

SHEEHAN PHINNEY

Karen A. Whitley

Shareholder | Boston, MA

Karen serves on the firm's Management Committee as the 'At Large' member for Boston. She is also a member of the firm's Labor & Employment and Litigation Practice Groups. Karen focuses her practice on management-side employment litigation and counseling, including discrimination, wage and hour, and restrictive covenant proceedings. She values working closely with HR professionals and in-house counsel to develop a practical business approach to thorny employment law issues. Karen advises employers on legal compliance in all phases of the employment relationship, conducts sensitive internal investigations, and provides proactive training to management and staff on cutting edge issues. She provides employment law advice arising in connection with mergers and acquisitions, and helps employers protect their proprietary data through the enforcement of restrictive covenants and other policies.

Karen maintains an active practice before anti-discrimination agencies and trial courts on behalf of private employers in the banking, insurance, recruiting, education, hospitality, manufacturing, and pharmaceutical industries. She has been a trusted advisor to small start-up businesses, mid-size organizations, and multi-national companies to ensure adherence with numerous federal and state laws, including the FLSA, ADA, ACA, FMLA, WARN Act, COBRA and similar state laws.

Prior to joining the firm in 2014, Karen was a partner at Jones Day in Boston for 4 years. Previously, Karen was with Hanify & King in Boston for 16 years. Karen began her legal career as a Law Clerk to the Justices of the Superior Court of Massachusetts.

Key Cases

- Represented employer in federal court action where former employee claimed violation of USERRA and Massachusetts anti-discrimination laws following his return from active duty deployment.
- Represented Australian company in matter filed by former executive seeking sales commissions and other compensation.
- Defended multi-national insurance company against claim for severance under "Good Reason" provision in Employment Agreement.
- Defended national flooring company in class action litigation asserting workers were misclassified as independent contractors.
- Defended restaurant and event venue in class action by workers for violation of the Massachusetts Tip Act.
- Conducted sensitive sexual harassment investigation involving co-owners of media business leading to favorable settlement of threatened litigation.



Contact Information

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- Assisted non-profit organization with notice and severance documentation following significant restructuring including closure of offices in multiple states.
- Developed three tiers of employment agreements and related documents for over 900 employees in 20 states as part of acquisition of competitor's business by national company.
- Assisted multiple employers with drafting and implementation of Massachusetts Sick Leave policies in compressed timeframe.
- Counseled employers on coverage and reporting obligations under the Affordable Care Act.
- Annually review, revise and update employee handbooks for more than 20 employers, ranging in size from 10 employees to more than 200 employees with operations in Massachusetts and New Hampshire.

Practice Areas

- Business Litigation
- Labor & Employment

Admissions

- Commonwealth of Massachusetts
- State of New Hampshire
- Boston Bar Association's Labor and Employment Section

Education

- J.D., Boston College Law School
- B.A., Wellesley College, *magna cum laude*

Civic Involvement

- Secretary of the Board and Member of the Executive Committee, The Boston Club
- Ambassador, Governance Committee, and Membership Committee Member, The Boston Club

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- Board Member, Wellesley College Alumnae Association
- Chair, Wellesley College Alumnae Achievement Award Selection Committee
- Seven-time walker in the Avon Walk to End Breast Cancer (Boston, Charlotte and Washington DC)
- 20-year Member, Wellesley Lawyers Network
- Former Advisory Board Member for Education & Training Branch, Greater Boston YMCA; In-School Mentor, Big Sister Association; President of the Wellesley College Alumnae of Boston; Member of the Executive Women's Golf Association; Board Member for the National Association of Women Business Owners (Boston); Board Member of Art beCAUSE Breast Cancer Foundation
- Member of ProVisors, a selective community of skilled and experienced business professionals whose goal is to provide superior representation to clients and unparalleled resources to other members.

Awards

- Massachusetts Super Lawyer®, Employment & Labor Law
- Best Lawyers in America®, Litigation - Labor and Employment
- Top Women of Law, Massachusetts Lawyers Weekly in 2015
- 2021 Deane Laycock Award , The Boston Club

Publications

- Clarifying the Undue Hardship Standard in Response to Requests for Reasonable Accommodation (p25)
- Clarifying the undue hardship standard in response to requests for reasonable accommodation
- The New FFCRA Regulations: Helpful Clarifications, a Few Surprising Answers
- What Employers Need to Know About the Families First Coronavirus Response Act
- New Hampshire Workplace Legal Developments
- NH Legal Perspective: Keep your employee handbook up to date
- Check your employee handbook: Changes in laws greater awareness among employees mean the time has come to consider an update
- NH Legal Perspectives: EEOC's wellness incentive rules run off the track
- NH Legal Perspective: Consistency still key in Family and Medical Leave Act interference claims
- Dress Codes and Discrimination – Motive the key in Abercrombie Supreme Court case