

Gregory P. Kult

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Overview

Greg counsels and represents businesses in a wide range of employment and healthcare operations matters. Focusing on the practical and the legal, Greg helps clients navigate the complex maze of ever-changing laws and regulations. Whether he is providing day-to-day counsel, training management teams, negotiating contracts, resolving disputes, or preparing forms, policies, or other documents, Greg's goal is to reduce disruption to business operations and profitability.

Experience

Employment Counsel

Greg advises employers about:

- Civil Rights and Discrimination (Title VII, ADEA, ADA, GINA, State and Local Laws)
- Workplace Harassment
- Retaliation
- Reasonable Accommodation of Disabilities and Religious Practices
- Wage and Hour (FLSA, State and Local Laws)
- Leaves of Absence (FMLA, USERRA, State Leave Laws)
- Hiring, Evaluation, Discipline and Discharge
- Reductions in Force and other Workplace Reorganizations
- Substance Abuse
- Separation and Severance Agreements
- Protection of Proprietary Information
- Covenants Regarding Competition
- Workplace Violence
- Workplace Privacy
- Personnel Policy Development

Representative Engagements:

Trained managers and helped create and implement a system of pre-employment screening; applicant and employee medical examinations; leave of absence policy provisions about notice, required documentation, and meeting deadlines; and temporary work assignment program to help reduce expenses associated with absenteeism by injured or ill employees.

Trained managers and supervisors to address challenges of moving to new, much larger facility, including preparing new job descriptions to reflect new expectations and physical demands; modifying performance evaluations; re-evaluating the effectiveness of accommodations to workers with impairments; and adding, reducing and changing staff in various areas.

Counseled executive team, reviewed and analyzed workforce data for potential discrimination/retaliation claims, and prepared separation agreements as part of a major workforce reduction.

Provided counsel about reclassification of exempt status of substantial segment of workforce to help comply with federal and state wage and hour laws, including training of executive and management teams and preparation of communications to employees to help reduce risk of litigation.

Employment Litigation

Greg represents employers before federal and state courts, the Equal Employment Opportunity Commission, the U.S. Department of Labor, and various other federal, state and local government agencies.

Representative Cases/Claims:

- Class action wage and hour case (Home Builder)
- ADA (Health Network)
- Title VII (Security Company)
- Multi-plaintiff retaliation case (Long Term Care Facility)
- FMLA (Hospital)
- Multi-plaintiff wage and hour case (Rehabilitation Facility)
- Breach of contract (Aviation Company)
- Claims of national origin, race/ethnicity, and disability discrimination, and violations of the U.S. and State Constitutions (Health Network)
- U.S. Department of Labor wage and hour audit (Hospital)

Healthcare

Greg advises executive teams about:

- Physician recruitment
- Physician employment and termination of employment
- Provider arrangements with non-employed physicians
- Hospital medical staff operations

- Peer review
- Credentialing
- Ethics and Patient Referrals Act (Stark Law)
- Anti-Kickback Statute
- False Claims Act
- Licensure for institutions and individual healthcare providers
- HIPAA
- Complying with licensure standards, Medicare Conditions of Participation, accreditation standards and other licensure-related regulatory requirements
- The impact of regulatory issues on various contemplated business arrangements

Professional Activities

- American, Indiana, Wisconsin, and Indianapolis Bar Associations
- American Health Lawyers Association

Articles & Presentations

- November 13, 2019, Indiana Metal Building Association, Marijuana and Construction (Navigating the maze of Federal and State Laws)
- July 17, 2019, (National Business Institute – CLE for Attorneys): Advanced Employment Law (“LGBT/Sexual Orientation Discrimination” and “Handling Employee Discrimination and Harassment Claims”)
- May 6, 2019, American Culinary Federation, Indianapolis Chapter, Workplace Harassment
- February 2019, *Insites* – the Magazine of the Indiana Apartment Association, Lawsuit: Landlord Maybe Liable for Tenant-on-Tenant Harassment <https://iaaonline.net/from-insites-tenant-on-tenant-harassment/>

- November 12, 2018 [National Business Institute – CLE for Attorneys]: Human Resources Law Boot Camp (“HIPAA Best Practices for HR: Ensuring Confidentiality of Medical Information”)
- August 7, 2017 [National Business Institute – CLE for Attorneys]: Advanced Employment Law (“Creating FLSA Compliance Strategies That Work” and “NLRA Decisions Affecting Unionized and Non-Unionized Workplaces”)
- June 14, 2017 [National Business Institute – CLE for Attorneys]: Avoiding HR Legal Landmines (“FMLA Leave Errors That Cause Lawsuits” and “Discrimination and Harassment Pitfalls”)
- May 20, 2016 [National Business Institute – CLE for Attorneys]: Human Resource Law: What You Need to Know Now (“Workplace Behavior and Privacy Issues”)
- August 11, 2015 [National Business Institute – CLE for Attorneys]: Advanced Employment Law (“Conducting an Effective Internal Investigation”)
- July 28, 2015 [Indiana Rural Health Association]: Department of Labor’s Proposed Changes to Overtime Rules [Webinar]
- February 19, 2014 [National Business Institute – CLE for Attorneys]: Human Resource Law from A-Z (“Discrimination and Harassment” and “Workplace Behavioral Issues: Appropriately Handling Thorny Situations”)
- May 8, 2013 [National Business Institute – CLE for Attorneys]: Human Resource Law: What You Need to Know Now (“Discrimination and Harassment” and “Employee Discipline and Termination”)
- December 11, 2012 [Lorman Education Services]: Employment Law Update in Indiana (“Employee Medical Conditions: ADA and FMLA Considerations”)
- April 19, 2012: Indiana State Bar Association, Health Law Symposium [Continuing Legal Education for Attorneys (Including Ethics)]—“Why Can’t We Be Friends? [And Other Questions Concerning Employee Use of Social Media]”
- March 14, 2012 [Lorman Education Services]: Unemployment Insurance 101: Assessing and Responding to Claims for U.I. Benefits (“Strategies to Implement Now to Increase Your Chances of Success in Defending Unemployment Claims”)
- December 14, 2011: Jackson County HR Group – “Why Can’t We Be Friends? [And Other Questions About Employee Use of Social Media]”
- June 8, 2011: Indiana Rural Health Association – “Dealing with the Injured/III Employee”

- September 14, 2010: Indiana Mortgage Bankers Association (South Central Indiana Chapter)—“Mortgage Loan Officers and Federal Wage Hour Law”
- July 20, 2010: Indiana Mortgage Bankers Association (Michiana Chapter)—“Mortgage Loan Officers and Federal Wage Hour Law”
- July 20, 2010: Indiana Mortgage Bankers Association (Northeast Indiana Chapter)—“Mortgage Loan Officers and Federal Wage Hour Law”
- July 13, 2010: Indiana Mortgage Bankers Association (Greater Indianapolis Chapter)—“Mortgage Loan Officers and Federal Wage Hour Law”
- June 9, 2010: Logansport Area Personnel Association—“Federal Health Care Reform: A Reference Guide for Employers”
- March 4, 2010: Indiana Society for Healthcare Human Resources Administration—“Employee Use of Social Media”
- February 25, 2010: Indiana State Bar Association, Health Law Symposium (Continuing Legal Education for Attorneys)—“Drafting Covenants Not to Compete for Indiana Physicians”
- February 17, 2010: Indianapolis Bar Association (Continuing Legal Education for Attorneys)—“Drafting Covenants Not to Compete”
- January 5, 2010: Logansport Area Personnel Association—“Documenting Employment Concerns: Counseling and Discharge”

Awards & Honors

Indiana Super Lawyer, 2018, 2019, Employment & Labor

The Best Lawyers in America, 2019, 2020 Health Care Law

Practice Areas

- Compliance & Risk Management



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- Counseling & Management Training
 - Employment Litigation & Dispute Resolution
 - General Employment
 - Non-Compete & Non-Disclosure Litigation

Industries Served

- Banking & Financial Services
- Family & Closely Held Businesses
- Healthcare
- Manufacturing
- Multifamily & Senior Housing
- Professional Practices

Bar & Court Admissions

Admitted to the Indiana Bar and U.S. District Courts for the Southern and Northern Districts of Indiana

Admitted to the Wisconsin Bar and the U.S. District Courts for the Eastern and Western Districts of Wisconsin

Education

University of Wisconsin Law School, J.D.

Indiana University, B.A. with High Distinction

Phi Beta Kappa Honor Society