

People



Sarah M. DeFranco

Partner, Labor and Employment

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Sarah DeFranco draws from more than 20 years of experience to provide on-call advice and counseling to employers of all sizes regarding compliance with federal, state, and local employment laws, such as the FMLA, ADA, Title VII, ADEA, and FLSA. Both public and privately held companies rely on Sarah's deep understanding of multijurisdictional labor and employment laws to navigate the compliance intricacies of operating with remote and multistate workforces.

Sarah regularly drafts and negotiates executive employment agreements, consulting agreements, independent contractor agreements, separation and release agreements, retention agreements, and non-competition, non-solicitation and non-disclosure restrictive covenant agreements for publicly traded and privately held companies. She also assists employers with designing, drafting, and implementing bonus plans, commission plans, and equity awards.

Sarah frequently supports corporate clients on both the buy-side and sell-side of mergers and acquisitions by providing labor and employment review of due diligence materials, guidance on employment-related disclosures and acquisition agreements, counseling regarding potential red flags under reps and warranties insurance (RWI) review, drafting consulting and employment agreements for post-closing continuation of key personnel, and counseling on post-closing employee transition matters.

Additionally, Sarah has vast experience drafting employee handbook policies and state law addenda for employers of all sizes and industries, and providing employers guidance regarding properly classifying workers as independent contractors.

Sarah also represents employers in employment litigation and administrative proceedings arising under federal, state, and local discrimination, harassment, retaliation, whistleblower, and wage and hour laws, as well as in litigation of claims involving the

Areas of Experience

Labor and Employment
Employment Training and Compliance
Employment Administrative Claims Defense
Employment Litigation
Wage and Hour
Trade Secrets, Restrictive Covenants, and Unfair Competition
Employee Benefits and Executive Compensation
Commercial Disputes
Staffing Law
Sports and Entertainment Law

Education

J.D., Nova Southeastern University, Shepard Broad Law Center, 2004, *magna cum laude*, *Nova Law Review*, Editorial Board Member
B.A., University of Miami, Biology, 2000

Admissions

Bars

Florida
Illinois
New York

Courts

U.S. District Court, Middle District of Florida
U.S. District Court, Northern District of Florida
U.S. District Court, Southern District of Florida
U.S. District Court, Central District of Illinois
U.S. District Court, Northern District of Illinois
U.S. District Court, Southern District of New York

Related Content

Akerman Hosts Pre-Valentine's Day Roundtable on Navigating Gender in the Workplace
February 05, 2025

enforcement of non-competition, non-solicitation, non-disclosure, and employee raiding restrictive covenants.

Notable Work

Reductions-in-Force and WARN Act Compliance: Advised public and privately held companies regarding design and implementation of reductions-in-force (RIF), conducting adverse impact analyses, drafting separation agreements and disclosure notices, as well as compliance with the federal WARN Act and state mini-WARN laws.

Restrictive Covenant Design and Implementation: Counsel multi-state employers with respect to drafting and implementing non-compete, non-solicitation restrictive covenant agreements.

Spin-off: Advised public company regarding employment matters for spin-off of subsidiary into separate public company.

Transactional Due Diligence: Provided labor and employment specialist due diligence review and support in a series of acquisitions by a cannabis company and acquisitions by portfolio companies of private equity firm clients.

RWI Underwriting: Provided labor and employment specialist review in connection with issuance of representations and warranties insurance policies.

Investigations: Conducted independent workplace investigations related to allegations of misconduct, discrimination, and harassment.

Commercial Dispute: Represented property management company in defense of tortious interference claim brought by direct competitor.

Non-Compete Litigation: Represented home healthcare agency and executive employees in defense of claims brought by a competitor for alleged employee raiding and unfair competition, including successfully defending against a motion for preliminary injunction following a two-day evidentiary hearing.

Summary Judgment Victory/Tortious Interference: Represented private equity client in obtaining summary judgment in connection with defense of claim by home healthcare agency for tortious interference with employment agreements of agency's former executives.

Summary Judgment Victory/FCRA: Represented retail client in obtaining summary judgment on behalf of employer in connection with former employee's claims of gender and age discrimination and retaliation in violation of the Florida Civil Rights Act.

Employment Discrimination Litigation: Represented professional sports team in defense of disability discrimination and unpaid overtime claims brought by former employee.

FMLA Litigation: Represented property management company in defense of FMLA claims brought by former employee.

Whistleblower Litigation: Represented cable sports channel and CEO in defense of former employee's claims for violation of the Florida Whistleblower Act, negligent misrepresentation, and slander.

Jingle All the Way to the SEC: Employers (Even Privately Held) Under Scrutiny for Language in Separation Agreements Impeding SEC Whistleblower Rule 21F-17
December 06, 2023

Akerman Team Represents Kubient in Merger
June 01, 2023

Breach of Contract Litigation: Represented physician practice group in defense of breach of contract claim by former employed physician.

Related Professional Experience

- Judicial Intern to the Honorable Wilkie D. Ferguson, Jr., United States District Court, Southern District of Florida

Published Work and Lectures

- [HR Defense Blog](#), Contributor
- Wolters Kluwer, *INSIGHTS*, Co-Author, Volume 38, Number 2, “Employers (Even Privately Held) Under Scrutiny for Language in Separation Agreements Impeding SEC Whistleblower Rule 21F-17,” February 2024
- Akerman ELITE Internal Associate Training Program, Creator and Presenter
- Akerman Seminar, Speaker, “Breaking Up is Hard to Do: Minimizing Risk in Connection with Single Employee Terminations and Reductions in Force,” February 7, 2023
- *Lex Mundi Global Employment Law Guide, Florida*, Author, 2019
- Mississippi Valley Human Resources Association, Speaker, “Best Practices for Drafting Employee Handbooks,” February 6, 2019
- Babson College WIN Lab, Speaker, “Employment Law Keys to Hiring and Firing,” February 6, 2018
- *Lex Mundi Guide to International Employment Law, USA, Florida*, Author, 2017

Affiliations

- The Florida Bar, Labor and Employment Section, Member

Honors and Distinctions

- *Super Lawyers* Magazine 2014, Listed in New York as a “Rising Star” for Employment & Labor