

# Allison Oasis Kahn

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## Overview

Allison Kahn is board certified in Labor and Employment Law by The Florida Bar. Board certification means she has been evaluated for professionalism and tested for special expertise, knowledge, and skill. She is one of only approximately 200 lawyers in Florida to hold this distinction in her practice area.

Allison represents entities of all sizes across sectors including health care, hospitality, banking, telecommunications, and education. She regularly appears before the U.S. Equal Employment Opportunity Commission, the U.S. Department of Labor, the Florida Commission on Human Relations, county fair employment practice agencies, and in state and federal court.

She tries employee claims of discrimination, hostile work environment, and retaliation based on race, religion, national origin, sex, age, disability and other protected characteristics under the Florida Civil Rights Act, Title VII, the Age Discrimination in Employment Act, and the Americans with Disabilities Act. Her management clients look to her for advice and defense under the Whistleblower Protection Act and the Family and Medical Leave Act (FMLA).

Allison has investigated and defended against employee claims of workplace sexual orientation and gender identity discrimination and retaliation. She regularly writes and speaks on workplace issues that affect her clients, such as LGBTQ non-discrimination and gender transition workplace policies.

Allison has completed more than 300 employee pay classification audits (exempt/nonexempt from overtime), which enriches her practice of defending employers against misclassification claims, and in collective actions under the Fair Labor Standards Act. She also litigates joint employment, employee and independent contractor classifications, and structures internship programs to comply with wage and hour laws.

Allison prosecutes violations of non-competition agreements. She defends schools in sex-based discrimination in education claims (Title IX). And, she defends businesses, public accommodations, against claims of access discrimination, including website accessibility.

She tries grievances pursuant to collective bargaining agreements in many arbitration forums. And, on behalf of her brokerage firm clients, Allison litigates employment disputes before the Financial Industry Regulatory Authority (FINRA).

Allison was drawn to the practice of labor and employment law because it involves complex workplace relationships, and stories with a human component. Beyond her practice, she does pro bono work and recently completed a three-year term investigating attorney misconduct as an appointed member of The Florida Bar Grievance Committee, ultimately serving as chair in 2018.

Early in her career, she clerked for the Honorable Gary Farmer of Florida's Fourth District Court of Appeal. This experience broadened her understanding of the practical considerations that shape court decisions, and informs her practice today.

## Experience

- Represented hospital in four-day jury trial, and obtained complete defense verdict, in case where employee sought \$2 million for alleged whistleblower retaliation and disability discrimination
- Represented hospital at arbitration hearing, and prevailed, in union's claim that hospital's termination of employee for conflict of interest was not 'just cause' under the collective bargaining agreement
- Represented medical providers in Fair Labor Standards Act minimum wage and overtime collective action brought by student interns and prevailed on summary judgment
- Represented medical center, and prevailed, at two-day evidentiary hearing before Florida's Division of Administrative Hearings after employee appealed Florida Commission on Human Relations' decision finding "no cause" to believe sex, age, race, or national origin discrimination occurred
- Represented hospital in Florida Private Sector Whistleblower Act case brought by employee fired for violating ethical code of conduct and obtained summary judgment and affirmance on appeal
- Represented hospital at arbitration hearing, and prevailed, in union's claim that hospital's termination of employee for clinical errors was not 'just cause' under the collective bargaining agreement
- Represented hospital and obtained complete defense verdict at six-day jury trial on employee's claims of Family & Medical Leave Act interference and retaliation, and disability discrimination and retaliation

- Represented inmate *pro bono* through the Volunteer Lawyers Project for the Southern District of Florida at two-day federal jury trial on inmate's claim of civil rights violations under 42 U.S.C. § 1983
- Testified as an expert on the Americans with Disabilities Act and Fair Housing Act regarding number and nature of parking spaces required in parking lot shared by condominium and place of public accommodation
- Represented a securities company at arbitration before the Financial Industry Regulatory Authority in employee's claims of race, national origin, and disability discrimination and obtained dismissal for employee misconduct, along with subsequent order of dismissal from federal district court finding employee's misconduct made the agreed-upon arbitration tribunal unavailable and foreclosed employee's claims in court
- Represented college accused of wage discrimination based on employee's race and color and obtained dismissal of Title VII claims for employee's discovery misconduct and summary judgment on Florida Civil Rights Act counts and 42. U.S.C. § 1981 claim

## Areas of Focus

### Practices

- Labor & Employment
- Health Care
- Litigation and Trials
- Securities Litigation and Enforcement
- Appellate & Trial Support
- Telecommunications
- FINRA Enforcement, Arbitration, and Appeals
- Wage and Hour
- Discrimination
- Class Actions

### Industries

- Health Care
- Telecommunications
- Property & Casualty Insurance

## Insights

01.06.2023

FTC Proposes Nationwide Ban on Noncompete Agreements for All Employers: How to Comment on This Proposed Rule

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10.26.2022

EEOC Releases Updated “Know Your Rights” Job Discrimination Poster

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02.10.2022

Sexual Harassment Claims, Individual and Classwide, Can No Longer Be Forced to Arbitration by Employers

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01.15.2022

The Status of Vaccination Mandate Laws: What Is Being Enforced?

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09.27.2021

Performance Feedback in the Age of Cancel Culture

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09.10.2021

White House Announces Vaccine Mandates for Large Employers

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06.26.2020

Six Tips to Step up Employment Policies After the Blockbuster Supreme Court LGBT Ruling  
*Tampa Bay Business Journal*

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11.28.2018

The Future Of LGBT Protections: Will High Court Weigh In?

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11.29.2017

Matt Lauer Too? Unlike Cats, VIPs No Longer Have Nine Lives

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11.23.2016

Injunction Placing New Overtime Rule on Hold Affects Employers in Every Industry

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09.02.2016

Ivanka Trump Intern Controversy Offers Key Reminders for Businesses

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10.12.2015

4 Reasons Why Companies Can Ask Exempt Employees to Work for 'Free'

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10.01.2015

5 Workplace Safety Tips to Protect Employees from Violent Co-Workers (While Complying with Employment Laws)

*Women's Chamber of Commerce of Miami-Dade County*

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08.27.2015

5 Workplace Safety Tips to Protect Employees from Violent Co-Workers (While Complying with Employment Laws)

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08.24.2015

Unpaid Internships: Tips for Avoiding Legal Liability

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08.03.2015

An HR Challenge: Finding and Fixing Overtime Misclassifications in 4 Steps

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01.08.2015

The Benefits of Settling Employee Wage Claims Through the Department of Labor

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12.02.2013

Hiring and Retaining Individuals with Criminal Histories

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09.23.2013

8 Tips to Help Health Care Providers Minimize Possible Wage Liability for Student Interns

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08.09.2011

Chronic Absenteeism and Employer Policy Violations Now Preclude Employees from Collecting Unemployment Compensation Benefits

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03.31.2011

ADAAA Regulations Alert

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03.04.2011

Supreme Court: Don't Retaliate Against One Employee to Get Back at Another

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03.04.2011

"Cat's Paw" Defense Diminished

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07.17.2009

Eleventh Circuit: Consent to Join Doesn't Entitle a Putative Plaintiff to Discovery in a Suit Filed as an FLSA Collective Action

*Tort, Trial & Insurance Practice Section Employment Law and Litigation Committee Newsletter*

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01.30.2009

Lilly Ledbetter Fair Pay Restoration Act ("the Act")

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01.01.2006

Force Majeure: Risk Allocation for Unforeseeable Events

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02.01.2005

Declaratory Relief: The Antidote to Bad Faith

*ABA Insurance Coverage Litigation Committee CLE Seminar*

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## News

07.01.2022

Carlton Fields Named Top Firm and Attorneys Named Legal Leaders in Florida Trend's 2022 "Legal Elite"

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11.05.2021

Carlton Fields' Allison Oasis Kahn Quoted in Associated Press Coverage of Federal Vaccine Rules

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09.10.2021

Carlton Fields' Allison Oasis Kahn Quoted in Media on Federal COVID-19 Vaccine Mandate

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08.17.2021

Understaffed Employers Struggle with Vacation Demands

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06.28.2021

Carlton Fields Named Top Firm and Attorneys Named Legal Leaders in Florida Trend's 2021 "Legal Elite"

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05.19.2021

Carlton Fields' Allison Kahn Quoted in Daily Business Review on COVID-19 Labor and Employment Litigation

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04.30.2021

'Easy' Part of Tip Rule Takes Effect, Other Provisions in for More Study

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06.19.2020

Carlton Fields' Allison Oasis Kahn Featured in Tampa Bay Business Journal on Supreme Court's Ruling on Title VII of Civil Rights Act

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07.01.2019

Carlton Fields' Allison Oasis Kahn Board Certified in Labor and Employment Law by The Florida Bar

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11.28.2018

Allison Oasis Kahn Authors Article in Law360 on Pending LGBT Protections Under Titles VII and IX

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09.24.2018

Carlton Fields Shareholder Quoted in Labor and Employment Trend Report

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05.17.2018

Returnships: Solving Both Resume Gaps and Skills Gaps

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04.12.2018

Allison Oasis Kahn Authors Article in Law360 on Reasonable ADA Leave

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02.28.2018

Harassment in the Workplace: On Your Best Behavior

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10.27.2017

Lawyers Explain What The Restaurant Industry Needs To Do To Protect Women

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02.21.2017

Carlton Fields Wins Jury Verdict For Mercy Hospital In Nurse's \$2M Whistleblower Suit

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01.01.0001

Carlton Fields' Allison Oasis Kahn Featured in Business Journal on Six Steps for Employers to Enact After Supreme Court LGBT Ruling

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## Recognition

- Board Certified in Labor and Employment Law by The Florida Bar
- Florida Legal Elite, *Florida Trend Magazine* (2020–2022)
- Top Lawyers, *Palm Beach Illustrated* (2021-2022)

## Professional & Community Involvement

- Academy of Florida Management Attorneys
- The Florida Bar
  - Chair (2018); Member (2016–2017), Fifteenth Circuit Grievance Committee "A"
- Craig S. Barnard American Inn of Court (2005–2008)
- Federal Bar Association, Palm Beach County
- Women's Foundation of Florida
  - Women on Board Leadership Academy (2020)
- Florida Association for Women Lawyers, Palm Beach County
- Palm Beach County Bar Association
  - Labor and Employment Committee (2005)
  - Committee for Diversity and Inclusion (2011–2012)
  - Co-Chair, Gender Equities Subcommittee (2011–2012)
- U.S. District Court, Southern District of Florida
  - Ad Hoc Committee on Attorney Admissions, Peer Review, and Attorney Grievance

## Speaking Engagements



- "Board Certification Lunch and Learn," Palm Beach County Chapter, Florida Association for Women Lawyers (April 13, 2023)
- "Performance Feedback in the Age of Cancel Culture," Core Triangle Consulting and The Norfus Firm (September 20, 2021)
- "Rights and Obligations of Employers and Public Accommodations Under the Americans with Disabilities Act During COVID-19," 2020 Academy of Florida Management Attorneys Annual Meeting (October 9, 2020)
- "Back to School: Distance Learning, Contracts, and Other Pandemic Challenges" (April 22, 2020)
- "Let's Talk About 'Sex': Embracing Nondiscrimination of LGBT Employees," 2019 HR Florida Conference & Expo, Orlando, FL (August 28, 2019)
- "Wage and Hour Workshop," Carlton Fields, Miami, FL (October 26, 2016)
- "Wage and Hour Workshop," Raymond James Stadium, Tampa, FL (October 25, 2016)
- "New Wage and Hour Laws and How They Will Impact Law Firms," Palm Beach County Chapter of the Association of Legal Administrators (August 9, 2016)
- "Women in the Law," Palm Beach County Bar Association Diversity Luncheon (October 2012)
- "Flex What? – Flex Time: What Is It, How It Works, and the Benefits to Both Attorneys and Firms," Palm Beach County Chapter of the Florida Association for Women Lawyers (April 2011)
- "Workplace Issues in Employee Relations," Employment Law for Accountants Seminar, West Palm Beach, FL (November 12, 2009)

## Credentials

### Education

- Nova Southeastern University Shepard Broad College of Law (J.D., magna cum laude, 2001)
- Georgia Southern University (B.A., 1998)

### Bar Admissions

- Florida

### Industry Specialization

### Certifications

- Labor and Employment Law

### Court Admissions

- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Middle District of Florida
- U.S. District Court, Southern District of Florida

### Clerkships

- Hon. Gary M. Farmer, Florida Fourth District Court of Appeal