



# Marley J. Masser

Associate

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Marley Masser is a member of the employment law & labor relations practice team. An avid researcher and writer, Marley prides herself on developing practical solutions to complex legal issues facing public and private employers alike. In addition to her passion for labor and employment law, Marley enjoys assisting clients with matters involving higher education and constitutional law.

In her labor practice, Marley negotiates collective bargaining agreements and provides guidance on contract administration, union organizing campaigns, and unfair labor practice charges. She represents employers in labor arbitrations and before the National Labor Relations Board and the Oregon Employment Relations Board. Marley also brings extensive experience to her employment law practice, with a proven track record representing employers in state and federal courts and before administrative agencies, including the Equal Employment Opportunity Commission and Oregon’s Bureau of Labor and Industries. She regularly counsels employers on compliance with federal and state labor and employment laws, and advises on workplace policy development and risk management.

Prior to joining Miller Nash, Marley practiced at a multinational labor and employment law firm. During law school, Marley served as a judicial extern to the Honorable Chief Judge Marco A. Hernández of the U.S. District Court for the District of Oregon and worked as a Law Clerk for Clackamas County’s Office of County Counsel.

## Professional Activities

- Multnomah Bar Association, Member
  - Young Lawyers Section, Pro Bono Committee, Member, 2023-2025
- OGALLA—Oregon’s LGBTQIA+ Bar Association, Member, 2022-present
- Oregon Women Lawyers, Member, 2019-present
- Oregon State Bar, Member

## Civic Activities

- College Possible, Ambassador Board, Chair, 2023-2025

## Education

J.D., Lewis & Clark Law School, 2022

- Business Law Certification
- Associate Editor, *Animal Law Review*
- President, Labor & Employment Law Society
- Recipient, Pro Bono Honors Award (2022)
- Moot Court (2021)
  - 2022 Regional Semi-Finalist
  - 1st in Regional Preliminary Rounds
  - 1st in Intra-School Rounds
- 1L Best Oral Advocate (2020)

B.A., Cal Poly Humboldt, religious studies, minor in studio art, *cum laude*, 2014

## Bar Admissions

Oregon, 2022

## Court Admissions

U.S. District Court, District of Oregon

U.S. Court of Appeals for the Ninth Circuit

## Representative Experience

### Traditional Labor Law

- Counseled multiple public employers through negotiating collective bargaining agreements.\*
- Successfully defended public employers' terminations of employees through grievance arbitration.\*

### Employment Law Advice & Counsel

- Counseled public employers through reduction in force and operation restructuring.\*

### Employment Law Litigation

- Successfully defended public employers through multiple complaints filed with the Bureau of Labor and Industries based on employers' legitimate business reasons for termination of employment.\*
- Represented staffing company against claims of wage inquiry retaliation, whistleblower retaliation, and aiding and abetting liability. Successfully drafted and argued a motion to dismiss for failure to state a claim which resulted in the dismissal of three of plaintiff's four claims. Negotiated case settlement for approximately 10 percent of plaintiff's prayer for relief.\*
- Represented local restaurant and performance venue against allegations of retaliation and worker misclassification before the Equal Employment Opportunity Commission. Successfully moved to quash the EEOC's subpoena for confidential identification information of non-party employees. Resolved investigation with a finding of no liability against client employer.\*
- Represented local restaurant chain and secured a speedy dismissal of federal lawsuit alleging violations of the Americans with Disabilities Act "Amendments Act" of 2008.\*
- Represented hospitals against the Oregon Bureau of Labor & Industries assessment of civil penalties for alleged violations of state employment regulations. Researched and drafted arguments on BOLI's administrative rulemaking inadequacies which ultimately led to BOLI amending its regulations for certain hospital employees.\*
- Represented Pacific Northwest bank against claims alleging discrimination and wrongful termination. Negotiated a nearly \$1,000,000 settlement demand down to \$10,000.\*

\* Denotes experience prior to joining Miller Nash LLP

## Publications

- "New Year, New Independent Contractor Test: What the U.S. Department of Labor's Final Rule Means for Worker Classification in 2024 & Beyond," *Cascade Business News* (Mar. 2024)
- "What to Know About the Pregnant Workers Fairness Act," *Oregon Business Report* (June 2023)
- "From Public Health Emergency to Recovery: The EEOC's Updated Guidance for the Post-Pandemic Workplace," *Cascade Business News* (June 2023)
- "Increased Penalties, More Investigations for Work Health & Safety Violations," *Oregon Business Report* (June 2023)
- "Oregon Increases Civil Penalties & Expands Investigations for Violations of Workplace Health & Safety Laws," *Daily Journal of Commerce* (May 2023)
- "How Oregon Employers Can Prepare for Pay Transparency Compliance," *Daily Journal of Commerce* (Oct. 2022)

## Presentations

- "Employment Law 101," Sprout Therapy PDX (Aug. 2025)
- "Ambassador Board Career Panel Presentation," College Possible, event organizer and presenter (Apr. 2023)
- "Non-Solicitation, Non-Compete & Confidentiality Agreements," National Business Institute (Apr. 2023)
- "Key Compensation Questions," Oregon Society of Certified Public Accountants, Not-for-Profit Conference (Apr. 2023)
- "How to be an Effective Oral Advocate," Lewis & Clark Law School, 1L Lawyering Class (Mar. 2022)

### **Recognition & Honors**

- Recipient, Oregon State Bar Labor & Employment Section Fellowship, 2020

### **Outside of the Office**

In her off hours, Marley enjoys painting, traveling internationally, attending live music events with friends, and spending time with her cats, Koda and Freya.