



Kristy L. Albrecht

SHAREHOLDER

Fargo

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Services

Employment, Labor & Benefits

Employment & Labor Litigation

Litigation

Appellate

Kristy is a shareholder in Fargo, ND and a member of the Employment, Labor & Benefits, Litigation and Appellate groups. She advises employers on a variety of employment law issues, including hiring, firing, discipline, employee leave laws, employee handbooks, drug and alcohol policies and separation agreements.

Additionally, Kristy advises and defends motor carriers on DOT issues, particularly focusing on compliance and audit work under the regulations of the Federal Motor Carrier Safety Administration. An experienced litigator, she represents clients before state and federal agencies and in state and federal court on various types of claims, such as workers' compensation (WSI), unemployment insurance, discrimination, harassment, retaliation, wrongful termination and trade secrets violations.

Experience

Employment Related Litigation

- Successfully represented client before district court in overturning grant of workers' compensation benefits by the Workforce Safety & Insurance.
- Successfully represented clients in defending against claims for workers' compensation benefits.
- Successfully represented clients before the EEOC and the North Dakota Department of Labor on various charges of discrimination and/or retaliation.
- Successfully represented clients before the U.S. District Court on discrimination and retaliation claims, as well as claims alleging violation of the FMLA.
- Successfully represented client in a FINRA arbitration, defending against a multimillion claims under the Equal Pay Act and Title VII, as well as various state contract and common-law theories; all claims were denied.

Training & Counseling

- Advised clients on employment discipline and termination issues, including policy development, documentation, and termination procedures.

- Counseled clients on social media issues.
- Prepared severance and separation agreements.
- Prepared policies and employee handbooks, and counseled clients regarding the same
- Prepared employment agreements.
- Advised clients on enforceability of non-compete agreements, non-solicitation agreements, and trade secrets issues, providing guidance on entering into, complying with, and enforcing such agreements.
- Advised clients on various wage and hour issues, including employee classification and overtime issues.
- Defended clients during wage and hour audits.
- Advised clients on injury, leave, and disability accommodation issues under the ADA, the FMLA, and state workers' compensation statutes.

Other Litigation

- Secured and successfully defended before the Minnesota Court of Appeals an order dismissing claims brought under the Open Records Law and the Minnesota Government Data Practices Act, as well as a claim seeking declaratory judgment regarding authority to purchase land; *Vik v. Wild Rice Watershed District*, No. 54-CV-08-454 (Minn. Ct. App. Aug. 10, 2010). (unpublished)
- Successfully represented more than 100 individual plaintiffs suffering personal injuries in railroad litigation.
- Secured order from the U.S. Court of Appeals for the Eighth Circuit on behalf of injured plaintiffs, rejecting the defendant's arguments of preemption under the Federal Railroad Safety Act of 1970, as amended in 2007, as well as various constitutional arguments. Successfully defended against a petition for writ of certiorari to the Supreme Court of the United States on the Eighth Circuit decision; *Lundeen v. Canadian Pac. Ry. Co.*, 532 F.3d 682 (8th Cir. 2008), *cert. denied* 129 S. Ct. 2379 (2009).

Credentials

Education

- University of Iowa College of Law, J.D., 1995, *high honors*
- Jamestown College, B.A., Music Education/Piano Performance, 1983, *summa cum laude*

Admissions

- North Dakota

- Minnesota
- U.S. District Court for the District of North Dakota
- U.S. District Court for the District of Minnesota
- U.S. Court of Appeals for the Eighth Circuit

Clerkships

- Clerk, Honorable David R. Hansen, U.S. Court of Appeals for the Eighth Circuit, 1995-1997

Recognition

- *The Best Lawyers in America*, Employment Law—Management, 2020-present
- Lawyer of the Year in Fargo, Employment Law—Management, *Best Lawyers*, 2021
- North Star Lawyer, Minnesota State Bar Association, 2012, 2016-2018, 2020-2021
- Great Plains Super Lawyers—Employment & Labor, *Super Lawyers*, 2011-2018, 2020-present
- *Chambers USA: America's Leading Lawyers for Business*, North Dakota—Labor & Employment 2005-2010, 2012-present
- Dorsey & Whitney Scales of Justice Award, 2002 & 2009
- Hancher Finkbine Award for Learning, Leadership and Loyalty, University of Iowa, 1995
- Order of the Coif

Civic & Professional

Professional Activities

- University of North Dakota School of Law, Adjunct Professor, 2006-2007
- American Bar Association, Member
- Minnesota State Bar Association, Member
- State Bar of North Dakota, Member
- Iowa State Bar Association (inactive), Member
- Cass County Bar Association, Member
- *Iowa Law Review*, Editor in Chief, 1994-1995; Member, 1993-1995

News

Firm News | 06.16.2022

Fredrikson & Byron Attorneys Recognized as North Star Lawyers

Legal Updates

Legal Update | 04.28.2020

Employment Question of the Day: April 28, 2020

Legal Update | 04.14.2020

Employment Question of the Day: April 14, 2020

Legal Update | 04.03.2020

Employment Question of the Day: April 3, 2020

Legal Update | 04.03.2020

What Employers Need to Know About the New DOL Temporary Rule Implementing the Families First Coronavirus Response Act

Publications & Presentations

"Key Issues Employers Should Address in Remote and Hybrid Work Arrangements," *Fargo INC!*, August 11, 2021

Co-Presenter, *Federal & State Updates From 2020*, Fredrikson & Byron's Annual Employment & Labor Law Seminar, October 27, 2020

Co-Presenter, *Considerations for the Aging Workforce*, Fredrikson & Byron's Annual North Dakota Employment Law Seminars, November 21-22, 2019

Presenter, *New Legislation, Recent Case Developments and Trends*, Fredrikson & Byron's Annual North Dakota Employment Law Seminars, November 21-22, 2019

Get the Best Results for the Greatest Value from Your Employment Attorney, *Fargo INC!*, August 2019

Co-Author with Brandt Doerr, "Sexual Harassment in the #MeToo Era," *Fargo INC!*, February 2019

Co-Author with Michael Raum, "Being an Owner Doesn't Guarantee You a Job," *Fargo INC!*, January 2019

Co-Presenter, *Trends, Case Developments and Employee Handbook Updates*, Fredrikson & Byron's Annual North Dakota Employment Law Seminars, October 18-19, 2018

Co-Presenter, *Sexual Harassment: Prevention and Response Strategies in the #MeToo Era*, Fredrikson & Byron's Annual North Dakota Employment Law Seminars, October 18-19, 2018

Presenter, *Five Social Media Questions You Should Consider*, Greater Grand Forks Human Resources Association, June 12, 2018

Co-Author with Elizabeth Alvine, "The 10 Most Costly Wage-and-Hour Mistakes," *Fargo INC!* magazine, April 2018

Co-Presenter, *The Wage & Hour Dilemma: What is Work?*, Fredrikson & Byron Employment & Labor Law Seminar, April 19, 2018

Presenter, *New Legislation, Recent Case Developments and Trends*, Fredrikson & Byron's Annual North Dakota Employment Law Seminars, October 5-6, 2017

Presenter, *Wage and Hour Issues*, ND Association of Community Providers, June 14, 2017

Presenter, *Labor/Employment Regulation Update*, Associated General Contractors of North Dakota, December 6, 2016

Presenter, *New Legislation, Recent Case Developments and Trends*, Fredrikson & Byron's Annual North Dakota Employment Law Seminars, October 13-14, 2016

Presenter, *Who is an Employer: The Joint Employer Doctrine*, Fargo-Moorhead Human Resources Association, September 13, 2016

Featured in "The Women of Fredrikson & Byron Law Firm", *Area Woman*, June 2016

Presenter, *New Legislation, Recent Case Developments and Trends*, Fredrikson & Byron's Annual North Dakota Employment Law Seminars, October 15-16, 2015

Presenter, *New Legislation, Recent Case Developments and Trends*, Fredrikson & Byron's Annual Employment Law Seminar, Fargo and Bismarck, ND, October 16-17, 2014

Note, "Iowa's First Degree Felony Murder Statute: Eroding Malice and Rejecting the Merger Doctrine," 79 Iowa L. Rev. 941 (1994) (quoted by Iowa Supreme Court in *State v. Heemstra*, 721 N.W.2d 549 (Iowa 2006), in which the court adopted the merger doctrine and overruled prior line of cases)