



Mark S. Mathison

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MINNEAPOLIS

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PRACTICE AREAS

Class, Collective & PAGA
Representative Actions

Traditional Labor

Higher Education

Immigration

Employment & Labor

Employment Litigation

Nonprofit & Tax-Exempt
Organizations

Community Banking

Health Law

Litigation

Franchise Employment & Labor
Issues

INDUSTRIES

Higher Education

Manufacturing

Health Care

Education

Mark Mathison advises and represents a wide range of employers, including corporations, nonprofits, and educational organizations, on labor and employment law issues in the workplace. Mark's practice has a significant focus on traditional labor law; he has been a contributing editor to *The Developing Labor Law*, the premier legal resource on private sector labor law. He is a partner in the firm's broader Labor, Employment and Higher Education practice and an MSBA-certified labor and employment law specialist. Mark was a founding and long-time board member of the International Spanish Language Academy (ISLA), a Minnesota K-6 Charter School, and serves on ISLA's Governance and Human Resources Committees.

Mark is highly experienced in litigation and advising for unionized and nonunionized employers that include private corporations, public entities, colleges and universities, nonprofit organizations, charter schools, health care providers, manufacturers, construction contractors, and professional employer organizations (PEO's). In particular, he has a great deal of experience working with employers on traditional labor law matters such as union-related strategies, union election and decertification campaigns, collective bargaining and labor negotiations, unfair labor practice charges and trials, regulatory matters and administrative hearings, grievance arbitrations, strike litigation, and Taft Hartley multiemployer fund suits. Mark is a creative negotiator in a variety of labor and employment litigation settings, as well as with various methods of alternative dispute resolution like mediation and arbitration.

COURT MEMBERSHIPS

- Minnesota
- U.S. District Court for the Northern District of Illinois
- U.S. District Court for the Southern District of Illinois
- U.S. District Court for the District of Minnesota
- U.S. District Court for the Eastern District of Wisconsin
-

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

EDUCATION

Hamline University School of Law, J.D., *magna cum laude*, 1998

University of Minnesota, B.A., *summa cum laude*, 1995

A significant part of Mark's practice involves proactively advising employers on prevention and compliance. He represents employers in relation to the full spectrum of workplace law, including federal and state labor laws, immigration enforcement, discrimination, independent contractor classification issues, disability and leave laws, and wage and hour matters. Clients often seek Mark's assistance with drafting, negotiating, and enforcing union contracts, workplace policies, employment and noncompete agreements, and handbooks. He regularly advises businesses on union-related issues in mergers and acquisitions.

Before becoming an attorney, Mark had a career in corporate management relating to labor and employment in food service, retail, and sales. Clients appreciate his practical insights into their goals and concerns developed from this management experience.

Events

- Employment & Labor Law Seminar - Minneapolis Area
May 4, 2022
- Employment & Labor Law Seminar - Kansas City Area
April 12, 2022
- Lathrop GPM Employment and Labor Law Update
November 2, 2021
- Guidance on Return to Work Issues in the COVID-19 Vaccination Era
May 19, 2021
- Webinar: Guidance for Employers on Reopening and Returning to Work
May 12, 2020
- COVID-19 Webinar: The Employer's Perspective
March 26, 2020
- 2019 Employment and Labor Law Seminar
April 9, 2019
- Privacy and Data Security Workshop
February 21, 2019
- Employment Law Panel Discussion: Employment Litigation & Class Actions - Prevent Them, Manage Them, Win Them
October 27, 2016

- Franchise Joint Employer and Vicarious Liability Threats: Practical Steps to Minimize Risk
March 18, 2015
- Unionization On Campus: What to Expect in 2015
February 10, 2015
- 2014 TCHRA Spring Conference
May 20, 2014
- Higher Education Breakfast Briefing - Preparing for and Responding to Union Organizing Activity on Campus
May 7, 2014
- The NLRB Comes to Campus: An Update on Union Activity at U.S. Institutions of Higher Education
March 19, 2014
- Human Resources Compliance Breakfast Briefing & Webinar Series: Independent Contractor Compliance
November 12, 2013
- Human Resources Compliance Breakfast Briefing & Webinar Series: Independent Contractor Compliance
November 5, 2013
- Human Resources Compliance Breakfast Briefing & Webinar Series: Social Media & Technology Risks
January 8, 2013
- Legal Update for the Modern Workplace: New Developments in the Labor Law and How They Affect Every Union and Non-Union Employer
October 3, 2012
- Independent Contractor Status Still Under Scrutiny: How to Avoid Costly Mistakes
May 17, 2011

Presentations

- Co-presenter, "Current, and Future, Wage and Hour Challenges," and "National Labor Relations Board Puts All Employers Under the Microscope," Lathrop GPM 2023 Employment & Labor Law Seminar, October 24, 2023 (Minneapolis)
- Presenter, "Labor Law Update," Lathrop GPM 2023 Employment & Labor Law Seminar, October 24, 2023 (Minneapolis)
- Presenter, "Sympathy Strike? Dealing with Protected Activity by Employees in Union & Non-Union Settings," Lathrop GPM Health Law Seminar, September 22, 2022

- Presenter, "Labor Law Update," Lathrop GPM 2022 Employment & Labor Law Seminar, May 4, 2022 (Minneapolis)
- Presenter, "NLRB General Counsel Opines That College Athletes Are Employees," ELA Webinar, October 26, 2021
- Presenter, "Today's Unemployment Claims: An Employer's Guide," LeadingAge Minnesota, November 11, 2020
- Presenter, "New Anti-Retaliation Law for NH's and HWS," LeadingAge Minnesota, August 15, 2019
- Panelist, "Wage Theft Law and the Minneapolis Leave Ordinance," Associated General Contractors of Minnesota, July 24, 2019
- Co-presenter, "I-9 Compliance and Audits: Immigration Enforcement Risk Management for Employers," GPM Employment and Labor Law Seminar, April 9, 2019
- Co-presenter, "Labor Law Update: How the NLRB is Changing Under the Trump Administration," Minnesota College and University Professional Association for Human Resources, February 22, 2018
- Presenter, "DOL Final Rule on White Collar Exemptions: What Higher Education Institutions Need to Know," MN College and University Professional Association for Human Resources, November 1, 2016
- Presenter, "What the NLRB Ruling on Student Assistants Means for Private Colleges and Universities," Employment Law Alliance, September 13, 2016
- Co-panelist, "Franchise Joint Employer and Vicarious Liability Threats: Practical Steps to Minimize Risk," GPM Franchise & Distribution Practice Group, Webinar, March 18, 2015
- Co-panelist, "Franchising Under Attack! Challenges to the Franchise Business Model," International Franchise Association luncheon, November 18, 2014
- Co-presenter, "Labor Law Update," GPM Employment and Labor Law Seminar, October 29, 2014
- Co-presenter, "Non-Union Employers, Unions, and the Labor Law: Preparing for and Responding to Collective Activity," GPM Employment and Labor Law Seminar, October 29, 2014
- "Inability to Pay v. Competitive Disadvantage: Magic Words at the Bargaining Table," Presentation to the American Bar Association Committee on Development of the Law Under the National Labor Relations Act, Midwinter Meeting, February 26, 2014

- Presenter, "Independent Contractor Compliance," Human Resources Compliance Breakfast Briefing & Webinar Series, November 5, 2013
- Co-presenter, "Employee Benefits: New Same-Sex Marriage Law," Minnesota Chamber of Commerce, September 10, 2013
- Co-presenter, "The NLRB Said What? Important Labor Law Developments for Union and Nonunion Employers," GPM Employment Law Seminar, April 1, 2013
- Presenter, "Labor Law Update," GPM Employment Law Seminar, April 1, 2013
- Co-presenter, "Social Media Compliance: Tips for Hiring and Managing Employees in a Rapidly Changing High Tech Age," GPM Employment Law Seminar, April 1, 2013
- Panelist, "The Implications of Noel Canning and Challenges to The Board's Recent Rules," Presentation to the American Bar Association Committee on Practice and Procedure Under the National Labor Relations Act Midwinter Meeting, March 2, 2013
- Presenter, "NLRB Update: New Procedures in Representation Cases (and More)," MSBA Labor & Employment CLE, May 1, 2012
- Co-presenter, "Managing Critical Wage and Hour Compliance Issues in Residential Workplace," 2011 ARRM Conference, May 18, 2011
- Presenter, "Recent Employment and Labor Law Developments," College and University Professional Association—Minnesota Chapter for Human Resources, November 18, 2010
- Presenter, "Recent Employment and Labor Law Developments," Society for Human Resource Management—Central Minnesota, October 21, 2010
- Co-presenter, "State of the Unions and Other Recent Developments in Labor and Employment Law," Gray Plant Mooty 14th Annual Health Law Conference, July 15, 2010
- Presenter, "Labor Law Update," GPM 2010 Employment Law Seminar, April 21, 2010
- Presenter, "Employee Free Choice Act and Employer Choices: Labor Relations in 2009 and Beyond," Franchise Business Network International Franchise Association, April 1, 2009
- Presenter, "Employer Choices and the EFCA: What You Can Do Now to Promote a Better Working Relationship with Your Employees," Aging Services of Minnesota (Labor Law School), January 1, 2009

- Presenter, "Employer Choices and the Employee Free Choice Act: Should You Act Now to Preserve a Union-Free Future?," 2009 Business Law Institute, January 1, 2009
- Presenter, "Recent Developments in Labor Law," The Hennepin County Bar Association Labor & Employment Law Section, January 1, 2008
- Presenter, "Getting Along with Norma Rae: Labor Law Issues for Non-Unionized Employers," Care Providers of Minnesota Convention, January 1, 2004
- Presenter, "In English with Subtitles: Speak English Only and Language Proficiency Rules in Employment," Care Providers of Minnesota Convention, January 1, 2004
- Presenter, "Understanding the New FLSA Regulations: Who Gets Overtime Now?," Minnesota Hospital Association, September 2004; Minnesota Home Care Association, January 1, 2004

Client Alerts And Blog Posts

- COVID-19 Vaccinations and the Workplace: Critical Updates
March 25, 2021
- New Year, New Administration Bringing Changes to Legal Landscape for Employers
January 22, 2021
- COVID-19 Vaccinations and the Workplace: What You Need to Know Right Now
December 22, 2020
- Responding to Employee Reluctance, Refusal or Inability to Remain or Return to Work During the Pandemic
April 17, 2020
- Employment Law Alert: The Pendulum Swings Back: NLRB Issues Sweeping Decisions Affecting Union and Non-Union Businesses
October 3, 2019
- Minneapolis Passes Wage Theft Ordinance, Adding Requirements Beyond State Law
August 9, 2019
- Do Your Employees Know When Their Commissions and Bonuses are Earned? Dealing with Minnesotas New Wage Theft Statute
July 26, 2019
- A BREAK IN THE DAM: U.S. SUPREME COURT RULES PUBLIC UNIONS MAY NO LONGER COMPEL PAYMENTS FROM NON-MEMBERS

June 27, 2018

- NLRB Chair Confirms Board Will Do Rare Rulemaking on Joint Employer Standard
June 6, 2018
- Employment Law Alert: NLRB Vacates Hy-Brand; Returns to Browning-Ferris Joint Employer Standard
February 27, 2018
- Employment Law Alert: NLRB Establishes New Standard Governing Workplace Policies
December 21, 2017
- Employment Law Alert: NLRB Overrules Browning-Ferris Industries' Joint Employer Standard
December 21, 2017
- Employment Law Alert: NLRB Rejects "Micro-Unit" Community of Interest Standard
December 21, 2017
- Employer Held Liable in Tip Pooling Class Action
August 7, 2017
- Department of Labor Withdraws Guidance on Joint Employer and Independent Contractor Liability
June 9, 2017
- President Trump Blocks Federal Contractor Blacklisting Rule
April 5, 2017
- Court Says Non-Minneapolis Employers Not Likely Required to Comply with City's Paid Sick Time Ordinance; New I-9 Form Must Now Be Used
January 20, 2017
- White House Announces Actions Against Wage Collusion, Noncompetes and Other Anticompetitive Practices
October 28, 2016
- Employment Law Alert: California Passes Law Prohibiting Choice of Law and Venue in Employment Agreements
October 26, 2016
- Higher Education Alert: Student Assistants at Private Universities Are "Employees" for Purposes of Collective Bargaining, NLRB Rules
August 25, 2016
- \$1.4 Million in Overtime Damages: Joint Employer Risks Continue Prominent Rise and Expansion
August 5, 2016

- Nonprofit Alert: Department of Labor Issues Guidance for Nonprofits on New Overtime Rule
June 14, 2016
- "In the Matter of The trustees of Columbia University in the City of New York, and Graduate Workers of Columbia--GWC, UAW, Local 925," Amicus Brief by the Higher Education Council of the Employment Law Alliance, National Labor Relations Board
March 2, 2016
- Court Rules that Minnesota Unemployment Judges Have a Duty to Assist Pro Se Claimants with Mental Health Issues in Presenting Evidence
February 12, 2016
- The Labor Law Versus Common Sense: Do You Know Who Your Supervisors Are?
December 10, 2015
- Is There a Union Flying Under Your Radar?
September 24, 2015
- GPM Attorney Mark Mathison on Regulatory Change Expanding Overtime
August 10, 2015
- DOL Overtime Rule Could Add Overtime Pay for Nearly 5 Million White Collar Employees
July 8, 2015
- Recent NLRB General Counsel Report Means It's Time to Review and Update Those Employee Handbooks Again
May 11, 2015
- Joint Employment: Whose Employees Are You Liable For?
April 24, 2015
- Top Five Employer To-Do Items in Todays Union Organizing Environment
January 29, 2015
- Are Your Adjuncts Going for a Walk? Get Prepared for National Adjunct Walkout Day, February 25, 2015
January 22, 2015
- The NLRBs Busy Holiday Season
December 22, 2014
- Employee Voting Rights: What Employers Need to Know
October 28, 2014
- GPM Labor & Higher Ed Teams Assist St. Thomas in Landmark Union Election Result

July 23, 2014

- The Developing Labor Law, contributing editor, Fifth ed. & supplement
June 24, 2014
- New Minnesota Law Should Prompt Employers To Review and Modify Employee Handbooks and Practices
May 14, 2014
- Game On, Wildcats! Labor Board Orders Union Election for Northwestern Football Players
April 2, 2014
- "In the Matter of Pacific Lutheran University, and Service Employees International Union, Local 925," Amicus Brief [on Faculty Union Issue] by the Higher Education Council of the Employment Law Alliance, National Labor Relations Board
March 28, 2014
- A New Hurdle For Higher Education: College Football Players Huddle Up for Union Organizing
February 6, 2014
- Labor Board Poised to Enable Union Organizing of Faculty, Workforce at Private Religious Schools
November 6, 2013
- Legal Issues with Employee Surveillance
September 18, 2013
- "National Origin, Language & Religion: Legally Managing Diversity at Work," HR Specialist—Minnesota Employment Law
August 1, 2013
- Change To Minnesota Sick Leave Law Begins August 1
July 11, 2013
- Minnesota Lawmakers Consider Outlawing Most Noncompete Agreements
February 13, 2013
- "Pot Predicament," InsideCounsel
February 1, 2013
- Employment Edge 128th Edition—NLRB Again Postpones Deadline for Posting Notice of Collective Bargaining Rights
January 4, 2013
- WHAT THE LEGALIZATION OF MARIJUANA MEANS FOR EMPLOYERS WITH PEOPLE WORKING IN WASHINGTON AND COLORADO
November 21, 2012

- Seize the Day: Chicago Public Schools Radical Performance Evaluation Proposal Highlights Unprecedented Bargaining Opportunities for Unionized Employers
September 14, 2012
- New Minnesota Unemployment Provision Takes Effect, But What Effect Will That Be?
July 5, 2012
- "Bargaining With Labor Unions In A Changing Work Environment," Minnesota Employment Law
May 1, 2012
- Employment Edge 129th Edition—Federal Court of Appeals Blocks NLRB's Notice Posting Rule, But New Election Rules Take Effect on April 30
April 18, 2012
- Federal Court of Appeals Blocks NLRBs Notice Posting Rule, But New Election Rules Take Effect on April 30
April 18, 2012
- "Plan Now For Compliance: Private Employers—Unionized Or Not—Must Soon Post The NLRB Notice Of Collective Bargaining Rights," Business Central
January 15, 2012
- NLRB Again Postpones Deadline for Posting Notice of Collective Bargaining Rights
January 3, 2012
- Employment Edge 126th Edition—NLRB Postpones Deadline for Employers to Post Notice of Collective Bargaining Rights
October 14, 2011
- Employment Edge 124th Edition—NLRB Issues Notice of Collective Bargaining Rights Now Required of Private Employers
September 16, 2011
- The cultural struggle over collective bargaining rights
September 1, 2011
- NLRB Guidance on Social Media and the Labor Law
August 23, 2011
- New Guidance on Social Media and the Labor Law
August 23, 2011
- "Check Your Leave Policies! EEOC Looks At Return-To-Work Issues," Minnesota Employment Law
July 1, 2011

- "When Customers Practice Discrimination, Employer May Pay,"
Business Management Daily
February 19, 2011
- "Know The NLRA: Unionized Or Not, Labor Law Applies To You,"
Business Management Daily
January 24, 2011
- "When Customers Practice Discrimination, Employer May Pay,"
Minnesota Employment Law
January 1, 2011
- "Know The NLRA: Unionized Or Not, Labor Law Applies To You,"
Minnesota Employment Law
December 1, 2010
- "Reader's Forum: Author's Response," Bench & Bar of Minnesota
December 1, 2010
- Employment Edge 117th Edition—Firing For Facebook Posts Can
Get You In Trouble With The National Labor Relations Board
November 16, 2010
- Employment Edge 116th Edition—Minnesota Voting Leave
Changes for 2010
October 28, 2010
- Employment Edge 115th Edition—Customers' Discriminatory
Requests May Run Employers Into Legal Trouble
October 18, 2010
- Employment Edge 113th Edition—Non-union Employer Pays
\$900,000 to Settle Labor Board Case
July 19, 2010
- "How To Decide: Should Employers Arbitrate Workplace Disputes?,"
Minnesota Employment Law
June 1, 2010
- "What 14 Penn Plaza LLC v. Pyett Means for Employers: Balancing
Interests in a Landscape of Uncertainty," Journal of Labor &
Employment Law
June 1, 2010
- "What 14 Penn Plaza Means for Employers: Balancing Interests in a
Landscape of Uncertainty," 25 ABA J. Lab. & Emp. L. 173 (2010)
January 1, 2010
- Employment Edge 101st Edition (Immigration Issue)-How
Employers Should Respond to Recent Immigration Law
Enforcement Changes Targeting Employers
May 21, 2009

- "Employee Free Choice Act Re-introduced in Congress," MinnesotaBusinessonline "Expert's Forum"
April 1, 2009
- "EFCA Re-Introduced In Congress," www.MinnesotaBusiness.com
April 1, 2009
- Employment Edge 97th Edition - Employee Free Choice Act Introduced In Congress: What Employers Can Do
March 11, 2009
- "Eyes Wide Open—Uncle Sam is Watching You," Catering Magazine
March 1, 2009
- Employment Edge 95th Edition - USCIS Delays Implementation of New Form I-9, Employment Eligibility Verification
February 2, 2009
- "Not A Union Employer: Proposed EFCA Could Soon Change That," Minnesota Employment Law
February 1, 2009
- "Union Organizing In A New Environment," Employment.Law360.com
January 29, 2009
- "2009 Cumulative Supplement to The Developing Labor Law," Fifth Ed., Contributing Editor
January 1, 2009
- "Toolkit Tactics: Law—Go Beyond Noncompetes to Protect Your Business," Upsize Minnesota
December 1, 2008
- Employment Edge 89th Edition - Major Changes to the Labor Law Are On Their Way – All Employers (Union and Non-Union) Need to Be Ready
November 14, 2008
- "Par Ridder and the Newspaper Wars: Lessons for Minnesota Businesses About Fair and Unfair Competition," Upsize Minnesota
February 1, 2008
- "Newspaper Fight Holds Lessons For Protecting Business," Upsize Minnesota
February 1, 2008
- Employment Edge 79th Edition (Immigration Issue) - New Form I-9 Published
November 1, 2007

- Employment Edge 78th Edition (Immigration Issue) - No-Match Safe Harbor Rule Blocked Indefinitely by Federal Court
October 1, 2007
- Employment Edge 75th Edition (Immigration Issue) - Special Alert: Federal Judge Blocks "No-Match" Regulation
September 1, 2007
- Employment Edge 74th Edition (Immigration Issue) - DHS Releases Final "No-Match" Regulation
August 1, 2007
- Employment Edge - Special Alert: New Federal Minimum Wage; Employers Must Post New Poster
July 9, 2007
- "Creditors Claims," Minnesota State Bar Association, contributing author, Chapter 3, Minnesota Estate Administration, 2d ed.
January 1, 2002
- "Who Qualifies? Defining 'Individual with a Disability' under the ADA," Bench & Bar of Minnesota
October 1, 1999

In The News

- "Social Media & Your Job: Tips To Avoid Trouble," WCCO CBS Minnesota
November 8, 2017
- "Top 4 Things Franchisees Need to Know About Current Employment Law," 1851 Franchise
January 4, 2016
- "Good Questions: Voting on the Clock," television segment, WCCO CBS Minnesota
October 31, 2014
- Amicus Brief Filed by ELA in the Pending NLRB Matter Between Northwestern University and College Athletes Players Association
July 9, 2014
- "Sunday Q&A: Attorney Mark Mathison on Union Law," Star Tribune
March 30, 2014
- "Northwestern Player Unionization Could Cause Sweeping Changes," MPR News
March 27, 2014
- "Bill Would Mandate Sick Leave at Most Firms," Minnesota Lawyer
March 24, 2014

- "Pot Predicament," Inside Counsel
February 1, 2013
- "Tempting, But Tricky: Attorneys Warn Employers To Steer Clear Of Online Labor Movements," Minneapolis/St. Paul Business Journal
May 6, 2011
- "NLRB Chairman Is Glad Americans Talking About Collective Bargaining," Pioneer Press
April 1, 2011
- "Anatomy Of Deal: Nurses Ceded Biggest Demand," Star Tribune
July 2, 2010
- "Nurses Union Asks For 'Unfair Labor Practices' Strike," Minnesota Public Radio
June 25, 2010
- "Minnesota Nurses Prepare For 2nd Strike, Seek Protection From Replacements," KARE-TV
June 16, 2010
- "Twin Cities Nurses To Vote On 2nd Strike," Star Tribune
June 14, 2010
- "Twin Cities Nurses Strike Stays Calm, But Pressure On," Star Tribune
June 11, 2010
- "Countdown Continues On Nurses' Strike," Star Tribune
May 24, 2010
- "Twin Cities Nurses Reject Contract Offer, Setting The Stage For A Strike," Star Tribune
May 20, 2010
- "Twin Cities Nurses' Union Eyes 1-Day Walkout," Star Tribune
May 17, 2010

News Releases

- Eight Lathrop GPM Attorneys Named Lawyer of the Year, 89 Ranked as The Best Lawyers in America©
August 17, 2023
- 23 Lathrop GPM Attorneys in Minneapolis Recognized for 2022 Pro Bono Service
June 5, 2023
- Six Lathrop GPM Attorneys Named Lawyer of the Year, 95 Ranked as The Best Lawyers in America©
August 18, 2022

- Seven Lathrop GPM Attorneys Named Lawyer of the Year, 100 Ranked as The Best Lawyers in America®
August 19, 2021
- Lathrop GPM Attorneys in Minnesota Recognized for Pro Bono Service
June 15, 2021
- Lathrop GPM Attorneys in Minnesota Recognized for Pro Bono Service
June 30, 2020
- Attorneys Recognized for Pro Bono Service
June 14, 2019
- Gray Plant Mooty Offers Training to Prevent and Respond to Sexual Harassment in the Workplace
February 13, 2018
- Gray Plant Mooty's Anderson, Lehmann, Mathison are MSBA Certified Labor and Employment Law Specialists
April 4, 2012

Professional Affiliations

- American Bar Association
- Federal Bar Association
- Minnesota State Bar Association
- Governing Council, MSBA Section of Labor & Employment
- Hennepin County Bar Association
- Minnesota Management Attorneys Association
- Employment Law Alliance, Higher Education Council

Community Involvement

- Governing Council, MSBA Section of Labor & Employment
- International Spanish Language Academy, Founding Board Member & Governance Committee Chair

Honors

- Selected among *The Best Lawyers in America*®, 2022-2024

- Minnesota State Bar Association, "North Star Lawyers," 2018-2020, 2023
- *Minnesota Monthly*, "Minnesota's Top Lawyers," 2022
- Labor and Employment Law Specialist, certified by the Minnesota State Bar Association
- Excellence in Labor Law citation, MSBA Section of Labor & Employment Law