



Bryan Benard

Partner

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Bryan is trusted by employers to provide immediate and sound advice on thorny workplace issues and, when necessary, to defend employers in wrongful termination, harassment, and discrimination claims.

His extensive and complex employment litigation experience includes jury trial success, handling significant wage and hour class actions, and EEOC administrative proceedings, in both Utah and California. He regularly counsels clients through employee relations, accommodations and leaves of absence, separations and terminations, reductions in force, employee handbooks and policies, and employment contracts, with extensive background with confidentiality, nondisclosure, non-compete, and non-solicitation provisions. Bryan is known for providing practical guidance to employers as they balance business needs and success with workforce needs and issues.

Bryan also conducts workplace investigations into employee complaints and potential harassment. He frequently conducts highly interactive public and in-house trainings, workshops, and seminars on various employment and labor related issues, including traditional harassment and discrimination prevention, legal compliance, workplace respect, and implementing legally compliant diversity, equity, and inclusion initiatives.

Bryan has broad and relevant experience with several different industries including start-up and tech companies, health and medical fields, oil, gas and mining operations, mortgage/lending institutions, temporary staffing agencies, package delivery and transportation industries, solar, and clients with large sales forces and call centers.

Bryan served as the firm's Employment and Labor Practice Group Leader from 2016 to 2019, and as a member of the firm's five-partner Management Committee from 2011 to 2014. Prior to joining the Salt Lake City office of Holland & Hart in May 2001, Bryan practiced law in Southern California. Bryan is fluent in Spanish. He is also a volunteer speaker on transracial adoptions and related adoption issues for both private and governmental entities.

EXPERIENCE

Employment Litigation

- Class / Collective Actions
- Discrimination, Harassment, and Retaliation (federal / state / local)

PRACTICES

Employment and Labor
Disabilities and Leaves
Wage and Hour
Employment Litigation
Discrimination and Harassment
Trade Secrets and Non-Competes

INDUSTRIES

Outdoor Recreation

EDUCATION

Weber State University, B.A., 1994
cum laude

University of Utah College of Law, J.D.,
1997

Member, Utah Law Review
Finalist, Traynor Moot Court Competition

BAR ADMISSIONS

Utah
California

COURT ADMISSIONS

U.S. Court of Appeals for the Tenth
Circuit
U.S. District Court for the District of Utah
U.S. District Court for the Central District
of California
U.S. District Court for the Eastern District
of California
U.S. District Court for the Southern
District of California
U.S. Supreme Court

Workplace Training

law)

- Breach of Contract
- Employment-related Torts
- Defamation
- Wrongful Discharge / Whistleblower

HR Counseling, Compliance, and Risk Management

- Accommodations, Disabilities, Leaves
- Employment Policies, Handbooks, and Manuals
- Executive Compensation and Employment Contracts
- Employment / Severance Agreements
- Employee Misconduct
- Hiring, Discipline, Performance Evaluations, and Terminations
- Internal Investigations
- OSHA, Workplace Safety, and Emergency Response
- Pay Practices and Independent Contractors
- Policy Violations
- Workplace Privacy and Data Security

Unfair Competition

- Noncompete and Restrictive Covenant Agreements
- Trade Secret Protection / Enforcement

Wage and Hour Compliance

- Audits
- Contractor Classification
- Policies and Procedures
- Response to Government Investigations

PUBLICATIONS

"DOL Issues Final Rule Increasing Salary Limits for Overtime Exemptions – Now What?," *Employment Law Update*, April 29, 2024

"Utah's New Law on Employer Vaccination Policies: What Employers Need to Know," *Holland & Hart News Update*, November 17, 2021

"How to Legally Focus on Diversity, Equity and Inclusion in the Workplace," *Employers' Lawyers Blog*, June 23, 2021

"Considerations for Employers During the "Re-Opening" Phase," *Holland & Hart News Update*, April 30, 2020

"COVID-19: Mass Layoffs/WARN Act Application," *Holland & Hart*

Coronavirus Resource Site, March 20, 2020

"COVID-19: Retaining Employer Discretion to Modify Workplace Policies," *Holland & Hart Coronavirus Resource Site, March 15, 2020*

"COVID-19: Work From Home," *Holland & Hart Coronavirus Resource Site, March 15, 2020*

SPEAKING ENGAGEMENTS

"What's the Status of DEI Initiatives and Private Employers?," *Holland & Hart 2024 Employment Law Seminar, April 11, 2024*

"Hot Topics in 2024 - Workplace Respect in an Election Year | AI and Employment Law | HR Leaders: Business Partners v. Adversaries," *Holland & Hart 2024 Employment Law Seminar, April 11, 2024*

"The Value of Different Perspectives in the Legal Workforce," *Utah State Bar Convention, Panelist, March 15, 2024*

"DEI in Light of the SCOTUS Decision on College Admissions," *Holland & Hart Employment Law Webinar, August 2, 2023*

"Panel: Top 10 Investigation Mistakes," *Holland & Hart 2023 Employment Law Seminar, February 21, 2023*

"Managing Some Chaos: The Interplay of FMLA, ADA, Worker's Compensation, and Short-Term Disability," *Holland & Hart 2023 Employment Law Seminar, February 21, 2023*

"Implementing Legally Compliant DEI Initiatives," *Holland & Hart 2023 Employment Law Seminar, February 21, 2023*

"Diversity Initiatives and Benevolent Employment Discrimination: Mitigating Claims for Well-Intentioned Companies," *Strafford CLE Video Webinar, Panelist, 12/20/2022*

"Implementing Legally Compliant Diversity, Equity & Inclusion Initiatives," *Salt Lake Chamber: Utah's Business Diversity Summit, Co-presenter, 10/28/2022*

"Employment Law Webinar Series - Part 2: The Frightening State of California Employment Law," *Holland & Hart Employment Law Webinar Series, 10/27/2020*

"Hot Topics in Employment Law," *Association of Corporate Counsel, Mountain West Chapter, CLE Webinar, September 23, 2020*

"Navigating COVID-19: How to Save your Business - Workforce Decisions and the CARES Act," *Panelist, David Eccles School of Business, 04/07/2020*

"Wage and Hour Traps," *Moderator, Holland & Hart's 2019 Utah Employment Law Seminar, October 2019*

"Workplace Violence/Emergencies," *Panelist, Holland & Hart's 2019 Utah Employment Law Seminar, October 2019*

"Guarding Against Retaliation Claims," *Holland & Hart's 2019 Utah Employment Law Seminar, October 2019*

RECOGNITION

- *The Best Lawyers in America*® Lawyer of the Year, Employment Law – Management – Salt Lake City, 2015; Labor Law – Management – Salt Lake City, 2022, 2024
- Labor and Employment Attorney of the Year, Utah State Bar Labor & Employment Section, 2017
- *Chambers USA*, Labor & Employment, 2005-2024, Rated Band 1 since 2005
- President's Award for Excellence, The Salt Lake Chamber, 2016
- *The Best Lawyers in America*®, Labor and Employment Law 2008-2011; Employment Law – Management, Labor Law – Management, Litigation – Labor & Employment, 2011-2024
- *Benchmark Labor & Employment*, Labor and Employment Star West, 2019-2024
- Mountain States Super Lawyers®, Employee Litigation: Defense, 2010-2023
- *Utah Business Magazine*, Utah Legal Elite, Labor and Employment, 2004-2024
- Martindale-Hubbell®, Top Rated Lawyer, Labor & Employment, 2013
- Martindale-Hubbell®, AV Preeminent® Rating
- Listed in *Corporate Counsel Magazine's* Annual Guide to Labor & Employment Law
- Mountain States Super Lawyers® Rising Stars, Employee Litigation: Defense, 2008-2009

PROFESSIONAL AND CIVIC AFFILIATIONS

- Weber School Foundation, Board Member
- South Ogden City, Elected City Council Member 2010-2018
- American Bar Association, Member
- California State Bar Association, Member
- Utah State Bar Association, Member
- Utah State Bar Test Accommodations Committee
- Salt Lake County Bar Association, Member