



## Nancy S. Anton

SHAREHOLDER

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### Services

Employment, Labor & Benefits

Internal Investigations

Non-Competes

### Nancy has more than 20 years of experience advising clients on employment laws in the workplace.

Nancy delivers sound, strategic and practical advice to her clients in the healthcare, financial services and manufacturing industries in addition to clients in transportation, agribusiness, biofuels, gaming, retail and technology. She works with private and public companies, government, and nonprofit organizations of all sizes, both nationally and internationally.

Nancy successfully defends clients before state and federal agencies, including the Department of Labor, Equal Employment Opportunity Commission and state human rights departments, the Office of Federal Contract Compliance, and state and federal Revenue Departments on discrimination, wrongful termination, wage and hour claims, and worker classification and non-compete agreements. She provides on-site training, conducts investigations and prepares affirmative action plans. She is also heavily involved in performing employment due diligence for private equity clients engaged in mergers and acquisitions.

## Experience

### Employment Advice & Counseling

- Preparing Affirmative Action plans and programs for clients contracting with local, state and federal agencies and representing state and federal contractors and subcontractors in OFCCP, Minnesota, Minneapolis and St. Paul Affirmative Action audits, including negotiating conciliation agreements under Executive Order 11246, Section 503 and VEVRAA.
- Defending clients before the EEOC under Title VII, ADA, ADEA, Equal Pay Act and state fair employment practices agencies on discrimination and retaliation charges and preparation of responses to charges of discrimination.
- Preparing drug and alcohol testing policies under DOT and state laws and counseling clients on compliance.
- Counseling clients on employee discharge and documentation.
- Preparing employment documents including policies, safety manuals and employee handbooks for clients.

- Preparing employment forms for clients on employee performance management, hiring materials, leave documents and separation documents.
- Counseling clients and preparing forms for clients on background checks under the FCRA and state law.
- Conducting employment law compliance assessments.
- Preparing offer letters, employment agreements, non-compete agreements, confidentiality agreements, non-solicitation agreements and assignment of inventions agreements.
- Counseling clients on FMLA compliance and other leaves of absence in the workplace under state and federal law.
- Conducting Form I-9 audits and counseling clients on compliance with immigration laws, representing clients in I-9 Audits by ICE.
- Preparing WARN Act notices and counseling clients on plant closings and compliance with WARN Act and state plant closing laws.
- Counseling clients on OSHA and representing clients in OSHA appeals for citations and negotiating reduced fines and settlement.
- Preparing separation agreements and releases and counseling clients on ADEA and OWBPA compliance as part of reduction in force and otherwise.
- Negotiating severance and separation and release agreements.
- Conducting sexual harassment and diversity training for employees and management at client sites.
- Representing clients in wage and hour claims before DOL and with employees under FLSA and state law regarding minimum wage and overtime, deductions from wages and negotiating settlements.
- Conducting workplace investigations on sexual harassment and other claims of discrimination.
- Representing clients before state unemployment compensation departments and before Minnesota Court of Appeals.
- Performing analysis of exempt v. non-exempt status under FLSA and classification of workers (employee v. independent contractor) for clients under DOL, IRS, and MDEED regulations.
- Counseling clients on social media policies, confidentiality agreements and NLRB unfair labor practice claims.
- Counseling clients on ADA and MHRA reasonable accommodation requirements.
- Counseling clients on Minnesota Personnel Record Act, WESA, DATWA and other Minnesota employment laws on parental leave.
- Preparing independent contractor and consulting agreements.

### Employment Due Diligence

- Assisted in employment law due diligence in acquisition for aviation client and acquisition for national concrete pumping client.

- Engaged in the employment due diligence for a public company and seven deals for private equity clients, review of the purchase agreement as to employment matters and, if applicable, participated in the Reps & Warranties Insurance calls.
- Conducting due diligence on employment matters in mergers and acquisitions.

### Administrative/Agency Claims & Audits

- Successfully represented a restaurant in a Department of Labor wage and hour audit with no fines or penalties.
- Successfully obtained a settlement of a race discrimination and retaliation claim for a medical manufacturing client.
- Successfully obtained a dismissal of a discrimination complaint for exercising rights under OSHA and MN law before the Minnesota Department of Labor and Industry for a manufacturing client.
- Successfully obtained a dismissal from the Iowa Civil Rights Department on a pregnancy and retaliation Charge of Discrimination for a health care industry client.
- Successfully obtaining a private settlement of a Charge of Unfair Labor Practices before the National Labor Relations Board for a health care client.
- Successfully obtained a resolution for a health care client accused of interfering with a nonsolicitation agreement of a recently hired employee.
- Successfully obtained a dismissal from the South Carolina Human Affairs Commission on a race, sex and retaliation Charge of Discrimination for a plastic products manufacturing industry client.
- Successfully obtained a dismissal from the Minnesota Department of Human Rights on a disability and retaliation Charge of Discrimination for a financial services industry client.
- Successfully obtained a dismissal from the Denver Equal Employment Opportunity Commission on a race and equal pay charge of discrimination for a client that supports the oil industry.
- Successfully settled a breach of contract and tortious interference with business contract case involving a former employee going to work for a competitor and obtained money damages for a healthcare facility, a portfolio company of one of a private equity client.
- Won on appeal before the Minnesota Department of Employment and Economic Development, a determination of ineligibility based on employment misconduct regarding unemployment benefits for a former management employee for two different clients: one in the health care supply industry and the other engaged in manufacturing of safety vehicles.
- Successfully settled a wage and hour action before the California Labor Industrial Commission for a software company client brought by a former employee claiming misclassification of exempt status, and overtime and other compensation due and owing.

- Successfully settled a charge of discrimination for disability and retaliation before the Minneapolis Equal Employment Opportunity Commission for a health care supply client.
- Won on appeal before the Minnesota Department of Employment and Economic Development, for a pro bono client, classification of an individual as an independent contractor vs. employee.
- Successfully settled a claim of discrimination based on pregnancy and retaliatory discharge brought by a former employee in California against a financial services client.
- Prepared federal Affirmative Action plans for an international plastics company, health care service industry client, and environmental services client.
- Represented a health care service client in a state affirmative action audit and obtained successful dismissal.

## Credentials

### Education

- Drake University Law School, J.D., 1996, *with honors*
- Hamline University, B.A., 1993, *magna cum laude*

### Admissions

- Minnesota, 1996
- Iowa, 1997
- U.S. District Court for the Northern District of Iowa, 1997
- U.S. District Court for the Southern District of Iowa, 1997
- U.S. District Court for the District of Minnesota, 1997

### Clerkships

- Judicial Clerk, Justice Michael J. Streit, Iowa Court of Appeals, 1996-1997

## Recognition

- Rising Star, *Minnesota Super Lawyers*, 2006-2009

## Civic & Professional

### Professional Activities

- Minnesota Bar Association, Labor and Employment Law Section, Member
- Iowa State Bar Association, Member
- Society for Human Resources Management, Member

## News

Firm News | 01.12.2022

Fredrikson & Byron Represents Altasciences in its Acquisition of Sinclair Research

Firm News | 08.31.2021

Fredrikson & Byron Announces New Shareholders

## Speaking Engagements

Event | October 24 & 26, 2023

Fredrikson's 39th Annual Employment & Labor Law Seminar

Event | November 2022

Employment and Labor Law Webinar Series 2022

Event | 10.18.2022

Fredrikson & Byron's 38th Annual Employment & Labor Law Seminar

## Legal Updates

Legal Update | 07.21.2020

Question of the Day: Domestic Travel Restrictions

Legal Update | 03.31.2020

Employment Question of the Day: March 31, 2020

## Publications & Presentations

Co-Presenter, *The Questions We Get the Most (And Other 'Off-the-Wall' Employment Situations)*, Fredrikson & Byron's Annual Employment & Labor Law Seminar, October 26, 2021

Co-Presenter, *Disability Accommodation Case Study in the Pre- and Post-COVID-19 Workplace*, Fredrikson & Byron's Annual Employment & Labor Law Seminar, October 27, 2020

Co-Presenter, *Confronting Workplace Bullying: When The Bully Is On Payroll*, Fredrikson & Byron's 35th Annual Employment & Labor Law Seminar, November 7, 2019

Presenter, *Minnesota's New Wage Statute—Employers Take Heed*, webinar, August 8, 2019

Author, "The Ever-Evolving Field of Higher Education Discrimination Law: What You Need to Know Now" and "Interplay Between the ADA and the FMLA," The National Association of College and University Attorneys (NACUA), Seattle, WA, April 4, 2019

Co-Author, "New Federal Directives Aim to Ensure Federal Contractors' Compliance with Equal Employment Opportunities," February 22, 2019

Presenter, *Impact of Pharmaceuticals in the Workplace: From Cannabis to Cognition Enhancement*, The Future of Human Resources: Cutting Edge Issues for Every Employer webinar, October 31, 2018

Presenter, *Employment Law Year in Review and Employee Leave: Navigating the Interplay Between the ADA and the FMLA*, Minneapolis Employment Law Seminar, October 10, 2018

Author, "Proceed with Caution: Navigating Increased and Changing Regulations," *Inside the Minds: The Impact of Recent Regulatory Developments in Employment Law*, 2015 Edition

Contributor, "An Employer's Guide to Employment Law Issues" in Minnesota Contributor, 11th Edition, 12th Edition, 2011, 2014

Author, "Are You Covered?" *Employment Law Resource*, 2013

Author, "The Right to Counsel: A New Twist on Just How Important This Term Can Be in Your Insurance Contract," *riskVue*

Author, "Minnesota's New Reference Law: Does it Solve the Dilemma?," *Business Briefings*

Author, "Fidelity Bonds: The Employee Dishonesty Bond," *riskVue*

Author, "Wellness Programs in the Workplace Made Simple," *ACC Docket*