



Ben Gipson

Partner

Los Angeles (Century City)

T: +1 310 595 3139

F: +1 310 595 3439

Ben Gipson assists his clients through all stages of their development and serves as a trusted advisor for his clients regarding all their employment needs.

This includes counselling employers in all areas of employment law, including state and federal wage and hour, discrimination and harassment matters, employee coaching and performance documentation, non-discrimination and harassment, leaves of absence, traditional labor matters, executive compensation, hiring and separation and reductions in force (RIFs).

Ben also defends employers in wage and hour class actions, WARN class actions, sexual harassment, wrongful termination, discrimination, breach of employment contract, unlawful business practices, state and federal whistleblowing, traditional labor disputes and other employment-related cases before the Department of Fair Employment and Housing, the Equal Opportunity Employment Commission, the California Labor Commissioner, the US Department of Labor, the Office of Federal Contract Compliance Program, the Occupational Safety and Health Administration and state and federal courts. He has also achieved early summary judgment and other motion practice victories at the trial and appellate levels, as well as low settlements in cases with challenging facts.

Before issues arise, Ben conducts trainings and audits on all aspects of employment law, and assists his clients in revising handbooks and other policies and practices to prevent further litigation. He also helps to investigate alleged violations of violations of labor and employment laws, whistleblower laws, and other complaints raised by employees. Ben's overriding goal is to help his clients effectively manage their workforce and maintain their focus on successfully operation the business.

RELATED SERVICES

- Employment

EXPERIENCE

- Avoiding litigation through client-centered counselling regarding policies and practices of multi-national organizations
- Mentoring growing organizations as they add funding and increase their employee base
- Successfully defeating class certification in complex meal and rest period and expense reimbursement case
- Defeating case at pleading stage and successfully defended same in California Court of Appeals in case of first impression
- Bringing innovative motions to preclude class certification prior to motion practice and extensive state discovery by plaintiffs
- Minimizing potential liability associated with reductions in force and classification of employees

- Assisting wide range of pro-bono clients in reaching their goal of exposing more youth to the outdoors through wilderness mentoring experiences and other programs

CREDENTIALS

Admissions

- California
- District of Columbia
- Washington

Clerk Experience

- The Honorable Emily Clark Hewitt, US Court of Federal Claims

Recognitions

Ben has been named a Super Lawyers Rising Star in the area of employment law.

Education

- J.D., Georgetown University Law Center 2002
cum laude
Staff member, *Tax Lawyer*
Publication director, *State and Local Tax Lawyer*
- B.A., Government and History, Claremont McKenna College 1997
cum laude

Courts

- United States Court of Appeals for the Ninth Circuit
- United States Court of Appeals for the Third Circuit
- United States Court of Appeals for the Armed Forces
- United States Court of Federal Claims
- United States District Court for the Central District of California
- United States District Court for the Northern District of California
- United States District Court for the Eastern District of California
- United States District Court for the Southern District of California
- United States District Court for the Western District of Washington

Memberships

- California Bar Association
- District of Columbia Bar Association
- Washington Bar Association

Civic and Charitable

- Big City Mountaineers – Board President, October 2015-November 2018; Board Member, February 2011-Present
- Northwest African American Museum – Human Resources Committee Member, December 2018-Present

INSIGHTS

Ben is a contributing editor of *The Developing Labor Law*. He is also an editor of *The Labor Dish*.

- Successor Liability for Employment-Related Claims: A Pain In The Assets, *The Labor Dish*, January 9, 2014
- Innovate or Die – Managing Millennials in the Workplace, *The Labor Dish*, November 25, 2013

Publications

Washington state HB 1450 is signed into law, limiting enforceability of non-compete agreements – key takeaways

9 MAY 2019

The new prohibitions on non-compete agreements in Washington have the potential to greatly impact employers in the state both positively and negatively.

Preparing to comply with the new proposed federal overtime rule: 5 action steps for employers

12 MAR 2019

If finalized, the new rule's most significant impact will be to raise the minimum salary an employee must be paid to be exempt from overtime under the FLSA.

- "West-Side! Washington Continues to Follow (And Pass) California on Allowing for Wage and Hour Class Action Litigation," *The Labor Dish*, June 13, 2018, with Jeff DeGroot
 - "Salary test for white collar workers under Fair Labor Standards Act enjoined," 29 Nov 2016
 - "Performance Management: Lessons from Professional Baseball," *The Labor Dish*, March 14, 2017
 - "The Case of the Gig-Headed League," *The Labor Dish*, December 8, 2015
 - "Implementing California's Paid Sick Leave Law: 10 action items," June 17, 2015
 - "Los Angeles raises the minimum wage: six action steps for California employers," May 21, 2015
 - "The Love Contract – Taking the Romance Out of Office Trysts," *The Labor Dish*, March 30, 2015
 - "Workplace policies and class action certification: key takeaways from two California cases," January 7, 2015
 - "Andrew Carnegie's Advice on Corporate Matching and Avoiding Criminal Prosecutions," *The Labor Dish*, December 1, 2014
 - "Three key cases in one day address the future contours of arbitration clauses in California: action steps for employers," June 26, 2014
 - "You need to prove your case: California Supreme Court confirms wage-and-hour defendants have right to argue individualized defense in class action trials," June 5, 2014
 - "Staying Productive in the Wild Wild West: Employer Responses to Bring Your Gun to Work Laws," *The Labor Dish*, May 13, 2014
 - "Man bites dog: recovering attorney's fees from vexatious employees," February 27, 2014
 - "Successor Liability for Employment Related Claims: A Pain in the Assets," *The Labor Dish*, January 9, 2014
 - "Innovate or Die – Managing Millennials in the Workplace," *The Labor Dish*, November 25, 2013
 - "California's statewide minimum wage increase and what it means for employers," September 25, 2013
 - "Darden: continuing the trend of pro-arbitration decisions," June 27, 2013
-

- "California Court of Appeal: rest periods must be separately compensated for employees paid on a piece rate," May 31, 2013

Events

- California Employment Law Briefing, January 15, 2019 (San Francisco), January 17, 2019 (Silicon Valley) and January 31, 2019 (Los Angeles)
- DLA Piper Employment Law Briefing, Los Angeles Session, 2014-2019
- Panel Discussion on Internships, Take Part Live, December 16, 2013
- *Employment Law 101*, presented to companies across the United States

NEWS

DLA Piper announces partnership promotions for 2019

1 APR 2019

DLA Piper is proud to announce that 77 lawyers have been promoted to its partnership. The promotions are effective as of April 1, 2019 in the United States and May 1, 2019 for EMEA and Asia Pacific. The promotions were made across many of the firm's practice areas in 43 different offices throughout 20 countries.

DLA Piper advises Neopost on both the acquisition of Parcel Pending and the sale of Satori Inc.

30 JAN 2019

DLA Piper represented Paris-based Neopost, a global leader in digital communications, logistics and mail solutions, in two recent merger and acquisition matters.
