headed to Repeal," *Client Alert*, December 6, 2017
- "Employer Update: Title VII Protection for Transgender Status Up in the Air," *Client Alert*, October 31, 2017
- "Evaluate Your Sexual Harassment Policies and Procedures Now—Don't Wait for the Consequences," *Client Alert*, October 24, 2017
- "Breaking News for Employers: DOL's Changes to Overtime Pay Possibly Postponed," *Client Alert*, September 29, 2016
- Co-Author, "Understanding the new overtime pay regulations," *10/12 Industry Report*, Third Quarter, 2016
- "Next Steps for Employers Following DOL's Overtime Final Rule," *Client Alert*, May 19, 2016

Media Mentions

- "Return of the Opinion Letters," *Human Resource Executive*, January 30, 2018
- "Attorneys React To DOL's Final Overtime Exemption Rule," *Law360*, May 18, 2016

Personal

In his free time, Kyle is an avid runner and golfer, and also coaches youth baseball and soccer.

Community/Civic Activities

- Greater Baton Rouge Tennis Association, Board of Directors, President
- Louisiana State Bar Foundation, Board of Directors