



**Labor and employment lawyer Mark Kittaka has significant experience representing clients in OSHA matters involving serious injuries and/or deaths in both state plans and federal OSHA jurisdictions across the country. Mark delivers the industry know-how needed to serve a diverse national clientele in OSHA and other labor and employment matters.**

Mark's experience includes regulatory compliance, representation in on-site inspections, informal conferences, formal administrative appeals, and defense of whistleblower claims. He has successfully represented businesses involved in general industry, industrial hygiene, and construction matters. Mark has represented clients in process safety management (PSM) claims, industrial hygiene allegations of overexposure to chemicals, as well as the more common machine guarding, lockout/tagout (LOTO) and powered industrial truck citations. Regardless of the industry or complexity of the challenge, Mark provides scalable support and defense that parallels each client's particular needs. Agile and sensitive to budgetary concerns, Mark works efficiently with experienced and inexperienced health and safety professionals or in-house counsel alike in a catastrophe or fatality situation, which may require onsite support throughout the OSHA inspection.

On many occasions, Mark serves as the point person for clients in communication with OSHA or works diligently to prepare the company representative for interviews by OSHA interaction. He is skilled in providing damage assessments before the 24-hour reporting deadline in order to ready his client with appropriate documentation in the event of an inspection. He also assists in the negotiation at the informal conference or the defense through appeals and administrative hearings. Mark understands, from decades of first-hand and practical experience, that working with counsel before reporting may be the difference between an on-site inspection or merely a written request for information.

In addition, he defends clients in federal and state litigation concerning discriminatory practices and retaliation claims. His experience includes Title VII race, sex, color and religious discrimination claims; the Americans

## Mark S. Kittaka

### Partner

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### EDUCATION

Washington University in St. Louis  
School of Law, (J.D.), 1992

Indiana University-Bloomington, (B.A.),  
1989

### BAR ADMISSIONS

Indiana

Michigan

Ohio

### COURT ADMISSIONS

U.S. Court of Appeals for the Eleventh  
Circuit

U.S. Court of Appeals for the Seventh  
Circuit

U.S. District Court for the Northern  
District of Indiana

U.S. District Court for the Southern  
District of Indiana

U.S. District Court for the Northern  
District of Ohio

U.S. District Court for the Southern  
District of Ohio

### LANGUAGES

English

### PRACTICES

with Disabilities Act (ADA) and disability discrimination, reasonable accommodation and interactive process claims; the Age Discrimination in Employment Act (ADEA); the Family and Medical Leave Act (FMLA); the Fair Labor Standards Act (FLSA); and the Employee Retirement Income Security Act (ERISA).

Mark helps clients resolve wrongful discharge claims under state laws, including worker's compensation retaliation claims. He advises on covenants not to compete, trade secret disputes, collective bargaining agreement administration and representation in grievance and arbitration proceedings. He also represents clients before the Equal Employment Opportunity Commission (EEOC), the National Labor Relations Board (NLRB), the Department of Labor (DOL), Indiana Civil Rights Commission (ICRC), Metropolitan Human Relations Commission (MHRC) and the Department of Workforce Development (DWD).

Moreover, Mark conducts supervisory training for employers on anti-harassment training, documentation and discharge, FMLA administration, union-free training and handling the marginal performer. He provides proactive advice on employment agreements such as noncompete, non-disclosure and confidentiality agreements, and advises on policies, procedures and handbooks. He regularly consults with employers on matters pertaining to leave of absence, such as FMLA, ADA, short-term disability or worker's compensation overlap, Worker Adjustment and Retraining Notification Act (WARN), and Reduction in Force (RIF) planning. Mark also serves as an educator and frequent speaker at both in-house and public seminars.

## Professional and Community Involvement

Former member, American Bar Association

Member, Indiana State Bar Association

Member, Allen County Bar Association

Member, National Asian Pacific American Bar Association (NAPABA)

Board member, Asian Pacific American Bar Association of Indiana, Inc. (APABA-IN)

## Honors

Lawyers Of Color Diversity Issue, 2023

The Best Lawyers in America, 2018-2024

Nation's Best, Lawyers of Color, 2020

Arbitration and Grievances

Class and Collective Actions

Collective Bargaining

Commercial Litigation

Construction

Corporate

Disability, Leave and Medical Issues

Discipline and Termination

Discrimination Defense

Downsizing and WARN Act

EEO Compliance

Emerging Companies and Venture Capital

Employment

Employment Litigation

Executive Level (or C-Suite) Internal Investigations

Human Resource Audits

Immigration Compliance - Worksite Enforcement Services

Japanese Services

Labor and Employment

Labor Relations

Litigation

Logistics and Transportation

Management and Employee Training

Mergers and Acquisitions - Labor Issues

National Labor Relations Board (NLRB)

Non-Compete and Trade Secrets

Union Avoidance

Wage and Hour

Workplace Counseling

Workplace Culture 2.0

Workplace Safety

## INDUSTRIES

Education

Primary and Secondary Schools