

BARRAN LIEBMAN^{LLP}

A T T O R N E Y S

Employment | Labor | Benefits | Higher Education
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TYLER J. VOLM

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Tyler Volm's practice focuses on employment litigation, advice, and labor relations. He works with business owners and managers to ensure compliance with changes in the law and defends employers against complaints when they arise. With a background in business law, he has a unique perspective on how an employer's business needs naturally blend with employment law. An experienced litigator, Tyler represents employers in a wide range of industries in state and federal court, and is known for his creative solutions in both the courtroom and board room. In addition, he regularly assists employers with affirmative action compliance. Tyler is the President of the Multnomah Bar Association's Young Lawyers Section Board and a volunteer attorney with the Lewis & Clark Small Business Legal Clinic. He has written for the *Daily Journal of Commerce* and *Legal & Compliance Essentials*, and he frequently speaks on topics such as privacy issues,

affirmative action obligations, and employer testing issues.

A Portland native, Tyler earned his B.A. at the University of Oregon and graduated, *cum laude*, from Lewis & Clark Law School with a Business Law Certificate in 2008. Tyler is licensed to practice in Oregon and Washington, supports Dress for Success Oregon by modeling in the Annual Oregon Women Lawyers Fashion Show, and is a proud member of Barran Liebman LLP's Hood to Coast Team.

Areas of Practice

Affirmative Action Plans

Employment Law Advice & Litigation

Labor Relations

Non-Competition Agreements & Departing Employee Disputes

On-Site Employment Law Training

Representative Matters

Resolved hybrid dispute involving misappropriation of trade secrets by former employee that brought wage claim for alleged unpaid commissions.

Implemented updated affirmative action plan for municipality.

Defended multiple employee complaints filed with Oregon Bureau of Labor and Industries, including claims for racial, sexual, and disability discrimination, sexual harassment, and wrongful termination.

Resolved claim for wrongful termination in federal court involving labor law and federal preemption issues.

Assisted in the negotiation of collective bargaining agreement on behalf of medical provider consortium.

Investigated and resolved claims regarding employee misconduct.

Representative Matters (continued)

Advised non-profit organization regarding statutory exemption to wage and hour laws for certain employees.

Updated employee handbooks involving union and non-union employees.

Drafted non-disclosure and non-solicitation agreement for employer with large amount of proprietary trade secrets.

Successfully transferred wage and hour action brought in Oregon to state listed in forum selection clause of training agreement.

Honors

Oregon Super Lawyers Magazine: Rising Star (2014-present)

Campaign for Equal Justice: Laf-Off Co-Champion (2009); Participant (2009-present)

Lewis & Clark: Small Business Legal Clinic Pro Bono Champion (2011, 2012)

Lewis & Clark: Outstanding 1L Mentor (2010, 2011)

Professional Experience & Affiliations

Multnomah Bar Association Young Lawyers Section: President (2016-present); President-Elect (2015-2016); Secretary (2014-2015); Board Member (2013-present); Member (2008-present)

NW EEO/Affirmative Action Association: Board of Directors (2014-present)

American Bar Association Young Lawyers Division: Tort Trial & Insurance Practice Section - Employment Law & Litigation Committee, Co-Liaison (2014-2015)

Multnomah Bar Association: Professionalism Committee (2014-present); Court Liaison Committee Member (2013-present); Golf Committee Chair (2013-2014)

Oregon State Bar Association Business Law Section Executive Committee: Secretary (2014); Member (2013-present)

St. Andrew Legal Clinic: Race for Justice Planning Committee, Member (2013-present)

Lewis & Clark Law School Recent Graduate Council: President (2011-2013); Member (2011-present)

Lewis & Clark Small Business Legal Clinic: Volunteer Attorney (2008-present)

Gus J. Solomon Inns of Court Executive Committee: Treasurer (2013); Member (2010-present)

Civic Activities

Campaign for Equal Justice: Advisory Board (2014-present); Champion (2013-present)

The City Club of Portland: Member (2014-present)

Big Brothers Big Sisters: Ambassador Board (2014-present); Big Brother (2011-present)

Bustin' Barriers: Board Member (2012-present)

Lewis & Clark Law School: 1L Mentor (2008-present)

Oregon League of Minority Voters: Executive Board Member (2010-2014)

Representative Presentations

Lorman Live Webinar: "Sick Leave Law in Oregon," Presenter (8/22/17)

Barran Liebman Breakfast Seminar: "Ring in the New Year – EEOC Updates for 2017," Presenter (1/27/17)

2016 OSWAHCR Education Day: "Legal Update," Presenter (11/11/16)

National Business Institute's Human Resource Law - What You Need to Know Now: "Wage and Benefit Issues," Presenter (11/9/16)

Representative Presentations (continued)

- National Business Institute's Human Resource Law - What You Need to Know Now: "Is Your Employee Handbook Up to Date?: Essential Components and Sample Policies for Today's Workplace," Presenter (11/9/16)
- Multnomah Bar Association Young Lawyers Section CLE: "Understanding Non-Compete and Non-Solicitation Agreements," Presenter (10/27/16)
- Barran Liebman Annual Seminar: "The NLRB in Your Rearview Mirror May be Closer Than it Appears," Presenter (10/6/16)
- Lorman Live Webinar: "Sick Leave in Oregon," Presenter (8/30/16)
- Oregon Law Institute- Business Law Essentials CLE: "Employment Law for Business Lawyers: What Will Get Your Client Sued?," Presenter (5/20/16)
- 2016 Rogue Valley SHRM Annual May Legal Seminar: "Employee Misclassification and Other Common Wage and Hour Mistakes and How to Avoid Them," Presenter (5/18/16)
- 2016 Rogue Valley SHRM Annual May Legal Seminar: "Joint Employer Liability and Other Developments in Traditional Labor Law," Presenter (5/18/16)
- Multnomah Bar Association Young Litigators Forum 2016: "Discovery," Presenter (2/4/16)
- Oregon Health Care Association: "Recreational Marijuana in the Workplace," Presenter (12/3/15)
- Barran Liebman Food for Thought Breakfast Seminar: "Protecting Company Information in the Age of Mobile Employees," Presenter (12/1/15)
- Barran Liebman's 2nd Annual Latino Employment Law Seminar: "Paid Sick Time Laws," Presenter (10/28/15)
- Lewis & Clark Law School Employment Law Society: "2015 Legislative Update," Presenter (9/29/15)
- Montgomery & Graham Webinar: "Oregon Sick Time Compliance Webinar," Presenter (8/19/15)
- Barran Liebman Eugene Seminar Series: "Paid Sick Time in Oregon," Presenter (8/11/15)
- MBA Professionalism Committee & Oregon New Lawyers Division CLE: "Professionalism," Panelist (6/1/15)
- NW EEO/Affirmative Action Association: "The Legal and Social Implications of Using Social Media in the HR Process," Presenter (5/19/15)
- Oregon State Bar CLE: "Employer Testing: Minimize the Risk, Maximize the Utility," Presenter (4/2/15)
- 6th Annual AGC/NWUCA Safety & Health Forum: "Drug & Alcohol Testing," Presenter (2/27/15)
- National Business Institute: Employment Law 2014 Comprehensive Guide: "Establishing Effective Document Retention Programs," Presenter (12/10/14)
- National Business Institute: Employment Law 2014 Comprehensive Guide: "I Always Feel Like Somebody's Watchin' Me.' Monitoring Employees: Privacy Issues & Employer Risks," Presenter (12/10/14)
- Law Practice Today*: "Being an Active Alum Can Mean A Better Career," Presenter (11/2014)
- American Bar Association Young Lawyers Division Webinar: "First-Year Lawyers: 30 Tips in 30 Minutes," Presenter (9/29/14)
- Oregon New Lawyers Division Practical Civil Litigation Training: "Motion Practice: When & Why to File," Presenter (9/20/14)
- National Association of Contract Administrators: "Meeting the Training Obligations of the VEVRAA (Veterans) & 503 (Disability) Regulations: A New Train the Trainer Program for Federal Contractors," Presenter (6/19/14)
- CLE for the Oregon State Bar: "Copyright Updates," Presenter (2/2014)

Representative Publications

- “Rescission of DACA and the Impact on Employers,” Barran Liebman Electronic Alert, September 6, 2017
- “OP-ED: Confronting controversy and conflict in the workplace,” *Daily Journal of Commerce*, August 24, 2017
- “Oregon Legislature Confirms Overtime Pay Rules for Certain Industry Employers,” Barran Liebman Electronic Alert, July 13, 2017
- “BOLI’s Guidance on Overtime Requirements Overturned,” *Daily Journal of Commerce*, March 23, 2017
- “Update: BOLI’s Revised Guidance on Daily and Weekly Overtime Requirements,” Barran Liebman Electronic Alert, February 9, 2017
- “EEOC Issues Guidance on National Origin Discrimination & Mental Health Accommodations,” *Cascade Business News*, January 18, 2017
- “BOLI Issues Revised Guidance on the Relationship of Daily and Weekly Overtime Requirements,” Barran Liebman Electronic Alert, January 12, 2017
- “The Next Generation,” *Multnomah Lawyer*, December 2016
- “Office Politics: An Office Divided,” *Cascade Business News*, November 16, 2016
- “Updates from the EEOC and DOL,” Barran Liebman Electronic Alert, October 3, 2016
- “Salary Minimum for Exempt Employees May Soon Be Doubled,” *Expert Guide: Labour & Employment- USA 2016*, A Publication of CorporateLiveWire, August, 2016
- “Unionizing Temporary Workers Easier After Recent NLRB Ruling,” Barran Liebman Electronic Alert, July 14, 2016
- “Department of Labor’s New “Persuader” Rule Enjoined by Texas Judge,” Barran Liebman Electronic Alert, June 29, 2016
- “Federal Contractors Will Soon Be Required to Provide Paid Sick Leave,” Barran Liebman Electronic Alert, March 2, 2016
- “Big Changes Coming to Federal Overtime Rules,” *Daily Journal of Commerce*, February 26, 2016
- “Oregon Court of Appeals Provides Guidance on Payment of Final Wages to a Deceased Employee,” Barran Liebman Electronic Alert, November 19, 2015
- “Odds and Ends: Federal Contractor Minimum Wage Increase, Final Rule on Pay Transparency, and Extended EEO-1 Deadline,” Barran Liebman Electronic Alert, October 6, 2015
- “Executive Order Expands Paid Sick Leave to Federal Contractors,” Barran Liebman Electronic Alert, September 9, 2015
- “EEOC Issues Revised Guidance on Pregnancy Discrimination Following Supreme Court Fireworks in *Young v. UPS*,” Barran Liebman Electronic Alert, July 1, 2015
- “FLSA’s Computer Professional Exemption,” *Legal & Compliance Excellence Essentials*, May 2015
- “Do I Have to Pay OT to My IT Department? The Bounds of the FLSA’s Computer Professional Exemption,” *Legal Insight*, April 16, 2015
- “Love is in the Office Air,” *Legal & Compliance Excellence Essentials*, March 2015
- “Final Rule Announced Regarding Change to FMLA Definition of Spouse,” Barran Liebman Electronic Alert, March 5, 2015
- “Employer’s Email System: Can It Be Used to Discuss Protected Activities?,” *Legal & Compliance Excellence Essentials*, February 2015
- “Love Is In the Office Air: Regulating Office Romance,” Barran Liebman Electronic Alert, February 10, 2015
- “What Happens in Vegas Might Not Stay There,” *Daily Journal of Commerce*, January 22, 2015
Legal & Compliance Excellence Essentials, A Publication of HR.com, Guest Editor, January 2015

Representative Publications (continued)

- “Anti-Discrimination Rule Now Includes Sexual Orientation and Gender Identity,” *Legal & Compliance Excellence Essentials*, January 2015
- Model Policies and Forms for Oregon Employers*, Associated Oregon Industries, Co-Editor, 2015
- “NLRB Decision Allows Employees to Use Employer’s Email System to Discuss Protected Activities,” Barran Liebman Electronic Alert, December 11, 2014
- “Anti-Discrimination Rules for Federal Contractors Expanded to Include Sexual Orientation and Gender Identity,” Barran Liebman Electronic Alert, December 4, 2014
- “Being an Active Alum Can Mean a Better Career,” *Law Practice Today*, November 2014
- “Minimum Wage for Federal Contractors,” *Legal & Compliance Excellence Essentials*, November 2014
- “Department of Labor Raises Minimum Wage for Federal Contractors,” Barran Liebman Electronic Alert, October 6, 2014
- “Pregnancy Discrimination Guidance: EEOC Delivers PDA Ahead of Supreme Court’s Due Date,” *Legal & Compliance Excellence Essentials*, August 2014
- “New Executive Order Requires Federal Contractors to Disclose Recent Labor Law Violations,” Barran Liebman Electronic Alert, August 4, 2014; Reprinted in the *Governor’s Office of Diversity & Inclusion Newsletter*, August 5, 2014
- “EEOC Delivers Pregnancy Discrimination Guidance Ahead of Supreme Court’s Due Date,” Barran Liebman Electronic Alert, July 16, 2014
- “Washington State Employer Alert: Barran Liebman Examines Recent Legal Developments,” XpertHR.com, Contributor, May 29, 2014
- “Updating Your Affirmative Action Plans for Veterans & the Disabled,” *Cascade Business News*, May 21, 2014
- “Hot Wings, Chilling Effect,” Barran Liebman Electronic Alert, May 22, 2014
- “TRICARE Subcontractors Receive Five-Year Moratorium on Enforcement of Affirmative Action Obligations,” Barran Liebman Electronic Alert, May 8, 2014; Republished by *Lexology*, May 8, 2014
- “Recent Changes Affect Federal Contractors,” *Daily Journal of Commerce*, April 25, 2014
- “Keeping Track of Keeping on Track: Revising and Recording Your Affirmative Action Plan Training Efforts,” Barran Liebman Electronic Alert, April 16, 2014; Reprinted in *Lexology*, April 16, 2014
- “Student Athletes Could Go All The Way to the Bank,” Barran Liebman Electronic Alert, March 27, 2014; Republished by *Lexology*, March 27, 2014
- “Veterans’ Preference for Private Employers: Proceed with Caution,” Barran Liebman Electronic Alert, March 13, 2014; Republished by *Lexology*, May 13, 2014

Admitted to Practice

Oregon

U.S. District Court, District of Oregon

U.S. District Court, Western District of Washington

Washington

Academics

Lewis & Clark Law School (J.D., *cum laude*, 2008): Scholar List; *Business Law Certificate*

University of Oregon (B.A., English & Political Science, 2005): Dean’s List