



Vanessa A. Gonzalez

PARTNER

AUSTIN OFFICE

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Attorney Overview

Vanessa Gonzalez is Board Certified in Labor and Employment Law by the Texas Board of Legal Specialization and leads the Firm's employment litigation group. She defends employers in complaints filed with the EEOC, the TWC, the DOL, and in state and federal courts. Ms. Gonzalez's jury trial experience includes successful employment law verdicts in federal courts.

She also represents and provides consultation to institutions of higher education in employment law matters as well as matters related to Title IX, the Clery Act, the Public Information Act, and the Family Educational Rights and Privacy Act.

Representative Experience

Employment Law Counseling

- ♦ Ms. Gonzalez regularly counsels employers on personnel issues and compliance with state and federal employment laws. She also assists employers in the preparation and updating of their employee personnel manuals and employee documentation.
- ♦ Ms. Gonzalez counsels employers in the preparation and negotiation of employment agreements, including non-compete agreements, non-solicitation agreements, severance agreements, and independent contractor agreements. She also represents clients in contract disputes in state court and in audits by the Department of Labor.

Administrative Representation

- ♦ Ms. Gonzalez has represented numerous clients before the Equal Employment Opportunity Commission (EEOC), the Texas Workforce Commission (TWC), the former Texas Commission on Human Rights (TCHR), and the Austin Human Rights Commission.
- ♦ Ms. Gonzalez has represented restaurants, janitorial companies, and other small businesses in audits and investigations conducted by the Department of Labor.



Practice Areas

- ♦ Employment
- ♦ Civil Litigation
- ♦ Higher Education
- ♦ General Counsel

Education

- ♦ University of Texas School of Law, J.D. 1995
- ♦ Texas A&M University, B.A., Speech Communication 1991

Admissions

- ♦ Supreme Court of Texas, 1995
- ♦ United States Court of Appeals for the Fifth Circuit
- ♦ United States District Courts for the Eastern, Northern, Southern, and Western Districts of Texas

Training and Investigations

- ♦ Ms. Gonzalez regularly speaks at conferences on employment law matters and provides training for employers, supervisors, and managers.
- ♦ Ms. Gonzalez is often selected as an outside investigator to investigate allegations of workplace misconduct. She has conducted investigations of police chiefs, city managers, elected officials, judges, CEO's, and managers. Ms. Gonzalez also advises employers when they conduct their own internal workplace investigations including consultation for institutions of higher education in their Title IX investigations.

Employment Law Litigation and Jury Trials

- ♦ Ms. Gonzalez recently defended a private institution of higher education in a disability discrimination lawsuit in federal court. The case was dismissed after Ms. Gonzalez filed a Motion to Dismiss for failure to state a claim.
- ♦ Ms. Gonzalez recently defended a community college in a section 1981 federal court lawsuit. The case was dismissed after Ms. Gonzalez filed a Motion for Judgment on the Pleadings.
- ♦ Ms. Gonzalez defended a Central Texas employer wrongfully accused of violating the Equal Pay Act. She successfully tried the case to a jury in federal court and the jury determined the employer did not violate the Act.
- ♦ Ms. Gonzalez defended a Central Texas employer with over 12,000 employees in a racial harassment lawsuit filed in state court by two plaintiffs. The matter was prepared for two separate jury trials but was then resolved before trial.
- ♦ Ms. Gonzalez defended an employer in a claim brought in federal court by a terminated employee under the Family and Medical Leave Act. Summary judgments were filed by both sides and the case was prepared for trial but was then resolved before trial.
- ♦ Ms. Gonzalez recently defended a private employer in a disability discrimination and failure to accommodate claim brought under the Texas Labor Code in state district court. The plaintiff claimed he was entitled to medical expenses and damages for injuries sustained after the employer allegedly failed to accommodate the plaintiff. The case was resolved shortly after Ms. Gonzalez filed a motion for summary judgement with the court.

Constitutional Law and Whistleblower Litigation and Jury Trials

- ♦ Ms. Gonzalez defended a Texas county and county commissioner in a First Amendment retaliation lawsuit filed in federal court. The terminated employee claimed he was terminated because of his political affiliation. Ms. Gonzalez' motion for summary judgment was granted by the court and the case was dismissed.
- ♦ Ms. Gonzalez defended a Texas county sheriff who was accused of terminating a chief deputy in violation of the chief deputy's freedom of speech and freedom in political association. Ms. Gonzalez successfully tried the case to a jury in federal court and the judgment was entered for the defense.
- ♦ Ms. Gonzalez defended a Texas county and county commissioner in a First and Fourteenth Amendment lawsuit filed by a former employee in federal court in Austin, Texas. The lawsuit involved a previous sexual harassment claim, and sensitive depositions were taken under a protective order from the court. The matter was resolved before trial.
- ♦ Ms. Gonzalez defended a First Amendment employment retaliation claim and a whistleblower claim in federal court in Houston, Texas. The jury awarded \$1,200 on the plaintiff's \$97,000 claim.

Higher Education and School Law

- ♦ Ms. Gonzalez represented a community college in a claim brought by a student under the Texas Human Resources Code, the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. Ms. Gonzalez's plea to the jurisdiction was granted and the case was dismissed.
- ♦ Ms. Gonzalez recently defended a community college in a claim brought under Title II of the Americans with Disabilities Act for alleged restricted access due to architectural barriers present on the college campus.
- ♦ Ms. Gonzalez represented a school district sued by a contractor for breach of contract. Ms. Gonzalez drafted the motion for summary judgment which led to a prompt settlement of the case for a low amount favorable to the school district.

Organizations & Involvement

- ♦ Austin Bar Association – Member
- ♦ Austin Human Resources Management Association - Member
- ♦ Travis County Women Lawyers' Association - Member
- ♦ The Robert W. Calvert American Inn of Court - Member
- ♦ Communities in Schools - Board of Directors (2018 - 2021)
- ♦ KLRU-TV— Board of Directors (2010-2016) (2017-2023)
- ♦ Greater Austin Hispanic Chamber of Commerce - Former Board of Directors (2013-2017); Education Committee Chair, Developed the AISD High School Entrepreneurs Competition (2014-2018)
- ♦ Literacy Coalition of Central Texas - Former Board of Directors (2007-2013)
- ♦ Leadership Austin - Graduate, Essential Class of 2007
- ♦ Hispanic Bar Association of Austin - President (2004-2005); Education Outreach Committee Chair, Developed the Middle School Essay Competition (2004-2014)

Publications & Presentations

- ♦ Employment Law Updates 2024, 66th Annual V.G. Young School for County Commissioners Courts (February 2024)
- ♦ DEI Initiatives in the Private Workplace After Supreme Court Decision on Affirmative Action, Austin SHRM Meeting (September 2023)
- ♦ Employment Law Updates 2023, Austin HR Roundtable (February 2023)
- ♦ Civil Rights Issues, 65th Annual V.G. Young School for County Commissioners Courts (February 2023)
- ♦ Employment Law Practices and the Pandemic, Texas Association of Community College Attorneys 2021 Virtual Conference (January 2021)
- ♦ Stump the Experts: A Legal Panel Discussion of FFCRA, COVID-19, and Return to Work Issues, Austin Human Resources Management Association Webinar (June 2020)
- ♦ Constitutional Employment Law Claims, TCAA Summer Conference (June 2019)
- ♦ Workplace Harassment After #MeToo Movement, Austin Human Resources Management Association (July 2018)
- ♦ Harassment Response and Investigations, Williamson County HR Management Association (May 2018)
- ♦ Employment Law Hot Topics, South Texas County Judges and Commissioners Association Conference (June 2017)

- ♦ Public Transparency v. Student Privacy: The Intersection of FERPA and Open Records in Colleges, Texas Association of Community College Attorneys Annual Conference (January 2017)
- ♦ Religion in the Workplace, V.G. Young Institute's School for Local Government HR Professionals (April 2016)
- ♦ Legal Risks: Terminating Employees, V.G. Young School for County Commissioners Courts (February 2016)
- ♦ ADA Update, Including Pregnancy, Texas City Attorneys Association Fall Conference (September 2015)
- ♦ Discrimination Law Update, AHRMA's Annual Diversity and Inclusion Day (September 2015)
- ♦ Pregnancy Discrimination, Austin Human Resources Management Association Conference (July 2015)
- ♦ ADAA – Pregnancy Discrimination, Drug Use, V.G. Young School for Human Resources Professionals (May 2015)
- ♦ "Accommodating Pregnant Workers," *County Progress* magazine (May 2015), Texas City Attorneys Association Monthly News Vol. 10, Issue 4 (May 2015)
- ♦ Performing Thorough Workplace Investigations, Texas Municipal Human Resources Association Annual Conference (April 2015)
- ♦ "Texas Whistleblower Act," *County Progress* magazine (April 2015) and *Texas City Attorneys Association Monthly News* Vol. 10, Issue 4 (March 2015)
- ♦ Risk Management: Violence in the Workplace, V. G. Young Institute: School for County Commissioners Conference (February 2015)
- ♦ "Supreme Court to Address Pregnancy Discrimination," *County Progress* magazine (November 2014)
- ♦ Legal Updates, Williamson County Human Resources Management Association meeting (September 2014)
- ♦ "Drug Testing Employees & Applicants," *County Progress* magazine (July 2014) and *Texas City Attorneys Association Monthly News*, Vol. 9, Issue 10 (August 2014)
- ♦ Employment Constitutional Claims against Counties, South Texas County Judges and Commissioners Conference (June 2014) and School for Local Government HR Professionals (April 2014)
- ♦ "Attendance as an Essential Job Function," *County Progress* magazine (March 2014) and *Texas City Attorneys Association Monthly News*, Vol. 9, Issue 10 (April 2014)
- ♦ "Same Sex Harassment – Gender Stereotyping," *County Progress* magazine (January 2014) and *Texas City Attorneys Association Monthly News*, Vol. 9, Issue 4 (February 2014)
- ♦ Personnel Issues During and After a Disaster, Texas City Attorneys Association Fall Conference (October 2013)
- ♦ Regulating Employee Conduct Away from the Workplace, South Texas County Judges and Commissioners' Association Conference (June 2013) and West Texas County Judges and Commissioners Association Conference (April 2013)
- ♦ Workplace Investigations, School for Local Government HR Professionals (April 2013)
- ♦ Minimizing Litigation, Austin Human Resources Management Association Monthly Meeting (June 2012)
- ♦ Harassment and Investigations, Austin Human Resources Management Association Annual Conference (August 2012)

Representative Cases

- ♦ *Lehman v. Hill*, 2010 WL 11506413 (W.D. Tex. 2010)
- ♦ *Bloss v. Moore*, 269 Fed. Appx. 446 (5th Cir. 2008)

- ♦ *Perez v. Jim Hogg County*, 2006 WL 2092431 (S.D. Tex. 2006)
- ♦ *Greer v. Litsher*, 211 Fed. Appx. 238 (5th Cir. 2004)
- ♦ *Crane v. Saults*, 101 S.W.3d 764 (Tex. App.-El Paso 2003)
- ♦ *Doyal v. Johnson County*, 79 S.W.3d 139 (Tex. App.-Waco 2002)
- ♦ *Casanova v. City of Brookshire*, 119 F.Supp.2d 639 (S.D. Tex. 2000)