



Daniel P. Hurley

Partner

Seattle
+1.206.370.8172

daniel.hurley@klgates.com

OVERVIEW

Daniel Hurley's practice focuses on employment and labor issues. He represents employers in individual and class action disputes, including claims of wage and hour violations, employment discrimination, wrongful termination, and breach of contract. Daniel also counsels employers regarding employee relations, employment practices and procedures, compliance with employment and labor laws, and the employment aspects of business transactions. Daniel represents a wide range of employers in the private and public sectors, including large international corporations, start-ups, non-profit organizations, school districts, and state and local governments.

LITIGATION

Daniel frequently represents management in litigation in federal and state courts and in private arbitration, as well as in disputes before the Equal Employment Opportunity Commission, the Washington State Human Rights Commission, the Seattle Office of Civil Rights, the National Labor Relations Board, and other federal, state, and local agencies. Daniel has significant experience defending employers in class, collective, and multi-plaintiff actions, such as those involving claims of wage and hour violations and discrimination. Daniel also represents employers in cases involving non-disclosure, non-solicitation, and non-competition agreements with employees, as well as the protection of trade secrets and other confidential information. He is experienced in all phases of disputes, from early investigation, to litigation, and through trial, as well as the successful defense of favorable judgments on appeal.

ADVICE AND COMPLIANCE

Daniel counsels management on a wide array of employment-related topics. He regularly drafts and reviews employment-related documents, including employee handbooks, incentive compensation plans, employment offer letters and agreements, non-compete, non-solicitation, and non-disclosure agreements, severance agreements, staffing agency agreements, and independent contractor agreements. Daniel serves as primary employment counsel for a number of clients, providing advice on day-to-day compliance issues such as hiring practices, employee management, investigation of employee complaints, compliance with federal, state, and local leave laws, employment terminations and reductions in force, and the drafting and negotiation of employment agreements, restrictive covenant agreements, and separation agreements. Daniel also regularly partners with the

firm's corporate practice group to assist clients with the range of employment considerations that arise in connection with mergers and acquisitions.

PROFESSIONAL BACKGROUND

In addition to his work for K&L Gates, LLP, Daniel has previously worked as in-house counsel addressing employment-related legal matters for an international distribution company. During law school, Daniel worked as a judicial extern in the chambers of the Honorable Ann Aiken of the United States District Court for the District of Oregon.

Prior to attending law school and joining the firm, Daniel was a social studies and language arts teacher for a public middle school in Raleigh, North Carolina.

Daniel, his wife Molly, and their two young children, enjoy exploring the northwest, rain or shine. Having called the northwest home since leaving North Carolina in 1999, Daniel presumes that the day when he is accustomed to the gray and rainy weather is still just around the corner.

ACHIEVEMENTS

- Listed, *The Best Lawyers in America*, since 2018
- Recognized as a Washington "Rising Star" by Super Lawyers (2006-2007, 2009-2012)
- Nominated as a finalist for Outstanding Mentor Award in 2016 by members of King County Bar Association Young Lawyers Division
- Acted as Special Deputy Prosecuting Attorney for the King County Prosecuting Attorney's Office in felony jury trials during six-week fellowship in 2009

PROFESSIONAL / CIVIC ACTIVITIES

Daniel's experience as an employment attorney enables him to regularly provide pro bono services to a wide variety non-profit organizations, including by reviewing and revising employee handbooks and other policies, providing day-to-day advice regarding compliance with employment laws, and drafting and negotiating employment and separation agreements.

SPEAKING ENGAGEMENTS

- Survey of Washington Employment Libel Law, MLRC 50-State Survey: Employment Libel & Privacy Law, Survey updates 2015 through 2019
- Podcast, "Working Wise: Navigating State and Local Paid Sick Leave Laws," A HUB Talks Podcast, March 2018
- Speaker, "Status Classification: Exempt vs. Nonexempt," Lorman Education Services

- Speaker, “Gone But Not Forgotten: Managing Family and Medical Leaves in Washington,” K&L Gates, LLP, Breakfast Briefing
- Speaker, “Documentation Requirements When Hiring Employees,” Lorman Education Services
- Speaker, “State and Federal Posting Requirements: What to Post and Where,” Lorman Education Services
- “Payroll Fundamentals: Basic Principles to Help You Manage the Payroll Process,” Lorman Education Services
- Co-Speaker and Presenter, “Banks v. City of Ocean Shores: Another Chapter in the Fee vs. Tax Saga,” Washington Public Utility Districts Association Municipal and Public Utility District Attorney CLE Conference, December 2010

EDUCATION

- J.D., University of Oregon School of Law, 2002 (*Articles Editor Oregon Law Review*)
- B.S., Appalachian State University, 1992

ADMISSIONS

- Bar of Washington

THOUGHT LEADERSHIP POWERED BY HUB

- 10 December 2020, Looking to 2021: Top Labor & Employment Considerations for Washington Employers (*Webinar*)
- 6 April 2020, COVID-19: Department of Labor Publishes Temporary Rules for the Implementation of the FFCRA (*Alerts/Updates*)
- 6 February 2020, Washington’s Workforce Mobility Law Goes Live: A Seven-Question Assessment for Startups and Growth Companies (*Alerts/Updates*)
- 19 March 2018, Working Wise: Navigating State and Local Paid Sick Leave Laws (*Podcast*)

AREAS OF FOCUS

- Labor, Employment, and Workplace Safety
- Class Action Litigation Defense
- Employment Disputes and Investigations
- Employment Issues in Business Transactions
- Human Resource Advice and Compliance

- IP Litigation
- Wage and Hour

REPRESENTATIVE EXPERIENCE

- Representation of Fortune 500 company in class action alleging violations of minimum wage and overtime pay laws based on theory that class members were jointly employed by company and labor service provider. Obtained dismissal of lawsuit on procedural grounds.
- Representation of nationwide retailer in defense of claims of discrimination and retaliation by former employee. Obtained summary judgment and successfully defended employee's appeal. Subsequently obtain summary judgment in second lawsuit brought by same employee and successfully defended employee's appeal.
- Representation of nationwide retailer in defense of class action complaint brought by employees alleging misclassification of quality assurance employees as exempt from minimum wage and overtime pay requirements. Negotiations resulted in the employee amending complaint to drop the class action claims and subsequent individual settlement.
- Representation of nationwide retailer in defense of class action complaint asserting that employees must be paid for time spent donning and doffing work apparel. After extensive investigation and litigation, negotiated a class-wide settlement.
- Representation of Fortune 500 company in class action alleging violations of minimum wage and overtime pay laws and related administrative charges filed by more than 150 putative class members. After a detailed analysis of facts and law and extensive negotiations, reached a class-wide settlement and separate resolution of all administrative charges.
- Representation of Fortune 500 company and two individual defendants in a 25-plaintiff employment discrimination action involving allegations of discrimination and wrongful termination. After a seven-week trial, the jury returned a complete and unanimous verdict in favor of the defense. Represented clients in successful defense of plaintiffs' appeal.
- Representation of municipality in defense of a class action brought by a group of property owners challenging the legality of a city ordinance that required property owners to pay a regulatory fee for the city's storm and surface water system, alleging that the fee was statutorily invalid and amounted to an unconstitutional tax. Obtained a unanimous jury verdict in the city's favor at trial and successfully defended the plaintiffs' appeal of that verdict.
- Representation of company in a nationwide FLSA collective action asserting claims for off-the-clock work and for minimum wage violations arising out of a challenge to the company's incentive compensation plan. Defeated class certification of the off-the-clock issue and subsequently obtained dismissal of challenge to the design of the incentive compensation plan.