



Taking the Temperature Down ***EMPLOYEE RELATIONS IN A DIVIDED WORLD***

NAOMI HASLITT, MICHAEL PORTER, LIANI
REEVES, AND MELISSA LEHANE RAWLINSON

November 19, 2024
2024 Employment Law Seminar



Disclaimer: This presentation is not legal advice and is based upon current statutes, regulations, and related guidance that is subject to change. It is provided solely for informational and educational purposes and does not fully address the complexity of the issues or steps employers must take under applicable laws. For legal advice on these or related issues, please consult qualified legal counsel directly.

Speakers



Naomi Haslitt
Partner



Mike Porter
Partner



Liani Reeves
Partner



Melissa Lehane Rawlinson
Special Counsel



2024 Employment Law Seminar

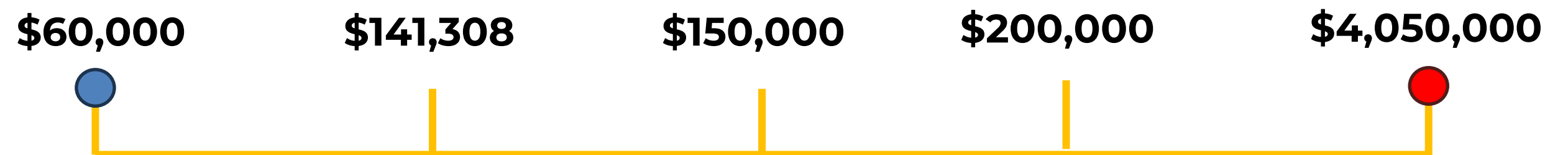
Oregon Federal Court Verdicts



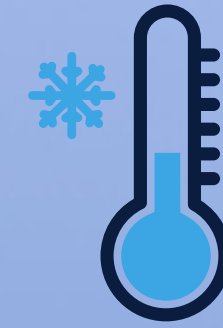
Federal court: 8 trials

- Number of jury trials: 7
- Number of bench trials: 1
- Defense verdict: 3
- Plaintiff verdict: 5

 **Range of Damages**



Oregon State Court Verdicts



2024 Employment Law Seminar

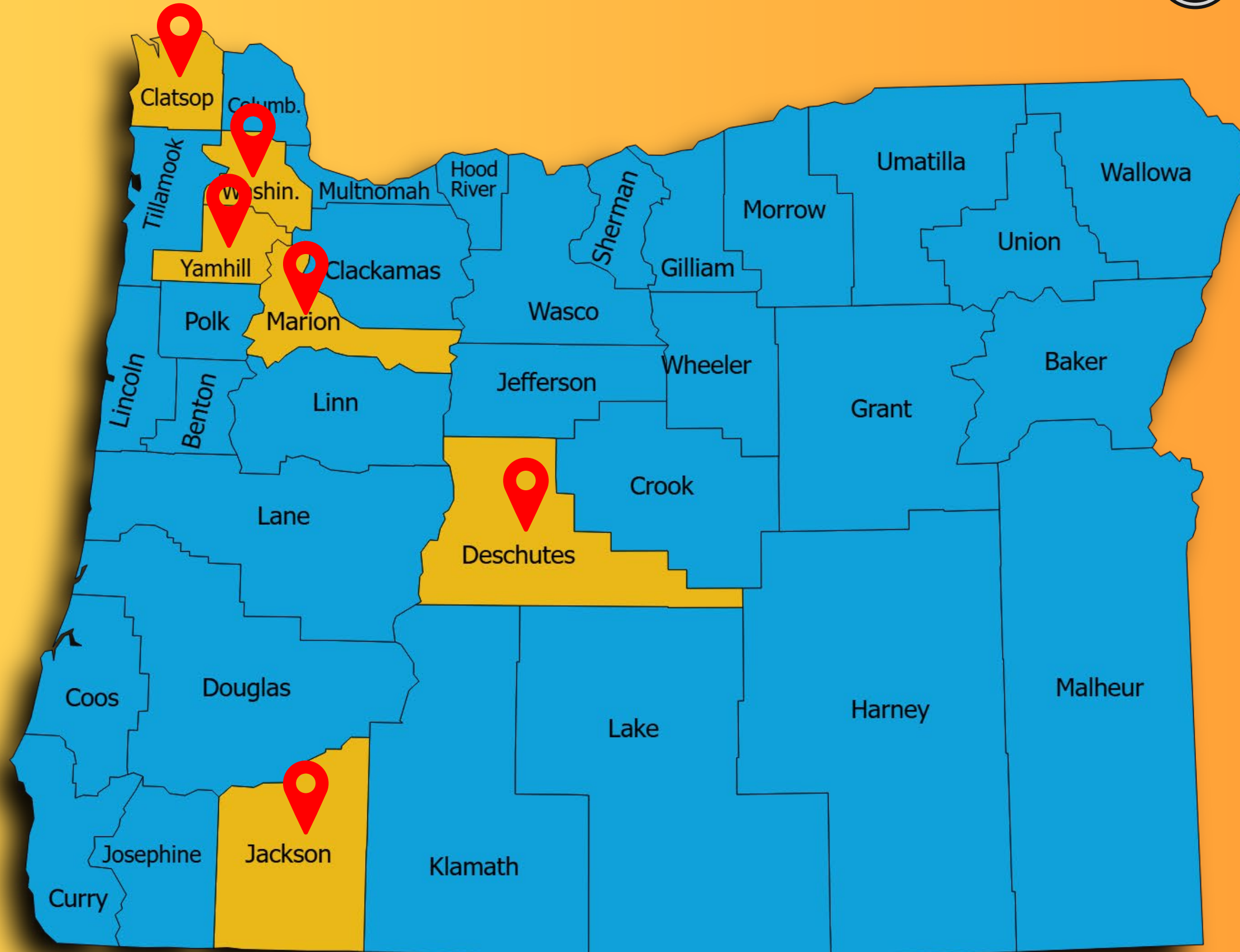
State court: 13 trials

- Number of jury trials: 13
- Number of bench trials: 0
- Defense verdict: 6 (Clatsop, Marion, Jackson, Yamhill, Deschutes, Washington)
- Plaintiff verdict: 7

Oregon State Court Defense Verdicts



2024 Employment Law Seminar



Oregon State Court Plaintiff Verdicts

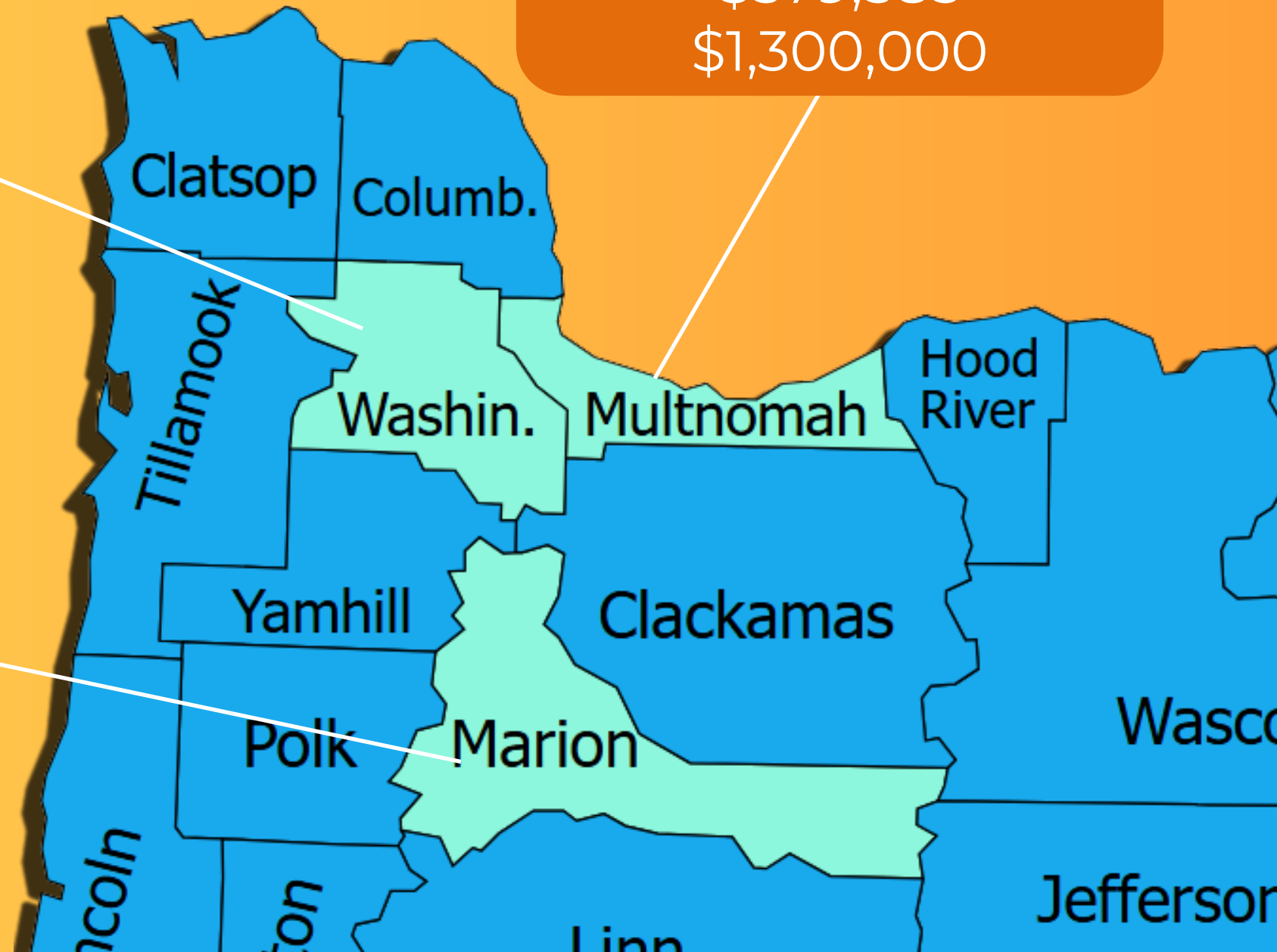


2024 Employment Law Seminar

Washington County
\$436,000

Multnomah County
\$203,900
\$379,583
\$1,300,000

Marion County
\$400,000
\$520,000
\$625,000



Krug v. Tualatin Valley Fire & Rescue **Multnomah County Circuit Court**



2024 Employment Law Seminar

Verdict for employee, TVFF Lieutenant

Total Amount of Jury Verdict: \$203,900



Economic Damages: \$3,900

Noneconomic Damages: \$200,000

Additional Award



Attorney Fees: \$TBD*

Expert Witness Fees: \$TBD

Costs: \$TBD

Unprecedented Verdicts



2024 Employment Law Seminar

POLITICS

Jury awards \$1.7 million to former Oregon Labor Bureau manager who faced racial discrimination

Updated: Aug. 15, 2023, 11:36 a.m. | Published: Aug. 14, 2023, 3:24 p.m.

Local News | Local Politics

Former WA DSHS employee awarded \$2.4 million in retaliation lawsuit

June 13, 2023 at 12:58 pm

By Claire Withycombe
Seattle Times staff reporter

OLYMPIA — A federal jury awarded a former Washington state Department of Social and Health Services employee \$2.4 million on Friday, finding she faced retaliation for reporting discrimination and for blowing the whistle on unethical practices at the agency.

Kim Snell sued the department and two managers in October 2020 in U.S. District Court. The case went to trial in late May, lasting seven days.

Wash. Jury Says Seattle Port Owes Fired Police Chief \$24.2M

By Rachel Riley · Listen to article

Law360, Seattle (July 22, 2024, 5:21 PM EDT) -- A Washington state jury said Monday that the Port of Seattle owes its ex-police chief \$24.2 million, capping off a six-week trial on his claims that the port axed him as punishment for complaining about lack of due process in workplace misconduct investigations.

Following roughly five hours of deliberations, the King County Superior Court jury found the Port of Seattle liable for wrongful termination in violation of public policy, awarding the port's ex-chief of police Rodney Covey \$1.7 million in economic damages and \$22.5 million in non-economic damages.

Useful Tools & Links

- Add to Briefcase
- Save to PDF & Print
- Rights/Reprints
- Editorial Contacts

Related Sections

- Employment
- Public Policy
- Transportation
- Trials
- Washington

MYNORTHWEST NEWS

Jury awards \$237 million to fired UPS worker in racial discrimination lawsuit

Sep 15, 2024, 12:38 PM | Updated: Oct 10, 2024, 12:02 pm

Jury Verdicts on the Rise



2024 Employment Law Seminar

- Impact of Social Media
- Anger, Cynicism, and Distrust in Institutions
- Social Inflation



Impact on Settlement



2024 Employment Law Seminar

Expect higher
settlement values



Fill in the blank about
what's missing



Rebut arguments from
plaintiff's attorneys



Takeaway for Employers



2024 Employment Law Seminar



Good employee management/relations are critical

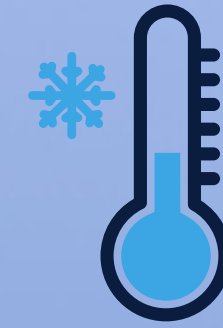


Don't assume that claims won't be successful



Consider all options including early resolution

Ramifications of Political Discussions in the Workplace

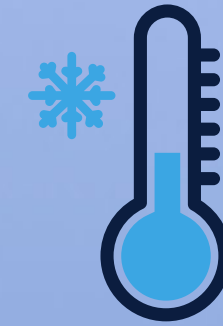


2024 Employment Law Seminar

- Disruption and emotion in the workplace
- Difficulty working towards a common goal
- Division and impaired relationships internally and externally
- Isolation of and decreased interaction with certain employees
- Decreased morale and productivity
- Tensions with employer's expectations for accountability, action, and reaction



Protections Impacting Political Discussions and Activities



2024 Employment Law Seminar

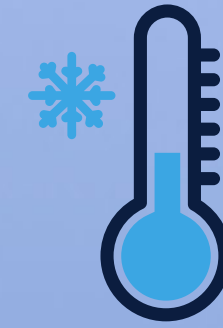
For Employees:

- 1st Amendment (Public Sector)
- National Labor Relations Act (Private Sector)
- Discrimination and Harassment Laws
- Whistleblower Protections
- Leave Policies

For Employers:

- Discrimination and Harassment Laws & Codes of Conduct
- Tardiness and Leave Policies
- Use of Company Resources Policies
- Codes of Conduct

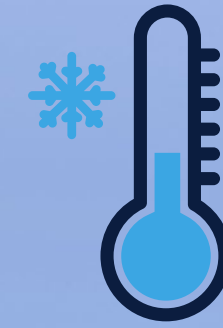
Managing Political Discussions in the Workplace: Policies



2024 Employment Law Seminar

- Anti-Discrimination, Harassment, Retaliation
- Codes of Conduct—Professionalism/Respectful Workplace
- Workplace Violence
- Bullying
- Political Activity in the Workplace
- Dress Codes
- Social Media Policies
- Use of Company Facilities and Equipment
- Limits on Solicitation

Managing Political Discussions in the Workplace: Communication

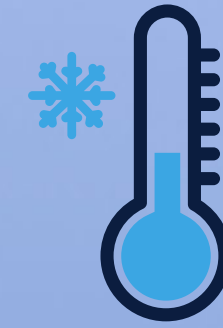


2024 Employment Law Seminar

- Communicate the culture you want
- Be transparent with expectations through policies and training
- Emphasize respect and value for differing beliefs among employees
- Provide information on available resources (EAPs, etc.)



Managing Political Discussions in the Workplace: Action



2024 Employment Law Seminar

- Enforce policies with consistency and with consequences
- Set a good example with leadership
- When disciplining employees for speech or political-related infractions:
 - Avoid discipline to promote a particular agenda or viewpoint
 - Ensure that the punishment fits the crime
 - Follow any applicable CBA provisions

Anticipated Trends with the Change in Administration



2024 Employment Law Seminar

- Traditional labor and the National Labor Relations Board
- Civil rights enforcement and the Equal Employment Opportunity Commission
 - Reversal of protections for LGBTQ+ and pregnant workers
- Tensions between religious rights and other civil rights
- DEI initiatives
- Wage and hour—overtime eligibility
- Independent contractor
- Immigration
- Department of Government Efficiency

Investigations Increasing



- Increased Potential of Legal Liability
- State Laws
- Societal Expectations of Workplace Culture and Avoiding Reputational Damage
- Increased Awareness and Culture Change (Organizations and Employees)



Don't Hit the Panic Button



- “Right size” the investigation to the issue
- Plan ahead to minimize disruption



Be Attentive to Employee Dynamics



2024 Employment Law Seminar

- Manage expectations
- Consider paid leave or other interim measures
- Consider consultants/coaches to manage relationships and performance



2024 Employment Law Seminar

THANK YOU



NAOMI HASLITT
PARTNER
503.205.2349
NAOMI.HASLITT@MILLERNASH.COM



MIKE PORTER
PARTNER
503.205.2330
MIKE.PORTER@MILLERNASH.COM



LIANI REEVES
PARTNER
503.205.2575
LIANI.REEVES@MILLERNASH.COM



MELISSA LEHANE RAWLINSON
SPECIAL COUNSEL
503.205.2538
MELISSA.RAWLINSON@MILLERNASH.COM