

**RICHMOND, VIRGINIA**

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PRACTICE AREAS:

[Labor & Employment](#)

[Litigation](#)

[Hospitality](#)

STATE ADMISSIONS:

Virginia

COURT ADMISSIONS:

U.S. Court of Appeals for the Fourth Circuit

U.S. District Court for the Eastern District of Virginia

U.S. District Court for the Western District of Virginia

U.S. Bankruptcy Court for the Eastern District of Virginia

U.S. Bankruptcy Court for the Western District of Virginia

EDUCATION:

J.D., University of Virginia School of Law, 1986

B.A., with distinction, George Washington University

Karen S. Elliott

MEMBER

Karen Elliott focuses her practice on labor and employment law and commercial litigation matters. She strives to provide practical legal advice to help employers craft reasonable business solutions for their human resource challenges. Her clients span all sizes, from start-ups to the Fortune 500, in industries ranging from nursing homes, physician practices, and health and rehab centers to construction, travel and entertainment, fast food, and retail. In recent years, Karen has been hired by employers and law firms to serve as an independent investigator for employers facing complex and serious discrimination claims.

As a labor and employment lawyer, Karen helps clients navigate the alphabet soup of the 40 or more employment laws from the ADA, FMLA, GINA, OSHA to USERRA, and the myriad federal agencies such as DOL, EEOC, and NLRB. Because Karen is a trial lawyer, she understands the complexities involved in going to court, and helps clients work to resolve issues before they become legal issues. But as an experienced trial lawyer, she knows how to navigate agency investigations as well as courtroom drama. Karen empathizes with businesses facing difficult employment issues. She has firsthand experience from when she had to act on her own legal advice while serving as president of a not-for-profit when its business office staff walked out. She understands that the legal answer is not always the practical business solution.

Karen dedicates time each day to honing her legal skills and keeping up with the fast-changing area of labor, employment, and benefits law. She has been recognized with an AV preeminent peer rating from Martindale Hubbell. This is its highest level rating for professional excellence for both ethical standards and legal experience. She is also proud to claim similar recognition from *Best Lawyers*, *Super Lawyers*, and *Virginia Business* magazine's "Legal Elite."

REPRESENTATIVE MATTERS

- Author, amicus brief successfully supporting at-will employment decision in Virginia on behalf of The Society of Human Resource Management, the Virginia Society for Human Resource Management State Council, the Virginia Chamber of Commerce, Virginia Assisted Living Association, Virginia Retail Merchants Association, and the Virginia Restaurant Lodging and Travel Association *Brenda Johnston v. Wood & Assoc., Inc.*, William E. Record No. 151160.

- Non-compete advice and litigation: Prevailing party in KBH Corp. v. David R. McGeorge Car Co. et al. Virginia Supreme Court Record No. 080371 (Va. Dec 12, 2008)(unpublished order).
- Independent investigator for complex discrimination claims.
- Equal Employment Opportunity Commission (EEOC) Position Statement investigation, defense development, and statement preparation regarding employment law claims across a wide variety of industries including health care, hospitality, construction, travel, and retail industries.
- National Labor Relations Board (NLRB) Position Statement investigation, defense development, and statement preparation against Unfair Labor Practice Charges across a variety of industries, including construction and fast food.
- Federal Court defense of employment discrimination claims, including Age Discrimination in Employment Act, Americans with Disabilities Act, Family and Medical Leave Act, Title VII, 42 USC §1981, retaliation, and whistleblower claims, across a wide variety of industries.
- Unemployment defense before the Virginia Unemployment Commission.
- Fair Labor Standards Act (FLSA) single plaintiff and class action defense. FLSA classification advice.
- Drafting employment contracts, independent contractor agreements, handbooks, drug policies.
- Coaching for terminations and management training for litigation and union avoidance.
- Litigating workplace privacy and security issues regarding theft of trade secrets.

PROFESSIONAL AFFILIATIONS

- Virginia Chamber of Commerce
 - Labor and Employment Subcommittee Chair, under the Business Climate Industry Council (2014-present)
 - Committee on Management Relations and Business Task Force
- Society of Human Resources Management, Member (2001 – present)
- ACG Richmond, Inc., Former Board of Directors and LEAD Committee Chair (Leadership Education and Development)
- Richmond Society for Human Resource Management, Legislative Affairs Director (two year terms, 2019-2021; 2021-2023)
- City of Richmond Bar Association, Former Board Member
- Society of Human Resources State Council, Former Legislative Director
- Metropolitan Richmond Women’s Bar Association, Past President

COMMUNITY INVOLVEMENT

- Daily Planet Health Services, pro bono work (2020-present)

- Senior Connections, pro bono work (2020-present)
- Legal Information Network for Cancer, pro bono work (2012-2022)
- Fox Hall Home Owners Association, Past President (2008-2009)
- Children's Home Society of Virginia, Former Board Member (1993 – 2006)
- NOVA of Virginia Aquatics, Inc., Past President (2006 – 2007)

AWARDS AND RECOGNITION

- Selected to serve on the 2022 Overtime Work Group; appointed by Virginia Secretary of Labor, G. Bryan Slater
- Selected for inclusion in The Best Lawyers in America – Employment Law – Management; Labor Law – Management (2013-2023)
- Selected for inclusion in Virginia Super Lawyers
- Selected for inclusion in Virginia Business magazine's "Legal Elite" for Labor and Employment
- Attained an AV® Preeminent™ rating from Martindale-Hubbell

NEWS AND INSIGHTS

PUBLICATIONS

- ["Virginia 2022 Legislative Update,"](#) Eckert Seamans' Labor & Employment Update, April 12, 2022.
- ["Virginia's New COVID-19 Rules,"](#) Eckert Seamans' Legal Update, April 11, 2022.
- ["Comply or Get Swamped: New Virginia Laws That All Businesses Must Understand For July 2021,"](#) Eckert Seamans' Legal Update, June 16, 2021.
- ["COVID-19 LEGAL UPDATE: Virginia Governor Ralph Northam's Executive Order No. 72,"](#) December 11, 2020.
- ["Virginia Employment Law: Checklist for 2021,"](#) Eckert Seamans' Labor & Employment Alert, December 7, 2020.
- ["The New Pitfalls Of Employment Misclassification for Virginia Employers,"](#) co-author, Mealey's Litigation Report: Employment Law, August 2020.
- ["New Virginia Laws Seek to Convert Independent Contractors to Employees,"](#) May 18, 2020.
- ["COVID-19 Legal Update: Virginia Executive Order Nos. 53 and 55,"](#) March 31, 2020.
- ["An Employer's Response to Coronavirus,"](#) Eckert Seamans' Labor & Employment Alert March 3, 2020.
- ["INSIGHT: Website Accessibility and the ADA—Is Your Business Ready?"](#) Bloomberg Law, November 2019.
- ["New Limitations on Nondisclosure Agreements in Virginia,"](#) Eckert Seamans' Labor & Employment Update, July 2019.
- ["Six Important HR Issues for 2019,"](#) Eckert Seamans' Labor & Employment Update January 2019.
- "Letting the (Service) Dogs In: Where Public Safety and Anti-

Discrimination Laws Meet,” co-author, Modern Restaurant Management, March 2017.

- [“New I-9 Form.”](#) Eckert Seamans’ Labor & Employment Alert January 2017.
- [“What you should know about that dog flying in the seat behind you.”](#) co-author, The Washington Post, December 27, 2016.
- “New Overtime Rule Will cause Pay Continuity and Predictability Issues for Employee and Employers,” Today’s Restaurant, November 2016.
- [“New Overtime Rule Blocked But Questions Remain.”](#) Eckert Seamans’ Labor & Employment Alert, November 2016.
- “‘I Quit’ and ‘You’re Fired’ Require No advance Notice,” Virginia Human Resources Today, Summer/Fall 2016.
- [“Be Mindful of Legal Obligations When Implementing an Age-Positive Culture,”](#) HR News Magazine, June 2016.
- [“Managing Workforce Risks in 2016 – New Laws, New Trends, New Strategies.”](#) Eckert Seamans’ Labor & Employment Alert December 2015.
- [“Feds Target Effective Communication Enforcement.”](#) Richmond Academy of Medicine Newsletter, February 2015.
- “Employers face new era of ADA compliance issues,” Virginia Lawyers Weekly, March 10, 2014.

MEDIA COVERAGE

- [“Spike in ‘quiet quitting’ rocks job industry as pandemic fades,”](#) The Washington Times, September 13, 2022.
- [“Punching In: Biden’s Shot Mandate Plunges OSHA Into Culture Wars,”](#) Bloomberg Law, September 21, 2021.
- [“OSHA’s Planned Covid Vaccine Rule Has Firms Asking, What’s Next?”](#) Bloomberg Law, September 10, 2021.
- [“When will there be enough herd immunity to return to the workplace?”](#) NPR Marketplace Morning Report, March 23, 2021.
- [“Coping With A Pandemic: Eckert Seamans’ Karen Elliott.”](#) Law360, August 7, 2020.
- [“Virginia mandates COVID-19 workplace precautions,”](#) Virginia Lawyers Weekly, July 2020.
- [“When is it safe to go back to work?”](#) NPR Marketplace Morning Report, May 11, 2020.
- [“3 Lessons to Help Supervisors Handle Employee Requests,”](#) HR Dive, March 2020.
- [“Pronouns Spur Fight Over Transgender, Religious Work Rights \(1\),”](#) Bloomberg Law, February 2020.
- [“‘You Better Be Paying Attention’: Attorneys Discuss Collision of Biometrics and Law,”](#) Daily Business Review, January 2020.
- [“To hug or not to hug: A 5-step guide to embracing at work,”](#) CNN Business, July 2019.
- [“Emojis are increasingly coming up in court cases. Judges are struggling with how to interpret them,”](#) CNN Business, July 2019.
- [“Should you text with your boss?”](#) CNN Business, May 24, 2019.
- [“Workers need to practice safe texts – or risk getting fired.”](#)

Moneyish, September 2018.

- [“The Good, the Bad, and the Ugly of Take Your Dog to Work Day,”](#) TLNT Online, June 2018.
- [“Is your job going to the dogs for Take Your Dog to Work Day? If so, read this first,”](#) Corp! Magazine, June 2018.
- [“How to Shut Down Workplace Sexual Harassment,”](#) U.S. News & World Report, January 2018.
- “Companies Hit by Sex Misconduct Target the Dreaded Holiday Party,” Bloomberg, December 14, 2017.
- “A Sneaky Bias Pervading Our Society: Recognizing and Combating Ageism,” Boomer Magazine, October/November 2017.
- “Trump Admin’s Labor Movements May not be Boon for Businesses,” WorkersCompensation.com, August 2017.
- “Of Headlines and Coal Mines: Karen Elliott’s journey from journalism to the law,” Super Lawyers Magazine, Virginia and West Virginia 2017.
- “What HR needs to know about the new I-9 Form,” Employee Benefit News, January 2017.
- “How New Federal Overtime Changes Will Affect You,” Connect Magazine, December 2016.
- “Judge to rule on overtime regulations next week,” Nation’s Restaurant News, November 2016.
- “‘You’re Fired’ Will Work in Virginia,” Virginia Lawyers Weekly, June 2016.
- “No Advance Notice Required Under At-Will Doctrine,” SHRM Magazine, June 2016.
- “Virginia High Court Sheds Light on At-Will Doctrine,” Bloomberg BNA, June 2016.
- “At Will Workers Can Be Axed Anytime, Va. High Court Says,” Law360, June 2016.
- “A drafting tightrope: NLRB’s new handbook guidelines shift balance,” Virginia Lawyers Weekly, April 6, 2015.
- “The EEOC’s Brave New World,” American Bar Association Journal, June 2009.

SPEAKING ENGAGEMENTS

- “Marijuana at Work” co-presenter, the Richmond SHRM annual legislative update, March 2022.
- “Marijuana at Work,” co-presenter, Marsh McLennan Insurance Agency program, February 8, 2022.
- “Current Insights into Employment Law in Virginia,” presented via pre-recorded zoom session to AIA (Architects) Virginia’s Art of Practice program August 4, 2021.
- “2021 Virginia Laws: A Sea Change: Comply or Get Swamped!” Virginia Manufacturers Association, June 10, 2021.
- “Overcoming Implicit Bias,” webinar event moderator for the Richmond Bar Association, February 25, 2021.
- [“Vaccines and Employees,”](#) Virginia Council of CEOs, February 2021.

- “Learn New Strategies for Navigating the Virginia Values Act and Other New Laws,” webinar presenter, October 2020.
- “Virginia’s Emergency Temporary Standard Infectious Disease Prevention: SARS-COV-2 Virus That Causes COVID-19,” co-presenter, Eckerts Seamans’ webinar presentation, August 2020.
- “Pay Equity Analysis – Understanding the Equal Pay Act and Title VII,” co-presenter at the Richmond SHRM 2020 Legal Update, February 2020.
- “[How do we get from #MeToo to #IFeelSafe?](#)” presented at Eckert Seamans’ Continuing Legal Education Seminar, Pittsburgh, August 2018.
- Eckert Seamans’ Human Resources Forum, organizer and presenter, Richmond, March 2018.
- “Website Accessibility,” presenter, NABCA 25th Symposium on Alcohol Beverage Law & Regulation, March 2018.
- “The Inside Scoop on the EEOC,” co-presenter with Deputy District Director Thomas Colclough and Richmond Local Office Director Daron Calhoun, for the Richmond Chapter of SHRM, February 2018.
- “Future Shock in the Workplace – It’s Not Your Mother and Father’s Workplace Anymore” presented the keynote address at the 17th Annual Virginia Statewide payroll Conference as well as for BB&T’s fall Employee Benefits Seminar in Richmond, October 2017.
- “Workforce Issues: What Laws Do We Follow Now?? More Importantly – Who’s Enforcing Them Now?,” presenter for the Virginia Chamber of Commerce Blueprint Virginia Business Climate Industry Council Meeting, June 2017.
- “The Inside Scoop on the EEOC,” Moderator at the Richmond SHRM 2017 Legal Update, February 2017.
- “Understanding the State of Cyber Security, Securing Your Devices, and the Dark Net,” Committee Chair and panel lead for Association for Corporate Growth LEAD Committee, November 14, 2016.
- “Unraveling The New Overtime Rule and the Myth that Non-Exempt Employees Have to Be Paid On an Hourly Rate Basis.” presented to the Virginia Association of Chamber of Commerce Executives, Best Practices Leadership Roundtable, October 12, 2016.
- “Managing Workforce Risks in 2016, New Laws, New Trends, New Strategies,” Shenandoah Valley SHRM, September 2016.
- “Implementation of an Age Positive Culture,” Certified Employee Benefit Specialists, September 2016.
- “The Interplay Between the FMLA, ADA, GINA and Workers’ Compensation,” Virginia Business Leaders Network, July 2016.
- “Managing Workforce Risks in 2016, New Laws, New Trends, New Strategies,” Virginia Funeral Directors Association, June 2016.
- “2016 HR Updates,” BB&T Insurance Services, Inc., presented at three state-wide events.
- “Finding Your Passion,” panel moderator, ACG Richmond Women L.E.A.D. Committee, November 18, 2015.

- “Solutions for Managing an Aging, Active Workforce,” Council of HR Executives, Richmond, Virginia, October 2015.
- Henrico Economic Development Authority Catalyst Business Workshop, panelist, October 2015.
- “NLRA Obligations and Compliance in the Non-Union Workforce,” National Business Institute, October 2015.
- “Hot Topics in HR for 2014,” Allianz USA, September 2014.
- “50-Ways to Be Sued By Your Employees,” ALPS Insurance, May 2013.
- “Tipped Employees Under FLSA, Club Managers Association,” April 2013.
- “Social Media Issues for Physicians & Practice Managers,” Richmond Medical Group Management Association, March 2012.
- “Wellness Initiatives Panel,” Richmond Society of Human Resource Managers, Fall 2012.
- “Website Accessibility,” Chartis Insurance Company licensing symposium, September 2012.
- “Retaliation Claims Are No Cakewalk,” American Society for Healthcare Risk Management, Fall 2012.
- “Wage & Hour Issues,” Virginia Auto Dealers Association, June 2011.
- “Wage & Hour Law,” Virginia Department of Labor, October 2011.
- “Ledbetter’s Revenge – Equal Pay Act,” Virginia Bar Association’s Annual Labor & Employment Law Conference, October 2009.