Holland & Hart



PRACTICES

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

INDUSTRIES

Fitness and 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

California
Utah

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

California Licensed

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 2012 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

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

SPEAKING ENGAGEMENTS

"Panel: Non-Compete Agreements, Non-Solicit, Confidentiality," Moderator, *2026 Holland & Hart Utah Employment Law Seminar*, May 6, 2026

"Panel: Sexual Harassment," *2026 Holland & Hart Utah Employment Law Seminar*, May 6, 2026

"Breakout Session: How to Become an Effective HR Executive," Panelist,

2026 Holland & Hart Utah Employment Law Seminar, May 6, 2026

"Panel: The "Bermuda Triangle" – Understanding FMLA/ADA/PWFA," Moderator, *Holland & Hart 2025 Employment Law Seminar*, April 23, 2025

"Panel: Current State of DEI Programs," Panelist, *Holland & Hart 2025 Employment Law Seminar*, April 23, 2025

"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

"What's the Status of DEI Initiatives and Private Employers?," *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

"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

"Panel: Top 10 Investigation Mistakes," *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*, October 28, 2022

RECOGNITION

- Inducted as a Fellow into The College of Labor and Employment Lawyers
- Utah State Bar Labor & Employment Section, Attorney of the Year, 2017, 2026
- *The Best Lawyers in America*® Lawyer of the Year, Employment Law – Management – Salt Lake City, 2015; Labor Law – Management – Salt Lake City, 2022, 2024, 2027; Litigation - Labor and Employment - Salt Lake City, 2027
- *Chambers USA*, Labor & Employment, 2005-2026, 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, 2011-2027
- Named as a Thomson Reuters Stand-out Lawyer, 2026
- *Benchmark Labor & Employment*, Labor and Employment Star West, 2019-2024
- Mountain States Super Lawyers®, Employment Litigation: Defense, 2010-2026
- *Utah Business Magazine*, Utah Legal Elite, Labor and Employment, 2004-2024; Labor, Employment, Benefits & Compensation, 2025
- 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
- United States Law Firm Group, Labor and Employment Committee, 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