

BARRAN LIEBMAN^{LLP}

A T T O R N E Y S

Employment | Labor | Benefits | Higher Education
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Kyle Abraham represents employers in both traditional labor and employment law matters. He works with businesses of all sizes, government entities, and not-for-profit organizations. Kyle's labor practice includes negotiating collective bargaining agreements, advising employers on labor matters, and representing employers before labor arbitrators, the National Labor Relations Board, and the Oregon Employment Relations Board. In his employment law practice, Kyle works closely with employers to develop effective workplace policies, and he provides proactive advice and counsel. Additionally, Kyle is a trained, certified and experienced workplace investigator, and he regularly conducts investigations into allegations of employee misconduct, harassment, discrimination, retaliation, or other sensitive issues.

Kyle is an experienced litigator who has successfully represented clients before U.S. circuit and district courts, Oregon and Washington state courts, the Equal Employment Opportunity Commission, Oregon's Bureau of Labor and Industries, and other state and federal agencies. Kyle leverages his experience to help employers anticipate and resolve problems at the earliest possible stage and in a cost-effective manner, with the confidence and capability to defend employers if the matter escalates to litigation.

Kyle also enjoys being actively involved in the Human Resource and Labor and Employment law communities. He is a frequent speaker at industry conferences and continuing legal education programs on a variety of employment and labor issues. Kyle serves on the Oregon Society for Human Resource Management Council as the Director of Legislative Affairs, and on the Portland Human Resource Management Association Board as the General Counsel, where he was named Volunteer of the Year in 2016. Additionally, he serves on the Oregon State Bar Labor and Employment Section Executive Committee as Secretary, and is an active member of the Association of Workplace Investigators.

Prior to joining Barran Liebman LLP, he served on active duty in the Department of the Air Force as a Judge Advocate General (JAG) and represented the Air Force in labor and employment matters around the world. Kyle continues his service as a major in the Oregon Air National Guard.

Areas of Practice

Employment Law Advice & Litigation

Higher Education Compliance

Labor Relations

On-Site Employment Law Training

Workplace Investigations

Honors

SAFE of Columbia County: Service Award (2017)
 Portland Human Resource Management Association (PHRMA): Volunteer of the Year (2016)
Oregon Super Lawyers Magazine: Rising Star (2014-2015)
 United States Air Force: Commendation Medal (Meritorious Achievement) (2007, 2009);
 Commissioned Officer Training, Top Graduate (Valedictorian) (2006)
 Marion County District Attorney's Office: Employee-of-the-Year (2005)

Professional Experience & Affiliations

Portland Human Resource Management Association (PHRMA): General Counsel (2017); Director of Legislative Affairs (2013-present)
 Northwest Association of Title IX Administrators: Member (2016-present)
 Society of Human Resource Management, SHRM-CP: Member (2015-present)
 Oregon State Bar Association: Nonprofit Organizations Law Section Member (2015-present); OSB Labor and Employment Section: Secretary (2017-present), Executive Committee (2014-present)
 National Public Employer Labor Relations Association: Member (2014-present)
 Association of Workplace Investigators: Member (2014-present)
The Developing Labor Law: Contributing Editor (2013-present)
 Oregon Public Employer Labor Relations Association: Member (2013-present)
 Oregon Labor and Employment Relations Association: Member (2012-present)
 Multnomah County Bar Association: Member (2012-present)
 Professional in Human Resources, HRCI (2011-present)
 United States Air Force: Judge Advocate Corps (2006-2011)
 Marion County District Attorney's Office: Member (2002-2005)

Civic Activities

142 Fighter Wing Community Foundation: Board Member (2012-present)
 Oregon Air National Guard: Staff Judge Advocate/Major (2011-present)
 Forest Heights Homeowners Association: Board of Directors (2012-2015)
 Classroom Law Project: Mock Trial Coach (2012-2013)

Representative Presentations

Portland Human Resources Management Association (PHRMA): "Legal Update: Understanding Change & Implementing Solutions," Presenter (11/14/18)
 Barran Liebman Annual Seminar: "Workplace Investigations: Your Essential Compass for Effective Implementation," Presenter (9/27/18)
 Hood River County Board of Commissioners: "Oregon Equal Pay Act," Presenter (9/25/18)
 The National Electrical Contractors Association (NECA): "Washington Paid Sick Leave Law," Presenter (8/30/18)
 Orchestra Personnel Managers Conference: "Getting the Whole Picture: Best Practices for Internal Investigations of Workplace Complaints," Presenter (July 23, 2018)
 Yamhill County HR Association: "Workplace Investigations: Beyond the Basics"; "Traditional Labor Law: New Developments Under a Trump Board," Presenter (6/14/18)
 Public Employee Relations Conference (PERC): "Big Brother is Watching: Navigating the Increasing Use of Technology in the Unionized Workplace," Panelist (5/30/18)

Representative Presentations (continued)

- Mid-Willamette Valley SHRM Meeting: “Workplace Investigations: Beyond the Basics”; “Traditional Labor Law: New Developments Under a Trump Board,” Presenter (4/24/18)
- Portland Human Resources Management Association (PHRMA): “Love in the Workplace: Unwanted Contact By Any Other Name Would Be Just As Offensive,” (3/5/18)
- PHRMA Labor Relations SIG: “Traditional Labor Law: New Developments Under A Trump Board,” (1/25/18)
- Barran Liebman Seminar: “The Winds of Change Blow Through the NLRB: An Update on the NLRB’s New Agenda,” (1/24/18)
- National Electrical Contractors Association (NECA): “Washington’s Paid Sick Leave Law,” (1/18/18)
- Oregon & SW Washington Association for Health Care Recruitment: “Legal Update,” Presenter (11/10/17)
- Barran Liebman LLP Annual Seminar: “Take The Bull By The Horns: Taming The New Overtime Laws,” Presenter (10/5/17)
- Northwest Human Resource Management Association (NHRMA) 2017 Annual Conference: “The Post-Election Landscape of Traditional Labor Law,” Presenter (9/27/17)
- Oregon City Attorney Association’s Annual Conference: “Navigating Veterans Preference for Public Sector Employers,” Presenter (5/5/17)
- 24th Annual Oregon State Bar Litigation Institute & Retreat: “Employment and ERB Update, with Post Election Predictions,” Presenter (2/24/17)
- Portland State University Human Resource Strategy Lecture: “What HR Students Should Know About Employment & Labor Laws,” Presenter (11/1/16)
- Associate of Corporate Counsel CLE: “Drafting, Enforcing and Defending Restrictive Covenants,” Presenter (10/12/16)
- Barran Liebman Annual Seminar: “Stay Safe on the Open Road: A Look at OSHA’s Current Focus,” Presenter (10/6/16)
- Yamhill County Human Resource Association Meeting: “Marijuana Laws: What to Know and How to Align Them with Your Company’s Current Policies,” Presenter (9/8/2016)
- PHRMA July Breakfast: “Marijuana Laws: What to Know and How to Align Them with Your Companies Current Policies,” Presenter (7/20/16)
- Oregon State Bar 2nd Annual Labor and Employment Law Boot Camp: “Nuts and Bolts of Labor Law: Private Sector Labor Law,” Presenter (6/2/16)
- 29th Annual Public Employment Relations Conference: “The Leading Oregon Employment Relations Board (ERB) Cases of 2015-2016,” Presenter (4/14/16)
- Oregon & SW Washington Association for Health Care Recruitment (OSWAHCR) Meeting: “2016 Legal Update,” Presenter (3/17/16)
- Cascade Occupational Safety & Health Conference: “Budding Complications: Navigating Marijuana in the Workplace,” Presenter (3/9/16)
- National Public Labor Relations Association Webinar: “Workplace Violence: Obligations to Provide a ‘Legally’ Safe Workplace,” Presenter (2/11/16)
- 2016 SDAO Annual Conference: “Budding Complications: Navigating Marijuana in the Workplace,” Presenter (2/5/16)
- Barran Liebman Food for Thought Breakfast Seminar: “Preventing Workplace Violence: A Look at Employer Obligations and Effective Policies & Procedures,” Presenter (1/19/16)
- Associated Oregon Loggers Annual Conference: “Marijuana in the Workplace,” Presenter (1/16/16)

Representative Presentations (continued)

- Independent Electrical Contractors of Oregon: “Don’t Get Shocked: Be Prepared for the New Union Organizing Rules and New State Employment Laws,” Presenter (11/19/15)
- PHRMA Luncheon & Workshop: “Legislative Update: What Do Oregon’s New Laws Mean for Your Industry?,” Presenter (11/11/15)
- Oregon Department of Consumer & Business Services 2015 Workers’ Compensation Educational Conference: “Marijuana in the Workplace,” (11/6/15)
- NHRMA 2015 Annual Conference & Tradeshow: “What’s the NLRB Cooking up Now? A Taste of the Board’s Expanding Agenda,” Presenter (10/6/15)
- Barran Liebman LLP Annual Seminar: “The NLRB’s Expanding Agenda: None of Us Are out of Reach!,” Presenter (9/24/15)
- Oregon Association of Municipal Recorders Annual Conference “Stay Out of Troubled Waters: Navigating Employment Laws,” Presenter (9/16/15)
- Excell Oregon: “Budding Complications: Navigating Marijuana in the Workplace,” Presenter (8/13/15)
- Gresham Chamber of Commerce: “Marijuana and the Workplace,” Presenter (8/12/15)
- PHRMA Employee Relations Special Interest Group: “Workplace Investigations: Beyond the Basics,” Presenter (8/4/15)
- LERA, Lane Community College and LERC: “Are You High? Legalized Marijuana and the Workplace,” Panelist (7/14/15)
- Barran Liebman Seminar: “Budding Complications: Dealing With Marijuana in the Workplace,” Presenter (6/23/15 - 6/25/15)
- Hot Topics/Cool Talks, presented by *Oregon Business Magazine*: “Measure 91 and the Employer,” Panelist (6/23/15)
- Your Voice, Your Vote, presented by *KATU News*: “Impact of Legalized Marijuana on Employers,” Featured Presenter (6/21/15)
- Barran Liebman Food for Thought Breakfast Seminar: “Workplace Investigations: Beyond the Basics,” Presenter (5/5/15)
- Southern Oregon Public Sector Labor Relations Training: “A Practical Roadmap for Bargaining in the Public Sector,” Presenter (4/28/15)
- Southern Oregon Public Sector Labor Relations Training: “Winning the Unfair Labor Practice Battle Before It Starts,” Presenter (4/28/15)
- NHRMA 2015 Oregon HR Academy: “HR & Employment Law,” Co-Presenter (4/14/15)
- Independent Electrical Contractors of Oregon 2015 Spring Conference: “In the Trenches: Combatting Union Organizing,” Presenter (4/11/15)
- Independent Electrical Contractors of Oregon 2015 Spring Conference: “Budding Complications: How to Deal with Marijuana in the Workplace,” Presenter (4/11/15)
- Oregon & SW Washington Association for Health Care Recruitment: “Legal Update for Healthcare Recruiters,” Presenter (3/12/15)
- Barran Liebman Central Oregon Seminar: “Budding Complications: How Should Employers Navigate the Changes in State Marijuana Laws?,” Presenter (1/23/15)
- LERA Oregon Chapter: “Are You High? Marijuana and the Workplace,” Presenter (1/22/15)
- Oregon and Southwest Washington Association for Health Care Recruiters: “HR Rocks: Top Employment, Labor and Benefits Laws,” Presenter (11/14/14)
- Barran Liebman Seminar: “Budding Complications: How Should Employers Navigate the Changes in State Marijuana Laws?,” Presenter (10/17/14, 10/21/14, 11/6/14, 11/20/14)

Representative Presentations (continued)

- Oregon State Bar Government Law Section CLE: “Elementary My Dear Watson: Investigations of Employee Complaints & Misconduct,” Presenter (10/10/14)
- PHRMA Study Group: “Labor and Employee Relations Course,” Presenter (10/8/14)
- Barran Liebman LLP Annual Seminar: “How to ‘Rock’ Workplace Investigations into Employee Complaints,” Presenter (9/25/14)
- PHRMA Study Group: “Risk Management,” Presenter (8/26/14)
- Barran Liebman Breakfast Seminar: “Now Hiring? How to Avoid Traps & Pitfalls during the Hiring Process,” Presenter (5/6/14)
- Oregon City Attorney Association: “Employees & the Armed Services: USERAA & Veterans’ Preference Issues,” Presenter (5/2/14)
- Oregon City Attorney Association: “Workplace Violence: Obligations to Provide a ‘Legally’ Safe Workplace,” Presenter (5/2/14)
- Northwest Human Resource Management Association’s 2014 Oregon HR Academy: “It’s Not Your Father’s NLRB: The National Labor Relations Board’s Expanding Agenda,” Presenter (4/29/14)
- XpertHR Podcast: “Why Paid Leave Laws are Starting to Proliferate,” Presenter (2/28/14)
- Barran Liebman Seminar: “Portland Sick Leave Q&A Workshop,” Presenter (12/5/13)
- City of Newberg Mid-Management Training: “Why Job Descriptions Matter,” Presenter (10/17/13)
- City of Newberg Mid-Management Training: “Leadership Techniques: Building a Better Team,” Presenter (10/17/13)
- Barran Liebman Seminar: “Deal Yourself a Winning Hand: How to Improve Your Chances in Grievance Arbitration,” Presenter (9/4/13)
- Oregon Law Institute’s Internet Law Developments: “Social Media: Implications for Business,” Presenter (6/7/13)
- Clackamas County Sheriff’s Office Training: “What Every Sergeant Needs to Know about Employment Laws,” Presenter, (5/2/13)
- HR.com Webinar: “Drugs in the Workplace,” Presenter (4/30/13)
- Barran Liebman Seminar: “It’s Not Your Father’s NLRB: Today’s Board Targets Non-Union Employers and Changes the Rules In Favor of Unions,” Presenter (4/13)
- PHRMA Study Group: “Risk Management,” Presenter (2/13)

Representative Publications

- “Workplace Investigations,” “Traditional Labor Law,” “Military Leave,” “Public Employers,” *AOI Oregon Human Resources Manual*, American Chamber of Commerce Resources, Chapter Author, 2018
- “Sick Leave Laws for Businesses That Work Across State Lines,” *Daily Journal of Commerce*, July 27, 2018
- “Selecting an Investigator for Harassment and Discrimination Complaints: Considerations for a New Era,” *AWT Journal*, July 2018
- "Public Sector Employers: No More Fair Share Fees!," Barran Liebman Electronic Alert, June 27, 2018
- “Public Employers: *Janus* Is Coming, Are You Ready?,” Barran Liebman Electronic Alert, June 4, 2018
- “Negotiating Technological Change in Oregon’s Public Sector Workplace,” Labor Education & Research Center Monograph, May 30, 2018

Representative Publications (continued)

- “3 Things Companies Need to Know About Trump’s Labor Law Changes,” *Portland Business Journal*, March 1, 2018
- “Workplace Investigations,” “Traditional Labor Law,” “Military Leave,” “Public Employers,” *AOI Oregon Human Resources Manual*, American Chamber of Commerce Resources, Chapter Author, 2017
- “The Pendulum Swings at the National Labor Relations Board,” Barran Liebman Electronic Alert, December 15, 2017
- “Are Your Employees Entitled to Daily & Weekly Overtime?,” *Cascade Business News*, May 17, 2017
- Featured in “Lottery Boss Harassed Subordinates and Misled Investigator, Report Says,” *The Oregonian*, April 5, 2017
- “Look Out Private Universities, Student Assistants Have the Right to Join a Union,” Barran Liebman Electronic Alert, August 25, 2016
- “The Ninth Circuit Sides with the NLRB, Class Action Waivers are Unlawful,” Barran Liebman Electronic Alert, August 23, 2016
- “For Workplace Complaints, the Best Defense Is a Good Offense,” *Cascade Business News*, March 16, 2016
- “Workplace Investigations,” “Military Leave,” “Workplace Violence,” “Unions,” “Public Employers,” *AOI Oregon Human Resources Manual*, American Chamber of Commerce Resources, Chapter Author, 2015
- “Back to the Future: The NLRB Returns to a More Liberal Joint-Employer Standard,” Barran Liebman Electronic Alert, September 1, 2015; Republished by *Cascade Business News*, September 16, 2015
- “‘Ban the Box’ comes to Oregon,” Barran Liebman Electronic Alert, July 2, 2015
- Featured in “Marijuana Law Ushers in New Business Age,” *OregonBusiness.com*, June 23, 2015
- “Regardless of State Laws, the Use of Marijuana remains Unlawful under Federal Law,” Barran Liebman Electronic Alert, June 15, 2015
- “A Mere Suspicion of Needing a Religious Accommodation Could Lead to an Employment Faux Pas,” Barran Liebman Electronic Alert, June 2, 2015; Republished by *HR.com*, July 31, 2015
- “Violence At Work: Tips to Stay Safe,” *Legal & Compliance Excellence Essentials*, May 2015
- “Recreational Marijuana: What’s an Employer to Do?” *Daily Journal of Commerce*, April 29, 2015
- “April is National Workplace Violence Prevention Month. Are You Prepared?,” *Cascade Business News*, April 15, 2015
- “The Value of an Effective Investigation,” *Daily Journal of Commerce*, March 27, 2015
- “The ‘Quickie Election’ Rule A Major Setback for Employers Facing Union Organizing,” *Legal & Compliance Excellence Essentials*, January 2015
- “NLRB Hits Employers Facing Union Organizing With a One-Two Punch,” Barran Liebman Electronic Alert, December 15, 2014
- “Protect Employees Against Possible Workplace Violence,” *Daily Journal of Commerce*, October 22, 2014
- “For Workplace Complaints, the Best Defense is a Good Offense,” *Cascade Business News*, October 15, 2014
- Quoted in “Are Businesses Bad for Hiring Illegal Immigrants?” *The Oregonian*, September 5, 2014
- “For Workplace Complaints, The Best Defense is a Good Offense,” *Oregon Business Magazine*, September 2014
- “BOLI Raises the Stakes,” *Legal & Compliance Excellence Essentials*, July 2014

Representative Publications (continued)

- “BOLI Raises the Stakes on Veterans’ Preference for Public Employers,” Barran Liebman Electronic Alert, June 20, 2014
- “Student Athletes Could...Go...All...The...Way...to the Bank,” Barran Liebman Electronic Alert, March 27, 2014
- “Oregon’s Veterans’ Preference Rule: ‘Take Two,’” Barran Liebman Electronic Alert, February 25, 2014; Republished by *Governor’s Office of Diversity and Inclusion Newsletter*, February 27, 2014
- “The Debate about College Athletes as Employees Moves to the National Labor Relations Board,” Barran Liebman Electronic Alert, February 10, 2013
- “No Gossiping Rule is a ‘No Go’ for the NLRB,” Barran Liebman Electronic Alert, January 13, 2013
- “Oregon Public Employers Get Some Guidance on Bargaining Obligations For Safety Proposals,” Barran Liebman Electronic Alerts, August 22, 2013
- “Lawmakers Target Social Media Rules,” *Daily Journal of Commerce*, May 24, 2013
- “New Law Makes Personal Social Media Accounts Off-Limits for Oregon Employers,” Barran Liebman Electronic Alert, May 17, 2013
- “New Oregon Law Give Veterans a Day Off for Veterans Day,” Barran Liebman Electronic Alert, April 12, 2013
- “Navigating Uncertainty in the Wake of Noel Canning,” *Cascade Business News*, March 21, 2013
- “Time to Dust Off Your New Hire Packet: New Forms I-9 are Here,” Barran Liebman Electronic Alerts, March 8, 2013
- “The NLRB Investigates an Employer’s Moonlighting Policy: Without the Help of Blue Moon Detective Agency, Bruce Willis, or Cybill Shepherd,” Barran Liebman Electronic Alert, February 8, 2013
- “Nonunion Employers in Crosshairs,” *Daily Journal of Commerce*, January 25, 2013; Republished by *Idaho Business Review*, February 1, 2013
- “It’s Baaack! The Employee Free Choice Act’s Arbitration Requirement for an Initial Collective Bargaining Agreement is New and Not So Improved,” Barran Liebman Electronic Alert, January 25, 2013
- “FMLA Leave to Care for Adult Children with Disabilities – New DOL Guidance Clarifies Employee Rights,” Barran Liebman Electronic Alert, January 16, 2013
- “NLRB Overturns a 34-Year Rule: Employers May Be Forced To Turn Over Witness Statements,” Barran Liebman Electronic Alert, January 4, 2013
- “An Oregon Homecare Provider’s Missteps Illustrate the Importance of E-Verify Compliance,” Barran Liebman Electronic Alert, January 2, 2013
- “Metadata and Legal Ethics: Your Obligations and Limitations,” October 2012
- “Do I Have to Bargain That? How to Navigate Proposals from a Union,” February 2011
- “Understanding Disability Retirement in Federal Employment,” January 2011
- “How to Win an Employment Case before the Merit Systems Protection Board,” July 2010

Admitted to Practice

Oregon
 Washington
 U.S. Court of Appeals for the Armed Forces
 U.S. District Court, District of Oregon
 U.S. Supreme Court

Academics

Willamette University College of Law (J.D., 2005)

Willamette University Atkinson Graduate School of Management (M.B.A., 2005)

Willamette University Center for Dispute Resolution (Certificate, 2005)

College of Wooster, Ohio (B.A., 2001)

University of Aberdeen, Scotland, United Kingdom (1998-1999)