

Rachel L. Graeber

Partner

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Rachel L. Graeber is a Partner at Conn Maciel Carey LLP, where she brings more than 15 years of experience as a senior federal litigator representing the U.S. Department of Labor in workplace safety and health, labor and employment, and administrative enforcement matters.

Before joining CMC, Rachel served as OSHA Counsel for the Atlanta Region in the U.S. Department of Labor's Office of the Solicitor. In that role, she led legal strategy and litigation for OSHA enforcement matters across the Southeast, advising agency leadership and enforcement personnel on regulatory interpretation, litigation risk, and compliance strategy.

Drawing on extensive government experience, Rachel advises employers on all aspects of workplace safety and health regulatory compliance, including whistleblower protections; labor relations; government contractor obligations; fiduciary responsibilities for employers; and matters related to the ADA, FLSA, FMLA, Title VII, and OFCCP regulations. Rachel's practice has a particular focus on the application of OSHA's General Duty Clause under Section 5(a)(1) of the Occupational Safety and Health Act to novel and emerging issues, including heat-related hazards, ergonomics, and workplace safety matters involving the entertainment industry.

Rachel began her legal career clerking for the Honorable Frank G. Clement of the Tennessee Court of Appeals before joining the U.S. Department of Labor in Nashville as a member of the MSHA Backlog Litigation Unit. In that role, she led more than a dozen global settlement conferences and tried seven matters before the Federal Mine Safety and Health Review Commission (FMSHRC).

In 2013, Rachel transferred to the Chicago Regional Solicitor's Office, where she represented multiple Department of Labor enforcement agencies, including OSHA, EBSA, OFCCP, and the Wage and Hour Division. She later transferred to the Atlanta Region in 2017, where she litigated complex and high-profile workplace safety matters, including several catastrophic workplace disasters, corporate-wide settlement agreements involving blocked exits and ergonomics, and a heat-stress fatality matter.

Outside the Office

Rachel currently lives in Greenville, SC, with her husband and children.

Education

- J.D., University of Tennessee College of Law
- M.P.A., University of South Carolina
- B.A., University of South Carolina

Admissions

- Georgia (pending)
- North Carolina
- Tennessee

Experience

- Served as one of two principal leads on a multi-million-dollar case involving a national retailer, in which over 90 pending cases were resolved, with the employer agreeing to pay \$12 million in penalties and agreeing to implement enhanced measures prioritizing safety.
- Litigated an 18-day trial involving supporting OSHA's issuance of a 5(a)(1) general duty citation to a large Chicago-based electrical contractor after an employee died of heat stress at company's worksite.
- Secured a completely favorable decision before an Administrative Law Judge that expanded precedent regarding employers' duty to report accidents involving coal miners with presumed or potential internal injuries, resulting in an increased civil penalty assessment.
- Litigated 9 MSHA citations in a two-week hearing, recovering 94% of the proposed penalty
- Successfully defended OSHA's interpretation of the sanitation standard to prohibit unreasonable restrictions on employee use of toilet facilities in response to summary judgment motion.
- Prosecuted more than a dozen cases before administrative tribunals and district courts.