



Amy J. Adolay

Partner

Office: Carmel

aadolay@kdlegal.com

p: 317-238-6330

f: 317-636-1507

Amy Adolay serves as Chair of the firm's Labor and Employment Practice. Ms. Adolay counsels employers on complex human resources issues that arise on a daily basis in the workplace and defends employers before administrative agencies and in state and federal courts. Ms. Adolay handles a wide variety of types of claims, including discrimination, harassment, retaliation, family and medical leave, disabilities, unemployment compensation, wage and hour, and restrictive covenants. Ms. Adolay also routinely reviews, revises, and drafts employment related documents such as employee handbooks, employment policies and procedures, employment agreements, severance and retention agreements, and non-compete and non-solicitation agreements. Ms. Adolay's extensive employment law experience has included representing employers in collective actions and litigating complex claims relating to discrimination, restrictive covenants, and various other employment and contract disputes. She also regularly speaks and writes on important changes facing employers in employment law.

Ms. Adolay's school law experience includes advising administrators and school corporations on various issues relating to staff, students, and parent/guardian issues. She has also assisted sororities and fraternities in navigating a wide range of legal issues. Ms. Adolay is active in firm management, serving on the firm's five-member Executive Committee.

Education

- J.D., *cum laude*, Indiana University Robert H. McKinney School of Law, Indianapolis, Indiana, 2001
- B.A. in Political Science, Miami University, Oxford, Ohio, 1998

Bar & Court Admissions

- Indiana (2001)
- U.S. District Court for the Northern District of Indiana (2001)
- U.S. District Court for the Southern District of Indiana (2001)
- 7th Circuit Court of Appeals (2001)

Practices

- Labor and Employment
- Litigation and Dispute Resolution
- Health Care Litigation

- Employee Benefits and Executive Compensation
- Fraternities and Sororities
- K-12 Education
- Higher Education
- Sports

Industries

- Construction
- Financial Services
- Government
- Health Care
- Real Estate

Representative Experience

- Created and assisted in implementation of early retirement program for large manufacturing company
- Successfully represented national retailer in enforcement of employee handbook wage provisions
- Obtained summary judgment for employer in high-profile executive race and sex discrimination case
- Enforced noncompete against individual in health care industry who was soliciting business in her former sales territory
- Renegotiated high-dollar severance agreements with former management employees based on after-acquired evidence of breaches of employment agreements
- Assisted company with lawful means of carrying out furloughs, reductions in force, and salary reductions in order to keep business afloat despite threatening economic forces
- Achieved favorable non-monetary settlements in two discrimination charges in which administrative agency was prepared to find employer in violation of law

Professional Associations

- The O'Connor House, Board of Directors
- Indiana Breast Cancer Awareness Trust, Former Board Member and Secretary
- Hamilton Centers Youth Services Bureau, Former Board Member
- Neighborhood Christian Legal Clinic, Volunteer Pro Bono Services

Awards & Recognitions

- Indiana Super Lawyers Rising Stars, 2011, 2012, 2014, 2016
- Graduate, Hamilton County Leadership Academy, 2006

Seminars & Presentations

- Presenter, "Reviewing and Responding to Religious Objections to the COVID-19 Vaccine," Indianapolis Bar Association, January 20, 2022
- Presenter, "Update on Status of New Federal COVID-19 Vaccination Requirements for Employers," Healthcare Financial Management Association, December 13, 2021
- Presenter, "Overview of New Federal COVID-19 Vaccination Requirements for Employers," Krieg DeVault Webinar, November 10, 2021
- Presenter, "Legally Compliant Mental Health and Drug Free Policies," Wellness Council of Indiana Recovery at Work:

Employer Mental Health and Substance Abuse Summit, September 15, 2021

- Presenter, "Hot Topics in Employment Law Including New Legislation Related to COVID-19," Accelerate Indiana Municipalities Municipal Law Seminar, June 25, 2021
- "COVID-19 Vaccination Mandates in the Workplace," Krieg DeVault Podcast Series, June 21, 2021
- Presenter, "COVID Vaccine Legalities and Logistical Challenges," Enterprise Health, February 16, 2021
- Presenter, "Legal and Business Considerations for Employers Considering Mandating COVID-19 Vaccinations," Indiana Apartment Association, January 22, 2021
- Presenter, "Legal and Business Considerations for Employers Considering Mandating COVID-19 Vaccinations," Indiana Manufacturers Association, January 20, 2021
- Presenter, "COVID Vaccine Considerations for Employers," Indiana Chamber of Commerce, December 16, 2020
- Presenter, "Engaging Around Mental Health and Personal Safety with Your Team Members," Luna, First Person, June 23, 2020
- Presenter, "COVID-19 Checklist for Indiana Businesses & Organizations," Boone County Chamber of Commerce, April 28, 2020
- Presenter, "COVID-19 Health Care Businesses: Managing Staffing Reductions & Planning for Reopening," Indiana State Medical Association, April 24, 2020
- Presenter, "COVID-19 Guidance for Employers & Individuals," Indianapolis Bar Association, March 16, 2020
- Presenter, "Legal Guidance on Developing a Drug-Free Workplace" Indiana Workforce Recovery - Wellness Council of Indiana, 2019
- "Top 16 Employment Law Trends in 2016," 2016
- "Sensitivity in Healthcare: Preventing Patient Discrimination Claims," 2016
- "Employment Law Update," 2015
- "Leaves as Reasonable Accommodation," 2015
- "Sexual Discrimination Issues," 2012
- "Social Media and Public Employers," 2011
- "FLSA & Public Sector Employers," 2011
- "Essentials of Record Retention and Legal Holds," 2009
- "Terminations and Layoffs - Avoiding Liability," 2009
- "Unemployment Compensation Update for Non-Profit CFO's," 2008
- "Employment Law Update for Health Care Clients," 2008
- "Updates to the Fair Labor Standards Act," 2004
- Harassment, Diversity and Sensitivity Training (various clients and dates)

Publications

- Contributor, "COVID-19 Religious Exemption Concerns on Shaky Ground," Indiana Lawyer, January 5, 2022
- Co-Author, "Tis the Season: Court Issues Nationwide Temporary Stay of CMS Mandatory Vaccination Rule," December 2, 2021
- Author, "President Biden's Vaccination Mandates under COVID-19 Action Plan," September 10, 2021
- Author, "Accommodating Employees Who Can't Return Due to COVID-19," Indiana Lawyer, March 17, 2021
- Co-Author, "Is Your Non-Compete Buy-Out Reasonable?" January 27, 2021
- Author, "Mandating COVID-19 Vaccinations: Employers Wrestle with Whether They Can and Should," December 18, 2020
- Co-Author, "COVID-19 Enforcement Plan Compliance Alert: K-12 Educational Institutions and Indiana's Face Covering Mandate," July 31, 2020



- Author, "How Much Can Employers Control Employees' Summer Travel During COVID-19? A lot." June 15, 2020
- Co-Author, "Returning to the Workplace: Addressing Requests to Work from Home and Refusals to Return to Work," June 7, 2020
- Author, "Getting Back on Track: How Indiana Businesses can Create the Plan Required by Governor Holcomb's Executive Order 20-26 to Keep Employees and Patrons Safe by the May 11, 2020 Deadline," May 3, 2020
- Co-Author, "What Can We Do? Coronavirus Guidance for Employers," March 5, 2020
- Co-Author, "DOL Final Rule on Regular Rate of Pay Goes into Effect January 15, 2020," January 1, 2020
- Co-Author, "Indiana Blue Pencil Doctrine is More of a Blue Pen Doctrine as it Permits Courts to Strike through but not Erase Unenforceable Provisions in Restrictive Covenants," January 1, 2020

Certifications

- Legal Lean Sigma® White Belt