

BARRAN LIEBMAN^{LLP}

A T T O R N E Y S

Employment | Labor | Benefits | Higher Education
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SEAN P. RAY

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Sean Ray is an attorney at Barran Liebman LLP, representing management in employment matters. He defends employers against discrimination complaints, sexual harassment lawsuits, and retaliation claims, wage and hour claims, and represents employers in state and district court, as well as before Oregon's Bureau of Labor and Industries (BOLI) and the Washington State Human Rights Commission. In addition to litigation, Sean also works with employers to ensure compliance with changes in the law, including drafting and revising their employee handbooks and providing customized trainings to address harassment and discrimination in the workplace. Sean regularly writes about employment law cases and decisions, and his columns can be found in such publications as the *Portland Business Journal*, the *Daily Journal of Commerce*, and *Oregon Business Magazine*. He often provides on-site employment law training to help businesses

prevent workplace grievances.

Sean is a past Board Member of the Multnomah Bar Association's Young Lawyers Section where he voted as the Multnomah Bar Association's Young Lawyers Section Delegate to the American Bar Association. Additionally, he served as the 2014 Co-Chair of the American Bar Association Young Lawyer Division's Bullyproof Program which received praise for its implementation in the Portland Public School District. In 2011, while serving on the Membership Committee, Sean was awarded the Multnomah Bar Association Young Lawyers Section's Award of Merit for his work with the bar and the community. Sean also served on the Campaign for Equal Justice Associates Committee, and is a past member of the CourtCare Advisory Committee.

Sean received his B.S. in Mechanical Engineering from the University of Portland, and earned his J.D. at the University of Oregon. In addition to being licensed to practice in Oregon, Washington, the U.S. District Court of Oregon, and the Ninth Circuit Court of Appeals, Sean is also a Registered United States Patent Attorney.

Areas of Practice

Appellate Law

Employment Litigation and Employment Law Advice

Higher Education Law

Labor Relations

Non-Competition Agreements and Departing Employee Disputes

On-Site Employment Law Training

Wage and Hour Issues

Representative Matters

Secured a directed verdict at trial defending publishing company against a lawsuit alleging breach of contract, discrimination, and intentional infliction of emotional distress.

Obtained summary judgment in federal court in favor of client on all 14 claims brought by plaintiff, including unpaid overtime, whistleblower retaliation, race and national origin discrimination, sexual harassment, defamation, and intentional infliction of emotional distress.

Successfully defended numerous restaurant and lodging clients against administrative complaints alleging discrimination, sexual harassment, workers' compensation retaliation, whistleblowing, and Oregon Family Leave Act (OFLA) interference before BOLI and the Equal Employment Opportunity Commission (EEOC) resulting in dismissal of the claims.

Obtained summary judgment in state court in favor of client where plaintiff sought damages for breach of fiduciary duty, retaliation, and breach of contract.

Effectively defended a defense verdict on appeal by plaintiff in the Oregon Court of Appeals.

Defended small employer against whistleblowing claims in Formal Charges brought by BOLI on behalf of two former employees. The matter was successfully resolved for an extremely nominal value (3% of what BOLI sought in damages).

Honors

Oregon Super Lawyers Magazine: Rising Star (2016-present)

Graduate of National Institute for Trial Advocacy: Trial Skills (2013)

Multnomah Bar Association: Young Lawyers Section Award of Merit (2011)

Professional Experience & Affiliations

Multnomah Bar Association: CLE Committee, Member (2014-present); Golf Committee, Member (2011-2014)

Multnomah Bar Association Young Lawyers Section: Multnomah Lawyer Articles Editor (2012-present); Board Member (2012-2014); Bullyproof Program, Co-Chair (2014); YLS Summer Social, Host & MC (2012); Membership Committee, Chair (2011-2012); Member (2009-present)

Oregon State Bar Association: Labor & Employment Section, Member (2012-present); Intellectual Property Section, Member (2008-present); Civil Rights Section Executive Committee, Member (2012-2015); Member (2007-present)

Defense Research Institute: Member (2013-present)

Oregon Restaurant & Lodging Association: Member (2012-present)

Oregon Association of Defense Counsel: Member (2012-present)

Court Care Advisory Committee: MBA Young Lawyers, Section Representative (2012-2013)

American Bar Association: Multnomah Bar Association Young Lawyers Section, Delegate (2013-2014)

The Lawyers' Campaign for Equal Justice: Associates Committee, Member (2011-2015)

Oregon Law Reunion Class of 2007: Steering Committee Member

US District Court of Oregon Historical Society: Member

Civic Activities

Ronald McDonald House of Charities: Young Professionals' Friends of the House Board, Member (2015-present)

Representative Presentations

- 2017 WCC Conference: “Navigating Marijuana and the Workplace: An Employment Law Perspective,” Presenter (11/9/17)
- BOLI’s 33rd Annual Employment Law Conference: “Prevention of Harassment & Workplace Clashes,” Presenter (11/7/17)
- Grants Pass & Josephine County Chamber of Commerce Employment Law Series: “Marijuana-Reasonable Suspicion,” (10/24/17)
- Barran Liebman Annual Seminar: “Protection Based On Perception, I Reckon: Exploring The Recent Trend Of Employment Discrimination Claims Based On Employee’s Perceived (But Mistaken) Membership In A Protected Class,” Presenter (10/5/17)
- ORLA Podcast: “The Impact of Immigration Laws on Employers,” Featured Guest, (9/13/17)
- Oregon Society of Certified Public Accountants Not-for-Profit Conference: “Hot Topics & Emerging Trends in Employment Law,” Presenter (5/1/17)
- April 2017 IMA Dinner Event: “Hot Topics in Employment Law,” Presenter (4/18/17)
- 2017 NHRMA Human Resource Academy: “HR Employment Law,” Presenter (4/11/17)
- Grants Pass & Josephine County Chamber of Commerce: “The Post-Election Picture for Employers – Employment Law Series, Part 1,” Presenter (1/25/17)
- Medford & Jackson County Chamber of Commerce: “Helping Businesses Succeed Employment Law Series, Part 1: The Post-Election Picture for Employers,” Presenter (1/24/17)
- PHRMA November Luncheon: “Recent Changes and Emerging Trends in Employment Law,” Presenter (11/16/16)
- 2016 Oregon Society of Certified Public Accountants Business & Industry Conference: “Emerging Trends in Employment Law,” Presenter (10/14/16)
- Southern Oregon Occupational Safety & Health Conference: “Legal Update for HR & Safety Professionals,” Presenter (10/12/16)
- Barran Liebman Annual Seminar: “License and Registration? How Failing to Produce Requested Documents Could Leave You Stranded,” Presenter (10/6/16)
- Klamath Falls Chamber of Commerce: “DOL’s New Overtime Rule: How the Salary Increase for FLSA Exemptions Affect Your Business – Employment Law Series, Part 5,” Presenter (7/27/16)
- Klamath Falls Chamber of Commerce: “Is Your Workplace a Zoo? – Employment Law Series, Part 4,” Presenter (7/27/16)
- Grants Pass & Josephine County Chamber of Commerce: “DOL’s New Overtime Rule: How the Salary Increase for FLSA Exemptions Affects Your Business – Employment Law Series, Part 5,” Presenter (7/26/16)
- Grants Pass & Josephine County Chamber of Commerce: “Dealing with Animals in the Workplace – Employment Law Series, Part 4,” Presenter (7/26/16)
- Medford & Jackson County Chamber of Commerce: “Helping Businesses Succeed Employment Law Series, Part 5: DOL’s New Overtime Rule: How the Salary Increase for FLSA Exemptions Affects Your Business,” Presenter (7/26/16)
- Medford & Jackson County Chamber of Commerce: “Helping Businesses Succeed Employment Law Series, Part 4: Is Your Workplace a Zoo?: Animals in the Workplace,” Presenter (7/26/16)
- Technical Assistance for Employers Program of BOLI- Recordkeeping Requirements Seminar: “OSHA’s New Rule Affects Post-Accident Drug Testing Policies,” Guest Presenter (6/22/16)

Representative Presentations (continued)

- 2016 Rogue Valley SHRM Annual Legal Seminar: “Legislative and Case Law Update,” Presenter (5/18/16)
- 2016 Rogue Valley SHRM Annual Legal Seminar: “Technological Advances Affecting Employment Law,” Presenter (5/18/16)
- Barran Liebman Breakfast Seminar: “Is Your Workplace a Zoo?,” Presenter (5/10/16)
- Oregon Society of Certified Public Accountants Not-for-Profit Conference: “Hot Topics & Emerging Trends in Employment Law,” Presenter (5/2/16)
- Klamath Falls Chamber of Commerce: “Managing Social Media in the Workplace – Employment Law Series, Part 3,” Presenter (4/27/16)
- Grants Pass & Josephine County Chamber of Commerce: “Managing Social Media in the Workplace – Employment Law Series, Part 3,” Presenter (4/26/16)
- Medford & Jackson County Chamber of Commerce: “Helping Businesses Succeed Employment Law Series, Part 3: Managing Social Media in the Workplace,” Presenter (4/26/16)
- 78th Annual Oregon Logging Conference: “Mandatory Sick Leave in Oregon,” Presenter (2/26/16)
- Klamath Falls Chamber of Commerce: “Employer Consideration to Dealing with Marijuana in the Workplace – Employment Law Series, Part 2,” Presenter (1/26/16)
- Grants Pass & Josephine County Chamber of Commerce: “Managing the Impact: Employer Considerations for Dealing with Marijuana in the Workplace – Employment Law Series, Part 2,” Presenter (1/25/16)
- Medford & Jackson County Chamber of Commerce: “Helping Businesses Succeed Employment Law Series, Part 2: Managing the Impact: Employer Considerations for Dealing with Marijuana in the Workplace,” Presenter (1/25/16)
- Grants Pass & Josephine County Chamber of Commerce: “Helping Businesses Succeed – Employment Law Series, Part 1,” Presenter (11/16/15)
- Oregon Association of Orthopedic Executives Fall Conference: “Keys to a Complete Employee Handbook,” Presenter (11/13/15)
- Klamath County Chamber of Commerce: “Paid Sick Leave in Oregon – Employment Law Series, Part 1,” Presenter (10/28/15)
- Medford & Jackson County Chamber of Commerce: “Helping Businesses Succeed Employment Law Series, Part 1: Jackson County Employment Law Seminar,” Presenter (10/27/15)
- theDove TV: “Oregon Work Laws,” On-Air Interview (10/27/15)
- Boly:Welch and Barran Liebman: “Navigating the Complexities of Employee Classification,” Presenter (9/30/15)
- Barran Liebman LLP Annual Seminar: “Bam! Pow! EPLI!” Presenter (9/24/15)
- Rogue Valley SHRM & BBSI Seminar Series: Grants Pass and Medford: “Oregon Statewide Sick Leave,” Presenter (8/11/15)
- Rogue Valley Society for Human Resource Management: “Employment Law Training,” Presenter (5/20/15)
- NHRMA 2015 Oregon HR Academy: “HR & Employment Law,” Co-Presenter (4/14/15)
- Mastering Staff Management for Food & Beverage Entrepreneurs: “Delivering Performance Feedback,” Co-Presenter (4/7/15)
- Mastering Staff Management for Food & Beverage Entrepreneurs: “Hiring and On-Boarding,” Co-Presenter (3/31/15)
- National Business Institute: Employment Law 2014 Comprehensive Guide “Wage and Hour Basics,” Presenter (12/10/14)

Representative Presentations (continued)

Barran Liebman Food For Thought Breakfast Seminar: “Legislative & Case Law Update,” Presenter (12/2/14)

Client Training: “Diversity & Discrimination,” Presenter (10/3/14)

MBA Young Lawyer’s Section CLE: “Navigating Employment Leave Laws,” Presenter (9/25/14)

Barran Liebman LLP Annual Seminar: “Talkin’ Bout My Generation: Leading a Multigenerational Workforce,” Presenter (9/25/14)

Northwest Human Resource Management Association’s 2014 Oregon HR Academy: “HR and Legal Update,” Presenter (4/29/14)

Bridgeport Continuing Education: “Case Law Update,” Presenter (4/9/14)

Employment Law Beyond the Basics – Sterling Educational Service: “Privacy and Social Media in the Workplace,” Presenter (3/6/14)

NW EEO Conference: “Employment Law Update,” Presenter (1/21/14)

ADP Conference: “Legislative and Legal Update: What PR and HR Need to Know for 2014,” Presenter (10/25/13)

Barran Liebman’s 1st Annual Latino Employment Law Seminar: “Social Media,” Presenter (10/24/13)

City of Newberg Mid-Management Training: “Effective Documentation: Performance Evaluation and Discipline,” Presenter (10/17/13)

Oregon State Bar CLE: “Social Media,” Presenter (9/27/13)

Barran Liebman LLP Annual Seminar: “Legislative & Case Law Update,” Presenter (9/26/13)

HR.com Webinar “The Essentials of Wage and Hour,” Presenter (9/23/13)

AGC Columbia-Willamette Chapter Summer Convention: “Top Ten Reasons Employers Get Swept Under the Current,” Presenter (8/9/13)

HR.com Webinar: “Federal Wage & Hour Laws and Issues,” Presenter (5/22/13)

ASQ NW Quality and Improvement Conference: “Why Can’t We All Just Get Along? How to Reduce Workplace Conflict and Successfully Achieve Resolution,” Presenter (5/16/13)

NHRMA Oregon Human Resources Academy: “HR and Employment Law,” Presenter (5/1/13)

Barran Liebman Seminar: “Performance-Enhancing Practices for Employers: Decreasing Employee Absences & Increasing Productivity,” Presenter (4/24/13)

Yakima Valley Human Resources Association: “Managing Social Media Legally,” Presenter (4/16/13)

Yakima Valley Human Resources Association: “Revised I-9 Form Training,” Presenter (4/16/13)

Barran Liebman Seminar: “Performance-Enhancing Practices for Employers: Decreasing Employee Absences & Increasing Productivity,” Presenter (4/14/13)

Northwest EEO: “Labor and Employment Case Law Update,” Presenter (1/9/13)

Barran Liebman LLP Annual Employment, Labor & Benefits Seminar: “The Year’s Update in Labor & Employment Law,” Presenter (9/27/12)

Client Training: “Disability Discrimination in the Workplace,” Presenter (6/26/12)

Worker’s Compensation Educational Conference: “Preventing Workplace Violence,” (11/2011)

LA Conference: “Oregon Insurance Traps,” (11/2011)

Representative Publications

“Are Reasonable Accommodations ‘For the Birds?’” *Daily Journal of Commerce*, March 23, 2018

“Lessons from a Hollywood Sex Scandal,” *Cascade Business News*, November 15, 2017

“Employers and the Eclipse: Are You Prepared for the Path of Totality?,” Barran Liebman Electronic Alert, August 15, 2017

Representative Publications (continued)

- Featured in “Should the Coming Solar Eclipse Block out Work?,” *Society for Human Resource Management*, August 14, 2017
- “Immigration and Employee Documentation: Don’t Let I-9 Audits Put You on Thin Ice,” *Main Ingredient*, May/June 2017
- “Immigration and Employee Documentation: Don’t Let I-9 Audits Put You on Thin Ice,” *Lodging News*, April 17, 2017
- Featured in “Despite Concerns about March Madness Pools, Don’t Shut Them Down,” *Society for Human Resource Management*, March 10, 2017
- “Risky Business: Employers Tracking Employees via GPS,” *Daily Journal of Commerce*, September 22, 2016
- “Department of Labor’s Mandatory Poster Updates,” Barran Liebman Electronic Alert, August 2, 2016
- “OSHA’s New Rule Affects Post-Accident Drug Testing Policies,” Barran Liebman Electronic Alert, June 20, 2016
- “This Just In: Federal Protection for Company Trade Secrets,” *Cascade Business News*, May 18, 2016
- Quoted in “The State of Small Business: Oregon,” *Business News Daily*, April 27, 2016
- “Ninth Circuit Disinvites Back-of-the-House Employees from Tip-Pool Party,” *Expert Guide: Opportunities & Developments – West Coast USA 2016*, A Publication of CorporateLiveWire, April, 2016
- “Ninth Circuit Empties the Pool: Tip-Pooling Agreements Including Back-of-the-House Employees Are Invalid,” Barran Liebman Electronic Alert, February 24, 2016
- Featured in “Safe Bets: Super Bowl Gambling, Monday Absenteeism,” *Society for Human Resource Management*, February 5, 2016
- Featured in “Dealing with Marijuana in the Workplace,” *KOBI 5 News*, January 25, 2016
- Featured in “Risk Management: Hospitality Industry Faces New Threats and Potential Liabilities,” *Lodging News– The Oregon Lodging & Restaurant Magazine*, October/November Issue 2015
- “Why Customers with Service Animals Give the Hospitality Industry a ‘Ruff’ Time,” *Main Ingredient – The Oregon Lodging & Restaurant Magazine*, July/August Issue 2015
- “Security Screening: Time is Not Compensable,” *Legal & Compliance Excellence Essentials*, January 2015
- Featured in “High Court FLSA Ruling on Post-Shift Tasks Gives Health-Care Employers New Guidance,” *BNAs Health Law Reporter*, December 18, 2014
- “US Supreme Court Says Security Screening Time Is Not Compensable,” Barran Liebman Electronic Alert, December 9, 2014
- “Cheerleaders Have Wage Claims, Yes They Do,” *Idaho Business Review*, June 5, 2014
- “We Have Wage Claims, Yes We Do,” *Daily Journal of Commerce*, May 23, 2014
- “Getting ‘OLD’: A Young Lawyer’s Transition from the YLS to the ‘Big’ MBA,” *Multnomah Lawyer*, April 2014
- “The Tip of the IRS-berg: The Misclassification of Mandatory Service Charges,” *Expert Guide by Corporate Livenwire – Opportunities & Developments – West Coast USA 2014*, February 2014
- “Success or Failure? Employer Can Be Liable for Prior Business’s Unpaid Wage Claims As a ‘Successor to the Business,” Barran Liebman Electronic Alert, January 28, 2014
- “IRS Offers Restaurants a Tip: ‘Mandatory Gratuities’ Are Not Tips,” Barran Liebman Electronic Alert, January 9, 2014
- The Developing Labor Law: 2014 Cumulative Supplement*, Contributing Editor, 2014
- Featured in “At Long Last, Wills for First Responders,” *The Oregonian*, October 5, 2013

Representative Publications (continued)

- “Employers Must ‘Think Outside the Box’ When Hiring in Seattle: New ‘Ban the Box’ Ordinance Restricts Use of Criminal Background Checks,” Barran Liebman Electronic Alert, September 13, 2013
- “Pool Maintenance for Employers: Oregon Court Clarifies ‘Tip Pooling Practices,’” *Daily Journal of Commerce*, August 22, 2013
- “Everyone Back in the Pool: Oregon Court Invalidates DOL Regulations Limiting ‘Tip Pools,’” Barran Liebman Electronic Alert, June 28, 2013
- “Hold the Pickets, Hold the Unions?,” *Cascade Business News*, May 16, 2013
- “Litigation at the Crossroads: Sexual Orientation, the First Amendment, and Freedom of Religion,” *Oregon State Bar Civil Rights Newsletter*, March 2013
- “Empty Backfield: Don’t Get Blindsided by Employee Absences the Day after the Super Bowl,” Barran Liebman Electronic Alert, February 1, 2013
- “Why You Should Care About Portland’s Mandatory Sick Leave Proposal,” Barran Liebman Electronic Alert, January 22, 2013
- Contributing Editor, *The Developing Labor Law: 2013 Cumulative Supplement*, 2013
- “Ho, Ho, PTO: Employee Time Off During the Holiday Season,” Barran Liebman Electronic Alert, December 13, 2012
- “Lessons from a Lawsuit: Wage and Hour Reminders from the Darden Class Action,” *Daily Journal of Commerce*, October 25, 2012
- “Wisconsin’s Public Sector Bargaining Reform is Struck Down,” Barran Liebman Electronic Alert, September 19, 2012
- “NLRB Rule Expands Labor Law Rights,” *Oregon Business Magazine Law Journal*, September 2012
- “NLRB Interferes with Employers’ Workplace Investigations,” Barran Liebman Electronic Alert, August 7, 2012
- “EEO – Affirmative Action: Oregon,” *XpertHR.com*, July 2012
- “Hours Worked: Oregon,” *XpertHR.com*, July 2012
- “Minimum Wage: Oregon,” *XpertHR.com*, July 2012
- “Overtime: Oregon,” *XpertHR.com*, July 2012
- “Meal Break Missteps Make Restaurants ‘Targets for Audits,’” *Daily Journal of Commerce*, June 21, 2012
- Featured in “Spotlight on People on the Move,” *Portland Business Journal*, May 11, 2012
- “Arrested Developments: An Update on Employer Use of Criminal Background Checks from the EEOC,” Barran Liebman Electronic Alert, April 30, 2012
- Profiled in “Barran Liebman LLP Continues Strong Duck ‘Tradition,’” *University of Oregon School of Law*, April 23, 2012
- “Taking a Bite Out of Wage and Hour Audits,” Barran Liebman Electronic Alert, April 23, 2012
- “Update: U.S. District Court Declares NLRB Notice Posting Unenforceable,” Barran Liebman Electronic Alert, April 17, 2012
- “Mean Girls at Work: Employer Liability for IIED,” *Corporate Counselor*, Oregon State Bar Corporate Counsel Section, June 2010
- “The Separation of Church and State-ments,” Employment Law Blog
- “Woody Woo & FLSA, Too: Ninth Circuit Affirms Tip Pool Agreement Where Wait Staff Were Paid More Than Minimum Wage,” Employment Blog
- “Supreme Court Says Hertz Has a Lot of Nerve...in New Jersey: U.S. Supreme Court Chooses ‘Nerve Center’ Test for ‘Principal Place of Business’ Evaluation,” Employment Blog

Admitted to Practice

Oregon

U.S. Court of Appeals, Ninth Circuit

U.S. District Court, District of Oregon

Registered United States Patent Attorney

Washington

Academics

University of Oregon School of Law (J.D. with Intellectual Property Law Statement of Completion, 2007): Award of Excellence (Law) Scholarship; Top mark in the Legal Research & Writing Oral Arguments

University of Portland (B.S., 2001): University of Portland President's Scholarship; University of Portland Mini Baja Team Leader and Design Engineer