

Mark is co-chairperson of the firm's Employment and Labor practice team. Mark helps his employer clients avoid disputes through preventative practices, policies and training, and advocates for them in litigation when disputes cannot be avoided.



Contact information

801.536.6932

mtolman@parsonsbehle.com

Capabilities

Appeals
Healthcare
Employment & Labor
Trade Secret Litigation
Employment Litigation

Licensed/Admitted

Utah
Idaho
Wyoming

Mark D. Tolman

Employment & Labor Practice Area Co-chairperson | Shareholder | Salt Lake City

Biography

Mark practices employment law and commercial litigation in matters before state and federal courts, the Utah Labor Commission and Equal Employment Opportunity Commission. He was recognized by the Utah State Bar as the 2018 Labor & Employment Attorney of the Year. Mark litigates cases involving complex factual and legal matters, including employment discrimination, harassment and retaliation, breach of fiduciary duty, covenants not to compete, solicit, or disclose confidential information, interference with contract, trade secrets and defamation. Mark has tried cases before state and federal courts and before the Adjudication Division of the Utah Labor Commission. He has also argued cases to the Utah Supreme Court, the Utah Court of Appeals and to the United States Tenth Circuit Court of Appeals. Most importantly, Mark helps his clients avoid litigation by daily counseling on employment law problems, developing preventative practices and policies and providing regular inhouse training.

Mark is an experienced independent investigator. He has conducted dozens of fact investigations involving matters of alleged harassment and abuse, discrimination and retaliation. Mark regularly trains HR professionals and others on how to conduct effective investigations.

Mark also volunteers as the Director of Legal Affairs for the Utah SHRM State Council and as Co-Director of Legal Affairs for Salt Lake SHRM. Mark is a regular presenter at SHRM events and provides a monthly *Ask a Lawyer* webinar for members of Salt Lake SHRM.

Experience

Utah's Workplace Violence Protective Order Law

Mark lobbied on behalf of Salt Lake SHRM and Utah SHRM for passage of House Bill 324, Workplace Violence Protective Order Amendments. This bill allows an employer to seek a protective order against individuals who harm, or threaten to harm, its employees or property. The bill passed and took effect July 1, 2023. For additional information on how to obtain a Workplace Violence Protective Order, please contact Mark or visit the Utah Court's website here: [Protective Orders \(utcourts.gov\)](https://utcourts.gov)

Independent Investigation of Sexual Harassment

Conducted an independent investigation of sexual harassment claims against Senator Gene Davis by a legislative intern.

ADA Discrimination Defense

Represented a Utah city regarding discrimination charges under the ADA and in retaliation for filing worker's compensation claims.

FMLA and ADA Discrimination Defense

Represented a large Intermountain region bank in two discrimination claims in U.S. District Court concerning FMLA and ADA.

Nondisclosure, Nonsolicitation, Noncompetition Defense of Solar Sales Company

Defending a solar sales company in several lawsuits in Utah state and federal courts and Texas state court for competitive claims including nonsolicitation, nondisclosure and noncompetition claims.

Accomplishments

Professional

Utah Business Magazine's Legal Elite, Labor and Employment

Recognized in *Chambers USA*, Labor & Employment – Utah

Mountain States Super Lawyers (Employment & Labor)

2015 "Outstanding Mentor Award," Utah State Bar

Academic

University of North Carolina at Chapel Hill (J.D., with honors, 2004)

Weber State University (B.S., *summa cum laude*, Economics, 2001)

Associations

Professional

Member, Society for Human Resource Management (SHRM)

Director of Legal Affairs, Utah State SHRM Council

Co-Director of Legal Affairs, Salt Lake Chapter of the Society for Human Resource Management (SHRM)

Community

Weber State University Business Advisory Council

Articles

“Congress Passes the Speak Out Act, Outlawing the Use of NDAs to Silence Victims of Sexual Harassment and Assault,” (November 30, 2022)

“*Employment Law Update*,” (June 29, 2022)

Presentations

“Parsons Attorneys to Present at SHRM Annual Employment Update,” (February 14, 2023)
Salt Lake SHRM

“Everything You Want to Ask Your Lawyer But Are Afraid to Ask,” (October 5, 2022)
Parsons Behle & Latimer 10th Annual Idaho Employment Law Seminar

“Common Mistakes and Horror Stories,” (August 31, 2022)
WECon Utah SHRM Conference

“2022 Legislative and Regulatory Update,” (June 16, 2022)
34th Annual Parsons Behle & Latimer Employment Law Seminar

“Key Employment Laws Every New HR Professional Must Know,” (August 30, 2022)
WECon Utah SHRM Conference

“Everything You Want to Ask Your Lawyer But Are Afraid to Ask,” (June 16, 2022)
34th Annual Parsons Behle & Latimer Employment Law Seminar

“The ADA, FMLA and Other Leave Essentials,” (June 16, 2022)
34th Annual Parsons Behle & Latimer Employment Law Seminar

“Emerging Employment Law Issues and Trends for Municipal Employers,” (June 3, 2022)
Utah Municipal Attorneys Association