



Bradford Williams

Of Counsel

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Brad Williams litigates labor and employment disputes on behalf of employers before administrative agencies and state and federal courts.

Clients trust Brad to protect their immediate and long-term business interests through compelling advocacy and strategic negotiation. In addition to his employment-related work, Brad arbitrates labor grievances, defends unfair labor practice charges, and counsels employers on traditional labor law matters.

Prior to joining Holland & Hart, Brad completed clerkships with the Honorable Edward W. Nottingham, Chief Judge for the U.S. District Court for the District of Colorado, and the Honorable Christine M. Arguello, U.S. District Court Judge for the District of Colorado. Before law school, he was a Boettcher Foundation Scholar and attended both Colorado College and Harvard University.

PRACTICES

Labor and Employment
 Labor and Management Relations
 Employment Litigation and Class Actions
 Discrimination, Harassment, Retaliation, and Litigation
 HR Counseling, Compliance, and Risk Management
 Accommodations, Disabilities, Leaves

EDUCATION

University of Colorado School of Law, J.D., 2007
 Order of the Coif
 Associate Editor, *University of Colorado Law Review*
 Member, Rothgerber Moot Court Team
 Harvard College, B.A., 2001
magna cum laude
 Recipient, John Harvard and Harvard College Scholarships
 Captain, Nordic Ski Team

BAR ADMISSIONS

Colorado

EXPERIENCE

Employment Litigation and Class Actions

- Discrimination and Retaliation (Agency and Court Proceedings)
- Disability, Accommodations, and Leaves
- Wrongful Termination / Public Policy Discharge
- Breach of Contract
- Non-Competes and Trade Secrets
- Wage and Hour
- Administrative Proceedings (USDOL, CDLE, CCRD)
- Appeals from Administrative and Court Decisions

HR Counseling, Compliance, and Risk Management

- Workplace Investigations
- Disabilities, Accommodations, and Leaves
- Worker Classifications and Pay
- Employment Contracts
- Employment Policies and Handbooks
- Non-Competes / Trade Secret Agreements

Union Campaigns, Collective Bargaining, and Labor Arbitrations

- Representation and Decertification Elections
- Unfair Labor Practice Charges
- Collective Bargaining
- Labor Grievances

CLIENT RESULTS

Union Campaigns, Collective Bargaining, and Labor Arbitrations

Successful Defense of National Brewing Company Against Wage Complaints and Litigation (2018). Successfully defended national brewing company against administrative complaints and litigation arising from vacation payouts. Won dismissal of all complaints and litigation on federal preemption grounds following related labor arbitration.

Successful Defense of National Airline in Pilot Scheduling Case (2016). Successfully defended national airline in labor arbitration brought by pilots' union in case involving pilot scheduling. First-chaired labor arbitration and won dismissal of pilot union's grievances.

Advice to School Districts in Labor Disputes (2012-Present). Advised two school districts in disputes with teachers' unions and helped districts navigate bargaining and related obligations under Colorado Industrial Relations Act and other statutes.

Successful Arbitration of Disciplinary Grievances for Airline, Steel, and Aggregate Materials Companies (2009-Present). Successfully defended the terminations of multiple airline, steel company, and aggregate materials company employees in labor arbitrations brought by the Teamsters, United Steelworkers, and other unions. First-chair arbitration experience.

Successful Defense of Health Care Company in Section 301 Action (D. Colo. 2012). Drafted briefing that won summary judgment confirming an arbitration award in face of Section 301 challenge brought by UCFW; sustained a nurse's termination for cause.

Successful Defense of Crane, Security, Construction Contractor, Aggregate Materials, and Other Companies in Unfair Labor Practice Charges (2011-Present). Obtained dismissal or favorable settlement of unfair labor practice charges brought against crane, security, construction contractor, aggregate materials, and other companies based on conduct ranging from employee terminations to alleged violations of bargaining obligations.

FLSA / State Wage and Hour Class and Collective Actions

Successful Defense of Oil and Gas Company in Overtime Class / Collective Action (D. Colo. 2018). Secured order denying conditional class certification to putative class of oilfield service workers in state and federal wage and hour class / collective action.

Successful Defense of Oilfield Service Company in Overtime Class Action (D.N.M. 2017). Won summary judgment dismissing state wage and hour claims brought by a class of truck drivers against an oilfield service company claiming the drivers were entitled to overtime under New Mexico wage and hour law.

Successful Defense of Steel Company in Donning and Doffing Collective Action (D. Colo. 2012). Helped defend FLSA collective action pertaining to donning and doffing of protective equipment at steel mill. Deposed multiple plaintiffs, coordinated complex discovery, and helped secure favorable settlement.

Discrimination, Harassment, Retaliation

Successful Defense of Package Delivery Company in Race Discrimination Case (10th Cir. 2018). Drafted briefs, conducted oral argument, and won appeal upholding summary judgment on employee's race discrimination and harassment claims against package delivery company. Case settled issue of first impression in 10th Circuit regarding performance improvement plans.

Successful Defense of Bakery Company in Race Discrimination Case (Colo. Dist. Ct. 2016). Won summary judgment dismissing temporary worker's race discrimination claims on basis of worker's failure to timely report the alleged harassment or prove sufficiently severe or pervasive harassment. Upheld victory upon appeal (Colo. Ct. App. 2017) and on res judicata grounds in subsequently refiled lawsuit (Colo. Dist. Ct. 2018).

Successful Defense of Bakery Company in Hostile Work Environment Case (D. Colo. 2016). Successfully defended producer of brand-name bread products in hostile work environment case. Won favorable partial summary judgment and motion in limine rulings and helped secure favorable settlement for client.

Successful Defense of Mining Company in Disability and Age Discrimination Case (D. Colo. 2014). Won summary judgment dismissing underground miner's disability and age discrimination claims based on an OWBPA-compliant release the miner signed as part of a reduction-in-force.

Successful Defense of Mining Company in Wrongful Termination and Failure to Accommodate Case (D. Colo. 2014). Won summary judgment dismissing miner's wrongful termination and failure to accommodate claims due to his inability to prove he was qualified to work with any reasonable accommodation.

Successful Defense of Foodservice Distributor in Age Discrimination Case (D. Colo. 2013). Won summary judgment dismissing delivery truck driver's age discrimination and breach of contract claims on basis of company's good faith investigation into the driver's truck accidents, and his failure to report the same.

Successful Defense of Apartment Community Owner in Multi-Plaintiff Race Discrimination Case (N.D. Cal. 2011). Drafted briefing that won summary judgment dismissing most race discrimination claims brought against an

apartment community owner on basis that the owner was not the plaintiffs' "employer" for purposes of a joint venture to rehabilitate certain apartment communities.

Successful Defense of Auto Dealer, Oilfield Service, Advertising Agency, and Other Companies in Charges of Discrimination (2009-Present). Successfully defended auto dealer, oilfield service, advertising agency, and other companies against charges of discrimination filed with state and federal agencies.

Breach of Contract / Wrongful Discharge

Successful Defense of Global Watch Manufacturer in Breach of Contract Case (Colo. Dist. Ct. 2017). Won dismissal of employee's breach of contract case against global watch manufacturer based on employee's failure to sufficiently allege alter ego facts or properly serve the appropriate corporate entities.

Successful Defense of Recycling Systems Manufacturer in Sales Commission Case (Colo. Cty. Ct. 2017). Successfully negotiated former employee's voluntary dismissal of breach of sales commission agreement claims based on res judicata, prior release, and other bases.

Successful Defense of Golf Club Entity in Wrongful Termination Case (Colo. Dist. Ct. 2015). Won order dismissing wrongful termination case against entity comprised of golf club members on basis that terminated employee failed to give the entity, which he claimed was his employer, timely notice of the lawsuit.

Other Employment Litigation and Appeals

Successful Defense of Equipment Manufacturer's Vacation Policy (Colo. Dist. Ct. 2018). Won administrative appeal to Colorado District Court upholding equipment manufacturer's right to withhold vacation payouts under terms of vacation policy. Case settled issue of first impression in Colorado regarding interpretation of the Colorado Wage Protection Act of 2014.

Successful Prosecution and Defense of Appeals (2014-Present). Successfully defended and prosecuted multiple appeals before state and federal appellate courts, including in race discrimination and retaliation cases, unemployment insurance benefits cases, and a pro bono family law case. In pro bono family law case, reduced child support award against parent by two-thirds.

Successful Defense of FINRA-Associated Person in Interference with Contract Case (Colo. Dist. Ct. 2015). Won order compelling FINRA arbitration of lawsuit against FINRA-associated person; defeated plaintiff's argument that employment-related torts allegedly committed by FINRA-associated person were properly subject to lawsuit as opposed to arbitration.

Successful Defense of Auto Brokerage Companies in Tax Liability Case (2013-2014). Crafted unique argument that auto brokerage company

workers were “direct sellers” under state and federal tax law and thus not covered “employees” for purposes of companies’ unemployment insurance tax liability.

PUBLICATIONS

"Governor Polis Signs New Paid Sick Leave Law for All Colorado Employees," *Holland & Hart News Update*, 07/14/2020

"CO Department of Labor and Employment Adopts New Wage and Hour Rules," *Holland & Hart News Update*, 01/27/2020

"Expansive New Overtime and Minimum Pay Requirements Coming for Most Colorado Employers," *Holland & Hart News Update, Employers' Lawyers Blog*, Co-Author, 12/04/2019

"New Colorado Employment Laws from 2019 Legislative Session," *Colorado Employment Law Letter and Employers' Lawyers Blog*, June 2019 & August 2019

"Sending An Employee Home for a Medical Flare-Up," *Colorado Employment Law Letter*, May 2019

"Handling Emotional or Distressed Employees in the Workplace," *Colorado Employment Law Letter*, March 2019

"Avoiding Age Discrimination Claims When Offering Early Retirement Incentives," *Colorado Employment Law Letter*, January 2019

"The Developing Labor Law," *BNA*, 2015-2018 Supplements

"How Drug Testing in the Workplace is Affecting Employers and Employees," *Colorado Bar Association – Employment Law How-to Hot Topics*, April 2018

"Colorado Bill Will Give Employees Right to Review Their Personnel Files," *Holland & Hart News Update*, June 22, 2016

"Court Invalidates NLRB's 'Ambush Election' Rule," *Holland & Hart News Update*, Co-Author, May 15, 2012

"Interns v. Volunteers—"Free" Labor Under the FLSA?," *HRinsight*, January 2012

"*Wal-Mart v. Dukes* Redux: The Future of the Sprawling Class Action," *The Colorado Lawyer*, Co-Author, September 2011

"Supreme Court Sets High Bar for Class Certification," *HRhero.com*, June 2011

"What's Your Disability?," *ColoradoBiz*, Co-Author, May 2011

"The Sprawling Class Action After *Dukes v. Wal-Mart*: Unsettled Questions," *The Colorado Lawyer*, Co-Author, May 2011

"You Might Just Find... You Get What You Need – A Practical Guide to Finding and Managing Disability Accommodations," *American Bar Association - 4th Annual Section of Labor & Employment Law Conference*, Co-Author, November 2010

"Student Interns: To Pay or Not to Pay?," *Colorado Employment Law Letter*, June 2010

SPEAKING ENGAGEMENTS

"2020 Reopening the Workplace Virtual Conference: Navigating the New Reality of COVID-19," *BLR—Business and Legal Resources Webinar*, May 21, 2020

"COVID-19 "Return to Work" Considerations from an Employment Law and Benefits Law Perspective," *Holland & Hart and Association of Corporate Counsel Colorado Chapter (ACC) Webinar*, 05/12/2020

"Hot Topics in Federal and Colorado Employment Law," *2019 Holland & Hart Colorado Employment Law Update*, September 18, 2019

"Why Should They Cooperate? Subpoenas and Third-Party Discovery," *CBA-CLE*, October 16, 2018

"Hot Topics in Federal, Immigration, and Colorado Employment Law," *Panelist, 2018 Holland & Hart Employment Law Update*, September 13, 2018

"How Drug Testing in the Workplace is Affecting Employers and Employees," *Colorado Bar Association Labor & Employment Law Section*, April 20, 2018

"NLRB Changes It's Course: What You Need To Do," 02/06/2018

"Wage Jeopardy: New OT Exemptions, Colorado Wage Law, Class Actions, and More," *Holland & Hart Employment Law Update*, May 2016

RECOGNITION

- Colorado Super Lawyers® Rising Stars, Employment & Labor, 2014-2019

PROFESSIONAL AND CIVIC AFFILIATIONS

- American Bar Association, Member
- Colorado Bar Association, Member