

**Ashley Prickett Cuttino**

Shareholder

ashley.cuttino@ogletree.com**Location:**

Greenville (Office: 864-271-1300, Fax: 864-235-8806)

Education:

J.D., University of South Carolina School of Law, 2002

M.H.R.D., Human Resource Development, Clemson University, 1999

B.A., *cum laude with honors*, English, Clemson University, 1998**Practice Areas:**

Traditional Labor Relations, Employment Law, E-Discovery and Records Retention, Litigation, Healthcare, Defense Contracting Industry, Cybersecurity and Privacy, Diversity and Inclusion, Financial Services, Technology, Leaves of Absence/Reasonable Accommodation



In response to the Coronavirus pandemic, Ashley has led Ogletree Deakins' nationwide unemployment response team. In this role, Ashley tracks unemployment changes nationwide and provides counsel to clients on unemployment related issues. In addition, Ashley is the co-chair of the Ogletree COVID-19 Litigation Practice Group. COVID-19 litigation involves all areas of employment law as well as personal injury related claims. In this role, Ashley has been able to utilize her substantial past litigation experience that includes employment litigation, personal injury litigation, medical malpractice defense, and complex toxic tort defense.

Outside of COVID-19, Ashley represents and counsels companies on a wide range of labor and employment law issues—though a significant focus of her practice is on various state leave laws (counseling and litigation) and multi-state compliance. Ashley is a member of the OD Comply compliance solutions group and the shareholder - author of the OD Comply: State Leave Law subscription materials. Ashley is also a member of the firm's Trial Practice Group and is regularly involved in complex employment litigation. This includes defending employer claims against discrimination and wrongful discharge. Ashley also has a broader general litigation practice that has allowed her to defend clients in complex toxic tort actions, class actions, and asbestos personal injury.

Ashley is also actively involved in raising the profile of women in her own firm, in the legal community, and in her local community. Ashley is the former Chair of the Ogletree Deakins' Women's Initiative (ODWIN) and remains on the steering committee. In addition, Ashley is President of the South Carolina Women Lawyers Association and is Past-Chair of the Greenville YWCA.

Admitted to Practice:

South Carolina
U.S. District Court, South Carolina District
U.S. Court of Appeals, Third and Fourth Circuits

Honors and Awards:

- Fellow, American Bar Foundation
- *Best Lawyers in America* (2018-present)
- *South Carolina Lawyers Weekly* 2016 Leadership in Law Honoree

- South Carolina *Super Lawyers* (2015 – present)
- *Greenville Business Magazine's* Legal Elite (Civil Litigation) (2013); *Greenville Magazine* Legal Elite 2016 (Labor and Employment)
- South Carolina *Super Lawyer* Rising Star in Employment Litigation: Defense (2012)
- Named one of *Greenville Business Magazine's* "Best and Brightest 35 and Under" (2012)

Professional Activities:

- American Bar Association
- South Carolina Bar Association (former member of the Practice and Procedure Committee – E-Discovery Subcommittee; former member of Social Networking Taskforce)
- Greenville Bar Association
- South Carolina Women Lawyers (State Board Member (President-elect); former Co-Regional Representative for Greenville)
- S.C. Defense Trial Attorneys Association
- Society for Human Resource Management
- National Association of Women Lawyers
- Graduate, South Carolina Diversity Leaders Initiative Upstate Class XIV
- International Association of Privacy Professionals
- Life Fellow of the American Bar Foundation

Community Involvement:

- Clemson University Board of Visitors (member 2016-2019)
- South Carolina Code of Conduct Task Force (appointed by Governor Haley) (2014-2015)
- YWCA of Greenville (Board Chairman 2013-2014; Board Member 2011-2014)
- Executive Leadership Team - American Heart Association, Heart Walk Greenville Chapter (2012-2014)
- Clemson Club of Greenville (former Board Member)
- Big Brothers Big Sisters of the Upstate (former Board Member)
- Paris Elementary School PTA – Watch D.O.G.S. (Chairman 2013-2014)

Speeches:

- Workplace Strategies Seminar - "COVID Concerns: The Employment Litigation Tsunami" - Austin - June 25, 2021
- NAWL Mid-Year Conference Webinar - "Workplace impact of political environment and social activism" - March 26, 2021
- Private Client Webinar - "COVID-19 Update" - March 17, 2021
- Human Resources Law Update Webinar - "COVID-19 Update" - March 5, 2021
- Private Client Webinar - "COVID-19 Update" - March 3, 2021
- SC Leaders Forum Webinar - "Diversity and inclusion Seminar, sponsored by the SC Chamber and SC Bar Association" - March 2, 2021
- Greenville Chamber February Advocacy Committee Meeting Webinar - "Legislative and D.C. Labor Update" - February 12, 2021
- Ogletree Deakins Webinar - "Unpacking the Consolidated Appropriations Act, 2021: An Update for Employers" - January 14, 2021
- Corporate Labor and Employment Counsel Exclusive - "COVID-19 Litigation and Mitigation: Trends and Tips" - November 12, 2020
- Ogletree Deakins Podcast - "COVID-19 Litigation and Labor Relations: Recent Union Trends During the Pandemic" - October 22, 2020
- HR Simple - "COVID-19: Top 10 Employment Related Questions for Q.4 2020 and 2021" - October 8, 2020
- Ogletree Deakins Podcast - " COVID-19 Litigation Series: Leave of Absence Trends and Pitfalls During the COVID-19 Pandemic" - September 1, 2020
- Ogletree Deakins Podcast - "New York Federal Court Rules on U.S. Department of Labor's FFCRA Regulations" - August 10, 2020
- Ogletree Deakins Podcast - "COVID-19 Litigation Series: Changes to the Workers' Compensation Landscape" - August 4, 2020
- Ogletree Deakins Podcast - "COVID-19 Litigation Series: Whistleblower and Retaliation Claims" - July 27, 2020
- Ogletree Deakins Podcast - "Unemployment During COVID-19: Frequently Asked Questions" - July 9, 2020
- Ogletree Deakins Podcast - "Unemployment During COVID-19: Reopening the Workplace" - July 7, 2020
- Ogletree Deakins Podcast - "Unemployment During COVID-19: After a Lay-off or Furlough" - June 30, 2020
- Ogletree Deakins Podcast - "Unemployment During COVID-19: The Basics" - June 25, 2020

- Ogletree Deakins Webinar - "COVID-19 Litigation and Mitigation Strategies Series: Litigation Trends and Steps to Mitigate Liability" - June 16, 2020
- European American Chamber of Commerce-Carolinas Webinar - "European Return to Work: Getting the Workforce back in to the Workplace" - May 27, 2020
- Ogletree Deakins Webinar – “South Carolina Reopens: What’s Next for Employers?” – May 26, 2020
- Ogletree Deakins Webinar – “Properly Handling Employee Refusals to Work Due to COVID-19” – May 21, 2020
- Ladies Professional Golf Association (LPGA) Webinar - "Women's E-Leadership Series Session 1 - Navigating the NEXT Normal" - May 14, 2020
- Ogletree Deakins Workplace Strategies Virtual Conference - "Pandemic Workforce Challenges—Plan Don't Panic" - May 14, 2020
- South Carolina Women Lawyers Association Webinar - "Return to Work in the Office Environment" - May 11, 2020
- American Rental Association Webinar - "Legal Guidance on the Return to Work" - April 29, 2020
- Greenwood Chamber Webinar - "Back to Work: Minimizing Risk in the Workplace" - April 29, 2020
- Ogletree Deakins Webinar - "Return to Work: A Guide for Getting the Workforce Back into the Workplace" - April 23, 2020
- Greenville Chamber Webinar - "Unemployment in South Carolina" - April 9, 2020
- Ogletree Deakins Webinar - "FAQs: Unemployment Expansion Under the Coronavirus Aid, Relief, and Economic Security (CARES) Act" - April 8, 2020
- Ogletree Deakins Webinar - "Practical Strategies for Managing a Remote Workforce During the COVID-19 Pandemic" - April 7, 2020
- Coastal HR Webinar - "Impact of the Families First and CARES Legislation on South Carolina Businesses" - April 3, 2020
- CAGC COVID-19 Webinar - "Frequently Asked Questions for Construction Companies as a Results of the Families First and CARES Legislation" - April 2, 2020
- Ogletree Deakins Webinar - "CARES Act: What the Coronavirus Aid, Relief, and Economic Security (CARES) Act Means for Employers" - April 2, 2020
- Ogletree Deakins Webinar - "CARES ACT: What the Coronavirus Aid, Relief, and Economic Security (CARES) Act Means for Employers" - April 1, 2020
- American Rental Association Webinar - "The CARES Act" - March 30, 2020
- SC Chamber Webinar - "The Impact of the CARES Act on Unemployment and Incentives for Employers to Keep Employees Working" - March 30, 2020

- CAGC COVID-19 Webinar - "Jobsite Impacts" - March 18, 2020
- Corporate Labor and Employment Counsel Exclusive - "Investigation Insights: Round 2— Concluding Investigatory Interviews" - New Orleans - November 14, 2019
- Ogletree Deakins Workplace Strategies Seminar – “Dealing With—and Recovering From— Embezzlement, Kickbacks, and Theft at Work” – Phoenix – May 10, 2018
- South Carolina Healthcare Human Resources Association - "Social Media in the Medical Community" - Columbia - October 2015
- SC SHRM Annual State Conference - "Data Privacy & Security: Why Does HR or a GC Care" - Myrtle Beach - October 2015
- Ogletree Deakins 2015 Workplace Strategies - "Avoiding a Data Breach Nightmare: From Prevention Through Litigation" - San Antonio - May 2015
- Ogletree Deakins Workplace Strategies Seminar – “Trick or Treat? Avoiding e-Skeletons in Your Company’s Electronic Closet” – May 2014
- Association of Corporate Counsel - "Creating an Effective and Flexible Work Environment" - Greenville - February 2014
- Human Resources Law Update - "Creating an Effective and Flexible Work Environment" - Greenville - February 2014
- Carolinas AGC 2013 HR/Safety Conference - "Surviving the Perfect Storm: New Legislative Regulatory & Court Challenges for Contractors" - Concord - September 2013
- Ogletree Deakins Workplace Strategies Seminar - "Avoiding Rakes: Emerging Professional Responsibility Issues in Employment Litigation" - New Orleans - May 2013
- Association of Corporate Counsel - "What Can be Expected from Congress, the Courts & the Agencies in 2013" - Greenville - February 2013
- SC SHRM Annual State Conference - "How HR Professionals Can Manage and Control Technology in an E-Discovery World" - Myrtle Beach - September 2012
- Upstate Employers Network Mid-Year Update - "Social Media, Workplace Rules and Beyond" - Greenville - August 2012
- Ogletree Deakins Workplace Strategies Seminar - "Cyber Employees - The Legal and Practical Challenges of the Virtual Employee" - Phoenix - May 2012
- Carolinas AGC - "I Just Got a Notice of Charge from the EEOC . . . Now What do I do?" - Myrtle Beach - April 2012
- WCI HR Forum - "Employment Law Briefing" - Asheville - May 2011
- South Carolina Defense Trial Attorneys Association Corporate Counsel Seminar - "How Employee Blogs, Social Networks, Virtual Worlds, Texting & the Use of PDAs Impact Employment Law & the Workplace" - Columbia - April 2011
- 2011 Human Resources Law Update - "Legal Issues with Social Media" - Greenville - March 2011

- Excellence in Business, Powdersville Business Council of the Easley Chamber of Commerce - "Employment Law 101: Your Hot Topic Questions Answered" - Powdersville - February 2011
- Spartanburg Development Association Year-End HR Briefing - "Legal Issues with Social Media" - Greer - December 2010

Media Quotes:

- September 18, 2021 - [Tribune Papers](#) - "Why Are NC Residents Hesitant About Vaccine?"
- September 1, 2021 - [SHRM Online](#) - "Pet Boom Puts Pressure on Vet Staff, Owners During Pandemic"
- August 31, 2021 - [Bloomberg Law](#) - "States Try to Make Jobless Aid Part of Vaccine Mandate Pushback"
- July 21, 2021 - [Stateline \(PEW\)](#) - "States Braced for a Wave of COVID Lawsuits. It Never Arrived."
- July 16, 2021 - [SHRM Online](#) - "Remind Returning Employees of Professional Expectations"
- July 9, 2021 - [Bloomberg Tax](#) - "Unemployment Cut-Off Suits Swipe at States' Power to Abandon Aid"
- June 4, 2021 - [Bloomberg Law](#) - "Covid-19 Shield Laws Proliferate Even as Liability Suits Do Not"
- May 24, 2021 - [SHRM Online](#) - "Can Employers Ask Job Applicants About Vaccination and COVID-19?"
- April 24, 2021 - [SHRM Online](#) - "Avoid Pandemic-Related Litigation Risks"
- April 20, 2021 - [Bloomberg Law](#) - "States Prolong Covid-19 Liability Shields as Pandemic Persists"
- March 29, 2021 - [SHRM Online](#) - "Making the Case for Return to Office"
- March 16, 2021 - [Law360](#) - "Employers Face New Risks As Business Travel Returns"
- March 11, 2021 - [Law360](#) - "COVID One Year In: What Employment Attys Still Don't Know"
- January 29, 2021 - [Bloomberg Law](#) - "Davis Wright Covid Vaccine Plan Paves Way for More Big Law Firms"
- January 21, 2021 - [SHRM Online](#) - "Employers Should Note These Workplace Litigation Trends for 2021"
- January 20, 2021 - [SHRM Online](#) - "COVID-19 Vaccines and Employer Liability"
- January 20, 2021 - [Bloomberg Law](#) - "States Revive Push for Virus Liability Protections for Employers"
- November 17, 2020 - [SHRM Online](#) - "SHRM Report: Global Executives Respond to Remote Work, Other Emerging Trends"
- October 23, 2020 - [Practical Law](#) - "Expert Q&A: COVID-19 and Employment Litigation"
- September 29, 2020 - [Workspan](#) - "New Legal Landmines, Courtesy of COVID"

- September 14, 2020 - [HR Dive](#) - "Mailbag: An employee is afraid to return to work. What do we do?"
- August 28, 2020 - [SHRM Online](#) - "DOL Provides Clarity on Coronavirus-Related Child Care Leave"
- July 31, 2020 - [Bloomberg Law](#) - "Businesses Can't Reach Consensus on Extending Extra Jobless Aid"
- July 15, 2020 - [Bloomberg Law](#) - "Like State Efforts, Senate's Virus Liability Limit's No Cure-All"
- May 14, 2020 - [For Construction Pros](#) - "Return of the Workforce"
- April 30, 2020 - [SHRM Online](#) - "SHRM to Congress: All Nonprofits Need Access to Paycheck Protection Program"
- April 1, 2020 - [SHRM Online](#) - "Small Businesses May Be Eligible for Payroll-Protection Loans During Pandemic"
- March 23, 2020 - [EHS Today](#) - "How to Make Telecommuting Work During a Pandemic"
- March 19, 2020 - [ABA Journal](#) - "Can companies be held liable when their employees fall ill with the coronavirus?"
- March 19, 2020 - [WSPA 7 News](#) - "Your Carolina - Legal Questions and COVID-19"
- March 18, 2020 - [WSPA 7 News](#) - "Your Carolina: Coronavirus Talk"
- April 27, 2018 - [Greenville CEO](#) - "Ashley Cuttino of Ogletree Deakins: Labor and Employment Issues for Corporations"
- January 31, 2018 - [Greenville CEO](#) - "Ashley Cuttino of Ogletree Deakins: Data Breaches, A Huge Concern for Business Owners"
- November 29, 2017 - [Fox Carolina](#) - "What is sexual harassment in the workplace?"
- December 23, 2015 - [Legaltech News](#) - "6 Ways Your Smartphone Could Get You Into Legal Trouble"
- August 1, 2013 - [Greenville Business Magazine](#) - "The Legal Outlook: Determining the New Normal"

Published Works:

- October 21, 2021 - SHRM Online - "[Arkansas Seeks to Amend President Biden's COVID-19 Vaccine Mandate](#)"
- October 14, 2021 - Ogletree Deakins Blog Post - "[Arkansas Seeks to Amend President Biden's Mandate](#)"
- September 1, 2021 - ARA - "[Ask the HR Pro](#)"
- May 21, 2021 - Ogletree Deakins Blog Post - "[Unemployment Insurance System Update, Part III: Additional States Opting Out of Federal Unemployment Benefits](#)"
- May 14, 2021 - Ogletree Deakins Blog Post - "[Unemployment Insurance System Update, Part II: States Opting Out of Federal Unemployment Benefits](#)"

- May 14, 2021 – Ogletree Deakins Blog Post – [“Unemployment Insurance System Update, Part I: Is Comprehensive Reform Coming?”](#)
- April 1, 2021 - HR Professionals Magazine - "One Year In: The Pandemic's Impact on Employers and Their New Normal"
- March 11, 2021 – Ogletree Deakins Blog Post – [“Unemployment Benefits Expanded to Include Individuals Who Refuse to Return to COVID-19 Noncompliant Work Environments”](#)
- January 27, 2021 – Ogletree Deakins Blog Post – [“New Unemployment Executive Order Gives Benefits to Workers Who Fear COVID-19 at Work”](#)
- September 4, 2020 – Ogletree Deakins Blog Post – [“States Respond to the Additional Assistance for Unemployed Persons”](#)
- August 18, 2020 – Ogletree Deakins Blog Post – [“The 2020-2021 Virtual School Year: 20 Tips for Employers of Parents During the Pandemic”](#)
- August 4, 2020 – Ogletree Deakins Blog Post – [“School's Out for ... Fall? Managing Employees' Need to Care for Children When School Is Virtual”](#)
- June 26, 2020 – Ogletree Deakins Blog Post – [“Idaho Offers Cash Bonuses Program for Employees Who Return to Work”](#)
- June 17, 2020 – Ogletree Deakins Blog Post – [“Tackling the Realities of COVID-19, Part III: Communicating Safety Protocols and Return-to-Work Plans to Employers”](#)
- June 8, 2020 – Ogletree Deakins Blog Post – [“Tackling the Realities of COVID-19, Part II: Childcare, Leave, Teleworking, and Tales From a Working Mom”](#)
- June 5, 2020 – Ogletree Deakins Blog Post – [“Tackling the Realities of COVID-19, Part I: Screening, Safety, Returning to Work, and My Trip to the Dentist”](#)
- May 10, 2020 – Ogletree Deakins Blog Post – [“COVID-19 Consumer Data Protection Act Announced by Republican Senators”](#)
- May 5, 2020 – Ogletree Deakins Blog Post – [“Pandemic Unemployment Assistance: 20 Questions \(and Answers\) for Employers”](#)
- April 13, 2020 – Ogletree Deakins Blog Post – [“South Carolina Allows Employers to Provide COVID-19 Support Payments to Furloughed Employees Receiving Unemployment Benefits”](#)
- April 2, 2020 - SBC Magazine - "9 Tips for Employers With New Telecommuting Workers"
- March 27, 2020 – Ogletree Deakins Blog Post – [“Employers and Workers Impacted by COVID-19: Expanded Unemployment Programs Have Arrived”](#)
- March 16, 2020 – Ogletree Deakins Blog Post – [“DHS Offers Tips for Thwarting Cyber-Scams in the Age of COVID-19”](#)
- March 16, 2020 – Ogletree Deakins Blog Post – [“9 Telecommuting Tips for Employers as COVID-19 Spreads Across the United States”](#)

- June 2017 – Association of Corporate Counsel – “The New Wave of Data Privacy, Security, and Data Breach Litigation”
- April 24, 2015 - Ogletree Deakins Blog Post - “[The New Wave of Data Breach Settlements](#)”
- February 20, 2015 – Ogletree Deakins Blog Post – “[The Private Section’s Role in the New Face of Homeland Security](#)”
- February 16, 2015 – Ogletree Deakins Blog Post – “[Will Companies Voluntarily Share Data Regarding Cyber Security at the President’s Request?](#)”
- March 2014 - South Carolina Lawyer - "An Employer's Guide to Navigating the Payment of Wages and Garnishments"
- July 2012 – South Carolina Lawyer – “What Is a Rule 26(f) and Why Should I Care?”
- 2011 - Lawyers as Employers: A Guide to South Carolina Employment Law for Small Firms and Solo Practitioners - "Illegal Employment Discrimination"
- 2011 - Lawyers as Employers: A Guide to South Carolina Employment Law for Small Firms and Solo Practitioners - "Disability Discrimination"