HINKLE LAW FIRM LLC



JAMES C. SPENCER

MEMBER

Mr. Spencer offers practical insights that help his business clients better manage their workplaces with respect to employment law, executive compensation, and employee benefits matters.

OVERVIEW

JAMES C. SPENCER

Phone: 316.660.6109
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Wichita Office: 1617 N. Waterfront Pkwy, Ste 400 Wichita, KS 67206

Mr. Spencer offers practical insights that help his business clients better manage their workplaces with respect to employment law, executive compensation, and employee benefits matters. James advises business clients on federal and state laws affecting employers and executive compensation, including FMLA, ADA, FLSA, USERRA, GINA, ERISA and Sections 409A, 280G, and 457 of the Internal Revenue Code.

He also drafts and provides counsel regarding employee handbooks and policies, executive contracts of employment, nonqualified deferred compensation arrangements, long-term incentive plans, severance plans and agreements, retention plans and vendor agreements for employee benefit plans.

Prior to joining the firm, he served as in-house counsel for a national non-profit corporation and was in private practice. His responsibilities included employment law, contracts, litigation, and negotiations.

AFFILIATIONS

- Best Lawyers
  — 2018 - Present (Employment Law - Management)
- Chambers & Partners (Labor & Employment: Employee Benefits & Executive Compensation - Band 1)
- Defense Research Institute
  Kansas Bar Association
- Missouri and Kansas Super Lawyers - Rising Star
  — 2009 - 2011

PRACTICE AREAS

- Education Law
- Employee Benefits & ERISA
- Employment Law & Litigation

EDUCATION

- University of Kansas School of Law, J.D., 1996
  - — Kansas Law Review, member
  - — Am Jur Award in Legal Research & Writing
  - — Order of the Coif
- Kansas State University, B.S., Business Administration (Accounting), 1993, summa cum laude

BAR ADMISSIONS

- Kansas Supreme Court
- United States District Court, District of Kansas

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- Wichita Bar Association
- Wichita Business Journal '40 Under 40' — 2010



PUBLICATIONS

- Model Policies and Forms for Kansas Employers. Kansas Chamber of Commerce (2008, 2009, 2012, and 2013). Editor & Author.
- Kansas Human Resources Manual. Kansas Chamber of Commerce (2008 and 2009). Editor and contributing author.
- Employment-Labor Law Audit™ (ELLA®). Laurdan Associates, Inc. (2008 and 2012). Contributing author.

SELECT PRESENTATIONS

- The Evolving Role of HR in Workplace Management. Hinkle Law Firm LLC. Wichita, KS – May 2023.
- Federal Law Update. Kansas Workforce Development & Education Summit – February 2023.
- OSHA & CMS Vaccination Requirements - What We Know Right Now. Hinkle Law Firm LLC. Webinar – November 2021.
- Working Remotely: What's an Employer to Do? The International Public Management Association for Human Resources (IPMA-HR). Webinar – October 2021.
- Religious Accommodations by Employers in the COVID-19 Era. Kansas SHRM State Conference. Overland Park, KS – September 2021.
- Religious Accommodations by Employers in the COVID-19 Era. Kansas Bar Association. Webinar – September 2021.
- Working Remotely: What's an Employer to Do? Kansas Chamber of Commerce. Wichita, KS – August 2021.
- Working Remotely: What's an Employer to Do? Hinkle Law Firm LLC. Webinar – May 2021.
- Working Remotely: What's an Employer to Do? Kansas SHRM Employment Law Conference. Webinar – February 2021.
- The Families First Coronavirus Response Act (FFCRA): What Employers Should Know. Kansas SHRM State Conference. Webinar – September 2020.
- The CARES Act and More: Important Laws and Issues Affecting Businesses During the Pandemic. Hinkle Law Firm LLC. Webinar – April 2020.
- Employer-Provided Leave and the ADA. Hinkle Law Firm LLC. Wichita, KS – January 2020.
- Employer-Provided Leave and the ADA. SHRM of Southwest Kansas. Garden City, KS – September 2019.
- Basics of ADA Title I Compliance. Kansas Independent College Association. Manhattan, KS – April 2019.
- Employer-Provided Leave and the ADA. Kansas Independent College Association. Manhattan, KS – April 2019.

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- Background Checks: Learning Secrets About Applicants and Employees Without Using Truth Serum. SHRM of Southwest Kansas. Garden City, KS – September 2018.
- FMLA 101 and Benefits Administrations During FMLA & Non-FMLA Leave. Hinkle Law Firm LLC. Wichita, KS – February 2018.
- Records Retention and Destruction: Rules and Best Practices for HR. Western Kansas HR Management Association. Hays, KS – December 2017.
- Employee or Independent Contractor: Who Gets to Decide? Christian Educators Conference. Wichita, KS – November 2017.
- Background Checks: Learning Secrets About Applicants and Employees Without Using Truth Serum. Christian Educators Conference. Wichita, KS – November 2017.
- Background Checks: Learning Secrets About Applicants and Employees Without Using Truth Serum. Hinkle Law Firm LLC. Wichita, KS (2 sessions) – November 2017.
- Independent Contractor Misclassification. American Payroll Association. Wichita, KS – October 2017.
- Independent Contractor Misclassification. Southwest Kansas SHRM. Garden City, KS – September 2017.
- Records Retention and Destruction: Rules and Best Practices for HR. Southwest Kansas SHRM. Garden City, KS – March 2017.
- New Department of Labor Overtime Regulations. KSCPA 66th Annual Kansas Tax Conference. Wichita, KS – November 2016.
- 2016 Employment Law Roundup: What Should Employers Be Concerned About? Hinkle Law Firm LLC. Wichita, KS (2 sessions) – November 2016.
- FLSA Overtime Exempt Employee Rule: What It Means For Municipalities. Wichita, KS – November 2016.
- The New Overtime Exemption Regulations: What Employers Need to Know. Hinkle Law Firm. Wichita, KS (2 sessions) – October 2016.
- The New Overtime Exemption Regulations: What Employers Need to Know. American Payroll Association. Wichita, KS – October 2016.
- The New Overtime Exemption Regulations: What Employers Physical Ability Testing: What You Don't Know WILL Hurt You. Southwest Kansas SHRM. Garden City, KS – September 2016.
- Physical Ability Testing: What You Don't Know WILL Hurt You. South Central Kansas SHRM. Winfield, KS - May 2016.
- The DOL's Grand Plan to Add Millions of Non-Exempt Employees to the Workforce. American Payroll Association. Wichita, KS – April 2016.
- The DOL's Grand Plan to Add Millions of Non-Exempt Employees to the Workforce. Kansas Association of Legal Assistants. Wichita, KS – April 2016.
- Physical Ability Testing: What You Don't Know WILL Hurt You. Hinkle Law Firm LLC. Wichita, KS – March 2016.
- CEO Compensation Strategies: Incentive Pay & Other Executive Level Pay. Kansas Cooperative Council. Wichita, KS - December 2015.
- The DOL's Grand Plan to Add Millions of Non-Exempt Employees to the Workforce. 2015 Employment Law & Employee Benefits Seminar. Hinkle Law Firm. Wichita, KS (2 Sessions) – November 2015.
- HR Policy & Social Media. EMPAC Annual Consortium Retreat. Wichita, KS – September 2015.
- Records Retention and Destruction: Rules and Best Practices for HR. Wichita Association of Legal Administrators. Wichita, KS – August 2015.
- ADA Compliance and Reasonable Accomodations. Southwest Kansas SHRM. Garden City, KS – November 2014.
- Records Retention and Destruction: Rules and Best Practices for HR. Hinkle Law Firm (2 sessions). Wichita, KS – October 2014.
- Independent Contractor Misclassification. Wichita SHRM. Wichita, KS – October 2014.
- Insights from a Farm Credit Attorney: How to Comply with the Foundations Benefit Plans and Employment Laws and Avoid Mistakes in Agreements. Farm Credit Foundations HR Conference. Minneapolis, MN – September 2014.
- Records Retention and Destruction: Rules and Beset Practices for HR. Farm Credit Foundations HR Conference. Minneapolis, MN – September 2014.
- Form I-9 Compliance: Harder Than It Looks! Hinkle Law Firm LLC (2 sessions). Wichita, KS – November 2013.
- Form I-9 Compliance: Harder Than It Looks! Southwest Kansas SHRM. Garden City, KS – October 2013.
- Creative Tools to Retain Executives and Other Key Employees. Hinkle Law Firm Employment Law & Employee Benefits Seminar. Wichita, KS – October 2012.
- GINA, FMLA, ADA, HIPAA – the Four-Headed Dragon. Hinkle Law Firm Employment Law & Employee Benefits Seminar. Wichita, KS – October 2012.
- Independent Contractor Misclassification. Hinkle Law Firm Employment Law & Employee Benefits Seminar. Wichita, KS – October 2012.

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- Hiring and Terminating Employees. Sterling Education Services Labor and Employment Law 2012. Wichita, KS – September 2012.
- Social Media Networking Sites and Employment-Related Decisions. Sterling Education Services Labor and Employment Law 2012. Wichita, KS – September 2012.
- Final Regulations for the Americans with Disabilities Act Amendments Act. Western Kansas Human Resource Management Association. Hays, KS – October 2011.
- Hiring and Termination Issues. Western Kansas Human Resource Management Association. Hays, KS – October 2011.
- New ADAAA Regulations: Increased Risk for Employers. Wichita Chapter of the Society for Human Resource Management (SHRM) – September 2011.
- FLSA Update. Kansas SHRM 2011 Employment Law & Legislative Conference – February 2011.
- Hiring and Termination Issues. Employment Law from A to Z in Kansas – January 2011.
- Americans With Disabilities Act. Employment Law from A to Z in Kansas – January 2011.
- Rejected Again! Domestic Relations Orders for Nonqualified Deferred Compensation Plans. Wichita Bar Association – February 2009.
- Wichita Bar Association Family Law Seminar. Wichita, KS – February 2009.
- Final 409A Regulations for Nonqualified Plans: The Compliance Deadline is Looming. Kansas Tax Conference – November 2008.
- Contracts for Employees and Independent Contractors: What's the Difference? The Wichita State University Small Business Development Center – June 2007.
- Employment Issues for Dentists: An Ounce of Prevention is Worth a Pound of Cure. Wichita Dental District Society – April 2007.
- Contracts for Employees and Independent Contractors: What's the Difference? The Wichita State University Small Business Development Center – April 2007.
- Contracts for Employees and Independent Contractors: What's the Difference? The Wichita State University Small Business Development Center – December 2006.
- Best Practices: Human Resource Audits for Employers of Choice. Wichita Chapter of the Society for Human Resource Management – October 2006.
- Concealed Carry: Are Companies Under the Gun? Wichita Metro Chamber of Commerce – September 2006.
- Concealed Carry: Are Law Firms Under the Gun? Wichita Area Chapter of the Association of Legal Administrators – August 2006.
- Employment Law Audits. The Wichita State University Small Business Development Center – August 2006.
- Contracts for Employees and Independent Contractors: What's the Difference? The Wichita State University Small Business Development Center – August 2006.
- Employment Law Audits. The Wichita State University Small Business Development Center – June 2006.

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