

# Joshua W. Solberg

Shareholder

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## Overview

Josh Solberg is a trial lawyer who counsels and represents businesses in all areas of labor and employment law, including litigation matters involving all types of wrongful discharge claims, wage and hour disputes, unemployment claims, employment contracts, and other disputes arising from the employer-employee relationship. His experience includes first-chair management of discrimination, harassment, retaliation and wrongful discharge matters in both federal and state courts, trial and appellate, as well as in mediation and arbitration. He has also assisted employers in conducting internal investigations and in preparing for audits conducted by the Department of Labor's Wage and Hour Division.

Josh routinely represents employers in a wide variety of litigation matters, including claims arising under Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, the Family and Medical Leave Act, the Age Discrimination in Employment Act, the Fair Labor Standards Act and other federal and state laws governing employers. He also has experience resolving matters before governmental agencies, having represented employers in wage and hour disputes before the Oklahoma Department of Labor and in appellate matters before the Oklahoma Employment Security Commission.

Josh's achievements have earned him inclusion in *Oklahoma Super Lawyers'* list of "Oklahoma Rising Stars," which recognizes the state's top up-and-coming attorneys.

Prior to returning to McAfee & Taft, Josh worked as in-house counsel for an independent oil and gas company with offices around the United States, where his role was primarily to assist the company's legal department and human resources department in employment-related matters, including overseeing employment litigation, drafting policies and procedures, and assisting in day-to-day personnel matters, including hiring, terminations and employee leave issues.

## Admissions

Oklahoma, 2008

U.S. District Courts for the Western, Northern and Eastern Districts of Oklahoma

U.S. Court of Appeals for the Tenth Circuit

## Education

J.D., with highest honors, University of Tulsa, 2008; Order of the Curule Chair; Editor, *Tulsa Law Review*; Phi Delta Phi; Recipient, 9 CALI Awards, F.M. Rowell, Sr. Award, George & Jean Price Award, Judge Thomas Brett Award, Oklahoma Bar Association Business Associations Section Award; Phi Delta Phi Professional Responsibility Award, and Pray, Walker, Jackman, Williamson and Marlar Award

B.A., *magna cum laude*, Oklahoma Baptist University, 2005

## Professional Organizations and Memberships

Oklahoma Bar Association

Federal Bar Association

Josh is a contributing writer to the *Oklahoma Employment Law Letter* and has been a featured speaker on various employment topics at the firm's *EmployerLINC* labor, employment and employee benefits law seminars.

Beyond the labor and employment area, Josh has also represented clients in a variety of complex commercial disputes and has actively participated in litigation involving commercial contracts and business relationships.

## Representative Experience

### Litigation:

- Obtained dismissal of federal claims for retaliation and gender, race and national origin discrimination, as well as a state claim for wrongful discharge in violation of Oklahoma public policy, brought by a medical professional against a surgery center.
- Represented employers in defense of a wide array of employment claims, including wrongful termination, Fair Labor Standards Act (collective and individual), workers' compensation retaliation, harassment and discrimination claims under state and federal laws in various jurisdictions, including Oklahoma, California, Alabama, Florida, Texas and New Jersey.
- Experience includes second-chair trial experience during a three-day jury trial; third-chair trial experience during a four-week jury trial; and first-chair case management, including guiding clients through mediation.
- Extensive experience with various state agencies, including the Oklahoma Employment Security Commission, Oklahoma Department of Labor and former Oklahoma Human Rights Commission, as well as federal agencies, such as the Equal Employment Opportunity Commission.
- Defended an oilfield services company with operations throughout the United States in a Fair Labor Standards Act collective action wherein the plaintiffs claimed that certain drilling workers had been misclassified and improperly denied overtime pay.

### Counseling:

- Directed and counseled clients in various employment-related matters, including terminations, accommodations, investigations, drafting and implementing employee handbooks and policies, anti-harassment and related training, and matters pertaining to classifying and misclassifications of individuals as employees v. independent contractors.
- Presented to human resources professionals around the state of Oklahoma regarding anti-harassment training and other employment-related training.
- Drafted and assisted clients with employment-related agreements, including severance, non-compete, non-solicitation, and change of control agreements.
- Assisted an oil and gas company with operations around the country in implementing a cohesive drug testing policy and in drafting and implementing an employee policies and procedures manual.
- Assisted an oil and gas company in implementing a clear Fair Labor Standards Act policy and in implementing payroll deduction programs throughout its U.S. operations.
- Assisted an oil and gas company with a reduction-in-force impacting approximately 10% of their workforce.

## Honors and Awards

- Named to *Oklahoma Super Lawyers'* list of "Oklahoma Rising Stars," which recognizes the state's top up-and-coming attorneys.
- Honored with the University of Tulsa College of Law's Outstanding Junior Alumnus Award (2019)