

## Employment

When it comes to Employment law, Sussman Shank delivers a unique combination of legal counsel and top-notch business thinking. Part of a full-service firm, our lawyers have the resources, the experience and above all, the strategic perspective to ensure that our advice is effective in the real, day-to-day world of business and in court.

Whether the employment issues at hand are hiring and termination, harassment, discrimination, retaliation, succession planning or employment agreements – when business and employment issues intersect, Sussman Shank is there. Our Employment team counsels businesses in a wide range of industries, including agriculture, technology, hospitality and more. And in addition to our business-first legal perspective, our team also has the deep local and regional roots that give us the edge. We are from Portland. We know the people, the business communities, the issues and the drivers of our economy. This helps us get things done, ask the right questions, and help the management team of any kind of company navigate the complex, challenging terrain of employment law.

### **OUR ADVANTAGE**

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#### **A Focus on Key Executives**

Every kind of significant corporate transaction, from mergers and acquisitions to divestitures and winddowns, includes a critical employment component. From executive employment and succession of key employee issues to representations and warranties regarding employment compliance, these issues permeate the business world, and are critical elements that require careful, expert, and strategic evaluation to achieve a successful closing and avoid post-closing disputes.

#### **Seeing Around Corners**



A key part of the value we deliver to our Employment clients is our ability to see around corners. This is where experience really comes in: situations that are totally new, sometimes even unimaginable, to clients are usually things we've seen before, and managed. We can see these coming, and help clients manage – or avoid them.

## **AREAS OF EXPERTISE**

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- Handbook and policy drafting
- Guidance on hiring, promotions, discipline, demotions, terminations, and layoffs
- Investigation and defense of allegations of harassment, discrimination, or retaliation
- Negotiation and drafting of Executive Employment Agreements, Employee Separation and Release Agreements, and Non-Disclosure, Non-Solicitation, and Non-Compete Agreements
- Wage and hour compliance and claim defense
- Corporate merger and acquisition and closely-held business transition issues

## **REPRESENTATIVE WORK**

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### **Oregon Bureau of Labor and Industries (BOLI) and Other Agency Investigations**

Represent employers in responding to agency investigations and complaints filed by employees, including claims for harassment, discrimination, retaliation, wage and hour violations, and other employment law violations. Also represent employers in responding to other state and federal agency investigations, complaints, or fine assessments.

### **Employee Handbooks**

Assist employers with drafting, updating, and enforcing their employee handbooks to remain current with the often-changing legal landscape. Regular updates, routine circulation, and consistent enforcement are key to increasing employee morale and reducing the risk of employee claims or grievances.

### **Discipline and Termination Procedures**

Counsel employers through the disciplinary process, including documentation procedures, messaging, and when appropriate termination of employment.

### **Executive Employment Agreements**



We drafted and negotiated an ongoing employment agreement, restrictive covenants and other contractual obligations for a key shareholder as part of the redemption of shares in a real estate investment company. The company wanted the shareholder to redeem his shares, but also wanted him actively participating in the business. Through this, we assisted with business succession planning and assuring continuity of management.

We represent employers and employees in the negotiation of Executive Employment Agreements, including as part of the merger/acquisition process or are part of key employee retention programs. Agreements often include discussions of noncompete, nonsolicit, and nondisclosure obligations, as well as intellectual property ownership, as well as restrictions on termination of employment except for cause.

### **Separation Agreement and Release**

When the time comes to part ways, we represent employers and employees in drafting and negotiating Separation Agreements, which allow both parties to move forward. We recently represented an Oregon employee in the creative industry in negotiating a severance from a large, out-of-state employer using laws unique to Oregon employees.

### **Employee Classifications**

Advise clients regarding proper classifications under federal and state wage and hour laws and as between employees and independent contractors to avoid costly back wages, penalties, and fines.

### **Reasonable Accommodations**

Assist employers with the interactive process of exploring reasonable accommodations for employees covered by the Americans with Disabilities Act.

## **Related People**

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**Hansary (Hans) A. Laforest**

ATTORNEY

O: 503.243.1650

hlaforest@sussmanshank.com

**Michelle L. Dolan**

PARALEGAL

O: 503.243.1661 x 265

mdolan@sussmanshank.com

**Mikaela E. Marino**

ATTORNEY

O: 503.688.5639

mmarino@sussmanshank.com