EMPLOYER'S EDGE

HEYL ROYSTER

A Newsletter for Employers and Claims Professionals — *August 2014*

A WORD FROM THE PRACTICE GROUP CHAIR

Summer is here and we are pleased to provide you with Heyl Royster's August edition of its publication "*Employer's Edge.*"

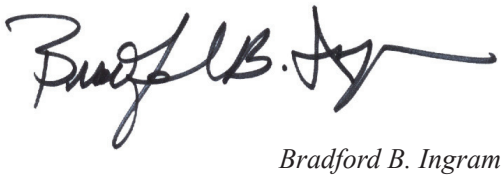
This issue covers a number of legislative updates as well as recent developments in the courts. A number of recent legislative efforts have focused on family medical leave enhancement and job protection rights for pregnant women. This issue also highlights the EEOC's focus for the future and provides you with information regarding the number and types of EEOC charges that were received in 2013.

The section on recent developments focuses on both Illinois Supreme Court decisions as well as a Seventh Circuit case regarding adverse employment actions.

Be sure not to miss the *Statute in the Spotlight* regarding compassionate use of medical cannabis.

I want to thank this month's authors, Jana Brady and Brian Smith, for their contributions.

Should you have any questions regarding this issue of the *Employer's Edge*, please feel free to contact the undersigned or any of our employment and labor law attorneys.



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IN THIS ISSUE

DID YOU KNOW??? EEOC ENFORCEMENT TRENDS

Laws Enforced by EEOC

The EEOC enforces Title VII of the Civil Rights Act of 1964, the Equal Pay Act of 1963, the Age Discrimination and Employment Act of 1967, the Rehabilitation Act of 1973, Title I of the Civil Rights Act of 1991, the Americans with Disabilities Act of 1990 as well as the ADA Amendments Act of 2008, and the Genetic Information and Non-Discrimination Act of 2008 ("GINA"). The EEOC received roughly 100,000 charge receipts for each of the years 2010, 2011, and 2012. Charges received by the EEOC for the fiscal year 2013 dropped below 95,000. The EEOC reported the percentage of the types of charges received in fiscal year 2013: nearly 40 percent were based on retaliation, less than 35 percent were based on race, less than 30 percent were based upon sex discrimination, disability and age discrimination charges ranged between 20 and 25 percent and national origin, religion and GINA claims constituted 10 percent or less of the discrimination.

Hot Button Areas

Hot button areas that will draw the EEOC's attention in the coming years include Americans with Disabilities Act cases as well as employer's use of arrests and convictions when hiring or terminating employees. It will also focus on gender stereotyping and national origin cases.

Broad EEOC Litigation Powers

No class certification is required, and cases brought by the EEOC are pursued in the public interest. The EEOC often asserts that it is the master of its own case.

The EEOC launched its systemic initiative to prevent discrimination by focusing on employer practices in recruiting, hiring, promoting, training, and retaining employees. Its objectives and priorities for strategic enforcement are for the years 2013 to 2016. The EEOC will focus on eliminating barriers in recruitment, hiring, and protecting immigrants, migrants, and other vulnerable workers. Special attention will be given to gender identity issues, enforcement of equal pay laws, and preventing harassment through systemic enforcement.

FMLA/ADA Focus of the EEOC

The focus of the EEOC for the future will be on the Family Medical Leave Act ("FMLA") and its interplay with the Americans with Disabilities Act ("ADA"). Employers focusing on FMLA issues who ignore the ADA and reasonable accommodation issues will be scrutinized by the EEOC investigators. The EEOC continues to find employers lacking ADA policies, mechanisms, or procedures to allow reasonable accommodation or to allow for leave as an accommodation. It also finds a continued failure to engage in the interactive process. The EEOC recommends employers respond in the following manner:

- Evaluate blanket policies or practices
- Review maximum leave and attendance policies to ensure there are mechanisms that allow for an interactive process
- Have ADA policies and procedures
- Have an accommodation process that is flexible and a mechanism for tracking requests
- Conduct effective training to ensure managers and HR professionals understand the interactive processes

ATTORNEY IN THE SPOTLIGHT

With more than 30 years of litigation experience, Doug Heise has defended a broad range of clients involved in employment litigation. His employment practice has included defending municipalities in civil rights claims and employers defending their employment decisions in federal court. For example, he represented the City of Belleville in a case where the 7th Circuit had to determine whether same-sex harassment was actionable under Title 7. In addition to his employment practice, Doug represents major corporations in product liability claims, healthcare professionals facing civil rights and tort lawsuits, individuals involved in auto accidents, and healthcare professionals facing civil rights and tort claims, as well as defends clients in trucking/motor carrier litigation, and construction litigation. This variety of experience helps Doug understand clients' needs and how to guide them through litigation. Contact us for help with any of your employment law issues!

The EEOC's Focus on the Use of Arrests and Conviction Records

The EEOC believes that broad or blanket policies that condition employment as a result of an arrest or a conviction have an adverse impact on African-Americans and Hispanics. The EEOC will closely examine blanket policies. It recommends the incorporation of individual assessments. It will focus on job categories when analyzing the use of arrest and conviction records.

LEGISLATIVE UPDATES

Equal Employment for All Act of 2013 (S 1837)

Senate Bill 1837 would amend the Fair Credit Reporting Act and prohibit employers from asking for a credit history. Equal Employment for All Act of 2013, S. 1837, 113th Congress (2013). Employers would not be allowed to obtain consumer or investigative reports for job candidates. This would bar employers from disqualifying applicants based upon a poor credit rating. This bill, introduced by the majority Democrats in the Senate, is expected to be opposed by Senate Republicans as well as the Republican majority in the House.

Family and Medical Leave Inclusion Act (HR 1751)

Congress will consider legislation that would allow employees to take leave for care of same sex spouse or partner, parent in-law, adult child, sibling, grandchild, or grandparent. *See* Family and Medical Leave Inclusion Act, H.R. 1751, 113th Congress (2013). This bill had to be reintroduced because it failed to pass in the last session of Congress.

Family and Medical Leave Enhancement Act of 2014 (HR 3999)

This proposed legislation would amend the FMLA to cover employers with 25 or more employees rather than the threshold 50 or more employees. Employees could take "parental involvement" and "family wellness leave." Family Medical Leave Enhancement Act of 2014, H.R. 3999, 113th Congress § 3 (2014). Parental involvement would include attendance at activities sponsored by a school or community organization. Wellness leave would apply to routine family medical care needs, including medical and dental appointments.

Employee Rights Act (S 1712)

This act would mandate secret ballot elections for representation and decertification elections and would require secret ballot strike votes. Employee Rights Act, S. 1712, 113th Cong. (2013). It would also preempt efforts by the National Labor Relations Board to propose its "quickie" election rules by barring employees from obtaining employee's private information and ensuring due process in determining bargaining units and voter eligibility. An Employee Rights Act bill identical to the Senate's bill was introduced to the House of Representatives. *See* Employee Rights Act, H.R. 3485, 113th Cong. (2013).

Employment Non-Discrimination Act (ENDA) (HR 1755)

This legislation would add sexual orientation and gender identity to the list of protected classes where employment discrimination is prohibited. Employment Non-Discrimination Act, H.R. 1755, 113th Cong. (2013). It would be unlawful for an employer with 15 or more employees to discriminate based upon an individual's actual or perceived sexual orientation or gender identity. It prevents employers from segregating, classifying or limiting employees or applicants in any way based upon sexual orientation and gender identity.

Job Protections for Pregnant Women (Illinois House Bill 8)

Illinois House Bill 8 provides pregnant women with job protections, such as limits on heavy lifting, assistance in manual labor, and access to places to sit. 98th Ill. Gen. Assem., House Bill 8, 2014 Sess. It also provides more frequent bathroom breaks and time off to recover from childbirth as well as a break space for breast feeding. Illinois Governor Pat Quinn expressed approval of the bill and urged the Senate to pass it. The bill, as amended by the House and Senate, is now before the Governor.

Federal Regulations

Minimum Wage Executive Order

The President signed an executive order raising minimum wage to $10.10 an hour for new contracts beginning January 1, 2015. Office of the Press Secretary, White House, *Executive Order- Minimum Wage for Contractors* (February 12, 2014), *available at*: http://www.whitehouse.gov/the-press-office/2014/02/12/executive-order-minimum-wage-contractors. Tipped workers also received an immediate increase from $2.13 an hour to a minimum tip wage of $4.90 an hour with 95 cent increases each year until the tip minimum wage is 70 percent of the $10.10 minimum wage.

Fair Labor Standard Act Exemptions

The President directed the Department of Labor to rewrite the Fair Labor Standard Act exemptions more tightly to make sure overtime pay is available to more workers. *See* Fair Labor Standards Act, 29 U.S.C.A. § 213 (West 2013). The focus will be on the salary level test and on the duties test. This will have an impact on fast shift food supervisors, loan officers, and computer technicians, currently classified as exempt who would become eligible for overtime. Employees would be required to perform a minimum percentage of executive work to qualify for the white collar exemption. Also, employers would be less able to exempt low-level retail managers from overtime.

RECENT DEVELOPMENTS IN THE COURTS

The Illinois Supreme Court concludes the Employee Classification Act is Constitutional

In *Bartlow v. Costigan,* 2014 IL 115152, the Illinois Supreme Court reviewed a challenge to the constitutionality of the Employee Classification Act, ("the Act") 820 ILCS 185/1, *et seq*. (West 2010), which addresses the classification of employees in the construction industry. Plaintiffs had a construction related business called "Jack's Roofing" that installed siding, windows, seamless gutters, and roofs. In September 2008, the Illinois Department of Labor ("DOL") sent Jack's Roofing a notice of investigation advising that it had received a complaint. DOL is empowered to conduct investigations. Following investigation, if it believes the Act has been violated, DOL may take action, including assessing civil penalties. The complaint alleged that the company was violating the Act by misclassifying its employees as independent contractors. Following an exchange of written materials and telephone interviews with various individuals, DOL sent Jack's Roofing its "preliminary determination" that the employer had misclassified ten individuals resulting in a "potential penalty" of $1,683,000.

On March 1, 2010, DOL sent Jack's Roofing a notice of a second investigation and requested additional information. Plaintiffs then filed an action against DOL seeking injunctive relief and declaratory judgment. Plaintiffs sought a declaration that the Act was unconstitutional. Plaintiff argued that: the Special Legislation Clause of the Illinois Constitution prohibits more stringent employment standards for the construction industry than other industries, and the Act failed to provide an opportunity to be heard in violation of the Due Process clauses of the United States and Illinois Constitutions. Plaintiff also argued that the Act is vague and in violation of the Equal Protection Clause of the United States Constitution because no other industry is subjected to the same standards when seeking to hire independent contractors.

The Illinois Supreme Court analyzed the provisions and purpose of the Act meant to "address the practice of misclassifying employees as independent contractors" in the construction industry. 820 ILCS 185/3. The Act generally "provides that any individual 'performing services' for a construction contractor is 'deemed to be an employee of the employer.'" *Bartlow* at ¶20 (quoting 820 ILCS 185/10(a)). "Performing services" is broadly defined, thus creating a presumption that an individual is an employee of the contractor.

During the pendency of the appeal before the court, the Act was amended to require DOL to give notice and conduct formal administrative hearings according to the Administrative Review Law. *See Bartlow* at ¶27; Pub. Act. 98-106 (eff. Jan

1, 2014 (the amendments)). Additionally, the amendments reduced civil penalties. The court first concluded that DOL must apply the amended Act in the case against Jack's Roofing. It then considered whether plaintiffs' constitutional challenges had been rendered moot by those amendments.

The court determined that plaintiffs' procedural due process challenge to the government's enforcement system was moot. Considering plaintiffs' vagueness challenge, the court concluded that Section 10 of the Act, left unchanged by the January 2014 amendments, was not unconstitutionally vague. It reasoned that a person of ordinary intelligence could determine from the language of Section 10 whether a contractor had complied with the Act. The court also noted that a reasonably intelligent person could understand how he or she could qualify for an exemption since the provisions were specific and highly detailed. *Bartlow* at ¶45. The Illinois Supreme Court likewise concluded that the statutory provisions were sufficiently detailed and specific enough to preclude arbitrary enforcement. The Illinois Supreme Court did not address plaintiffs other constitutional challenges because it concluded plaintiffs forfeited them for failure to brief them. *Bartlow v. Costigan* indicates that the Act is constitutional and will likely remain the law for some time.

Retaliatory Discharge only Applies to At-Will Employees

In *Taylor v. Board of Education of the City of Chicago,* 2014 IL App (1st) 123744), the plaintiff, Assistant Principal Taylor, filed suit against Chicago's Board of Education seeking damages for retaliatory discharge and violations of the Illinois Whistleblower Act. Taylor claimed he was terminated and subjected to other acts of retaliation by the board because he reported the alleged abuse of a student by a special education teacher. The circuit court's jury awarded Taylor $1,500,000 which included compensatory damages, emotional distress arising from the discharge, and for retaliatory conduct from January 1, 2008 to June 30, 2009 leading up to the discharge. The First District Appellate Court of Illinois reversed the judgment of the circuit court on plaintiff's retaliatory discharge claim and affirmed the finding of the board's liability on any Illinois Whistleblower Act claim. The court vacated the damage award and remanded the case for a new trial on damages under the Illinois Whistleblower Act.

Taylor made a complaint of child abuse to the Illinois Department of Children & Family Services on May 16, 2007. His employment ended on June 30, 2009. Plaintiff alleged he endured retaliatory conduct in the time between the report and his termination. The board argued the plaintiff was not an at-will employee and therefore could not maintain an action for retaliatory discharge. On January 16, 2009, Taylor was notified that pursuant to the guidelines of the principal contract, he was officially released from the new contract. From January until plaintiff's departure, the plaintiff was subjected to disciplinary charges for alleged negligence and insubordination.

The First District Court noted that to state a valid claim for retaliatory discharge, an employee must establish that (1) the employer discharged him, (2) in retaliation for the employee's activities, and (3) the discharge violates a clearly mandated public policy. The First District Court also noted the tort is confined to the discharge of an at-will employee. Following review of the Board rules, the First District Court concluded that plaintiff's employment was for a set term, and that the board could choose not to renew his employment at the end of it. Concluding that Taylor was not an at-will employee, judgment was reversed on plaintiff's retaliatory discharge claim. The court permitted his Illinois Whistleblower Act claim to remain. However, the court remanded the case for a trial solely on damages as it was unclear which damages applied to the two separate causes of action.

The Seventh Circuit affirms Plaintiff Failed to Show Adverse Employment Actions

In *Chaib v. State of Indiana,* 744 F.3d 974 (7th Cir. 2014), the Seventh Circuit Court of Appeals reviewed a claim of employment discrimination and retaliation. Nora Chaib ("Chaib"), a female U.S. citizen of French national origin, alleged that while working as a correctional officer for the Indiana Department of Corrections, she was subjected to discrimination and a hostile work environment on the basis of gender and national origin. Chaib also claimed she was retaliated against when she complained of her co-worker's alleged harassment. Title VII forbids employers from retaliating against employees by taking adverse employment actions for complaining about prohibited discrimination. The district court granted summary judgment to the defendant and the Seventh Circuit Court of Appeals affirmed.

Chaib started working for the defendant in 2008. She alleged that her training officer began to make sexually offensive remarks almost immediately after she started work. She identified three specific remarks. The training officer acknowledged a conversation in her presence and admitted making another comment, but denied addressing the comment to her. After the first remark, the plaintiff complained to her training officer, who then ceased training her. Chaib claimed the training officer continued to criticize her work and make disparaging remarks about her French heritage. However, the plaintiff did not bring the training officer's behavior to the attention of any supervisor at the Indiana Department of Corrections.

On May 11, 2009, she completed her probationary period and was granted permanent employee status. In July of 2010, the training officer yelled at her to do her job and pointed his finger in her face. Chaib then filed an internal personnel complaint with her supervisor referencing this incident and the other improper actions which plaintiff described as sexual harassment. After completion of the investigation of the plaintiff's complaints, her employer issued a written report which found no evidence to substantiate her claims of harassment. It did note that there was evidence that the training officer engaged in conduct unbecoming a corrections officer, and the plaintiff herself engaged in unbecoming behavior, such as referring to co-workers as "stupid Americans," threatening to file sexual harassment charges, and endangering others through negligent actions. The plaintiff and training officer received reprimands, after which the training officer ceased any harassing behavior.

Over the course of the next two and a half years, Chaib described a series of encounters with other co-workers as discriminatory. She reported these incidents, and she had no further problems with the co-workers involved in the incidents.

In 2010, plaintiff's annual review stated she was "not meeting expectations." Alleging that her poor performance evaluation was due to gender and national origin bias, she refused to sign it. In August 2010, plaintiff filed a complaint with the EEOC.

In April 2011, plaintiff was working in the "chow hall" when an inmate groped her. Following this episode, she requested time off under the Family and Medical Leave Act ("FMLA"). While still on FMLA leave, she tendered a two-week notice and resigned from her position. In October, 2011, she filed a second EEOC complaint expanding on her prior complaints.

The Seventh Circuit Court of Appeals concluded that plaintiff's disparate treatment claims failed under both the direct and indirect methods of proof. Plaintiff's claim failed as she was unable to establish that she suffered an adverse employment action. She claimed three adverse actions taken by her employer as a result of alleged discrimination: (1) she was denied training; (2) her request to transfer to another prison was rejected, and (3) she received a poor evaluation. Plaintiff never complained to her employer about the lack of training, including when she complained of her training officer's conduct. As to plaintiff's alleged adverse employment action concerning the refusal to transfer her to another prison, the Seventh Circuit Court of Appeals concluded there was no concrete evidence showing the terms and conditions of working at the other prison were superior. Finally, the court explicitly rejected poor performance reviews alone as sufficient to form the basis of an adverse employment action. Since plaintiff failed to identify an adverse employment action, the Seventh Circuit Court of Appeals affirmed the district court's decision to grant summary judgment on plaintiff's gender and national origin discrimination claims.

The Circuit Court also granted summary judgment to the employer on plaintiff's hostile work environment claim. To avoid summary judgment, a plaintiff must provide sufficient evidence of four elements: (1) the work environment was subjectively and objectively offensive, (2) plaintiff's gender or national origin caused the harassment; (3) the conduct was severe or pervasive; and (4) there is a basis for employer liability. *Chaib* at 985 (referencing *Milligan v. Bd. of Trs. of S. Ill. Univ.*, 686 F. 3d 378, 383 (7th Cir. 2012). The alleged harassment came from co-workers. The Seventh Circuit Court of Appeals noted that "an employer is only liable for harassment from an employee's co-workers if it was negligent in its response to the harassment." *Chaib* at 985. In each instance where plaintiff reported the conduct of a co-worker, she had no subsequent problems with that individual. Accordingly, a reasonable jury could not conclude that the employer was negligent for failing to correct the co-worker's behavior.

Finally, the court concluded plaintiff did not have enough evidence to sustain her retaliation claim. Chaib engaged in a protected activity, namely, complaining to her employer about a co-worker's behavior. However, she was unable to offer any

causal link between those complaints and the alleged adverse employment actions of failure to train, failure to transfer, and poor performance review. The court ruled that the plaintiff failed to carry her burden of proof, and summary judgment was properly granted.

The Illinois Supreme Court Finds the Illinois Eavesdropping Act to be Unconstitutional

In two recent criminal cases, *People v. Melongo,* 2014 IL 114852, and *People v. Clark*, 2014 IL 115776, the Illinois Supreme Court reviewed the constitutionality of the Illinois Eavesdropping Act. *See* Illinois Eavesdropping Act, 720 ILCS 5/14 (West 2008). It declared the Act to be unconstitutional on its face and as applied. The Illinois Eavesdropping statute is considered to be one of the most stringent in the country. The statute made it unlawful to record any part of a conversation without the consent of all parties to the conversation. The statute also made it a criminal offense to divulge information obtained through the use of an eavesdropping device.

In *Melongo*, the defendant recorded three conversations with the assistant administrator of the Cook County Court Reporters Office. Without her consent, the defendant then posted the recordings and transcripts of the conversations on her website. She was subsequently charged with three counts of eavesdropping and three counts of using or divulging information obtained through the use of an eavesdropping device.

In *Clark*, a criminal defendant used an eavesdropping device to record a conversation between himself, an attorney, and the judge in a court proceeding. According to the defendant, there was no court reporter present and no recording device to record the proceedings. The Illinois Supreme Court concluded that the eavesdropping statute burdened freedom of speech substantially more than is necessary to serve the legitimate state interest of protecting conversational privacy. Thus, the statute was found to be unconstitutional.

The court also held that a defendant cannot be constitutionally prosecuted for divulging the contents of a conversation he recorded. The purpose of the eavesdropping statute is to protect individuals from the monitoring of their conversations by use of eavesdropping devices without their consent. The Illinois Supreme Court concluded that the interest in protecting conversational privacy was served by the eavesdropping statute. However, the statute did not stop there as it criminalized the audio recording of conversations that cannot be deemed private. For example, an argument on the street, public debate in a park, public interactions of police officers with citizens, and conversations loud enough to be overheard by others were also covered by the statute. While not implicating privacy interests, recording of these conversations would have been a felony under the statute. Consequently, the Illinois Supreme Court concluded that Section (a)(1)(A) of the Eavesdropping statue was unconstitutional since it was overbroad. In the employment context, recordings made by employees without the knowledge or consent of co-workers or the employer will likely be admissible evidence in discrimination and other employment related claims.

Social Media Policy Need an Update?

Due to recent changes in Illinois law, reports from the National Labor Relations Board, and new case law, social media has a profound impact on a variety of employment issues. Having an enforceable social media policy is one of the first and most important steps an employer can take. If your policy has not been updated recently, it needs to be reviewed. Heyl Royster can help with social media policies and assist you with all social media issues within your workplace. For example, Jana Brady has extensive knowledge on this rapidly changing and expanding area of the law. Contact us to ensure your workplace is ready for the social media revolution!

STATUTE IN THE SPOTLIGHT

In each issue, Heyl Royster attorneys will summarize a statute that imposes requirements on an employer with respect to its employees. These summaries can be printed and compiled in a notebook for easy access and quick answers to your questions.

Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130

The Compassionate Use of Medical Cannabis Pilot Program Act places new burdens on employers in managing their workplace. Please contact any of Heyl Royster's offices to discuss how to properly navigate the Act's requirements for employers.

What: Illinois' new medical marijuana law, the Compassionate Use of Medical Cannabis Pilot Program Act, went into effect on January 1, 2014. As a pilot program, it is set to be repealed on January 1, 2018.

Who: The Act permits the use of marijuana for patients with certain debilitating conditions when prescribed by a treating physician. It also provides guidelines for employers who employ these patients.

Employers: Although employers may not discriminate against employees who are registered under the Act, employers may adopt reasonable rules pertaining to consumption, storage, and timekeeping requirements for registered employees related to the use of medical cannabis. For example, employers may establish policies concerning drug testing and having a drug-free, zero-tolerance workplace and discipline employees for violating those policies.

Employees: An employee may be considered impaired, and thus in violation of a work policy, when the employee "manifests specific, articulable symptoms while working that decrease or lessen his or her performance of the duties or tasks of the employee's job position, including symptoms of the employee's speech, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, negligence or carelessness in operating equipment or machinery, disregard for the safety of the employee or others, or involvement in an accident that results in serious damage to equipment or property, disruption of a production or manufacturing process, or carelessness that results in any injury to the employee or others." However, the employee must be afforded a reasonable opportunity to contest the basis of the employer's determination before disciplinary measures are taken.

Liability Trigger: The Act expressly states that it is not to be construed so as to create a private cause of action. In that sense, it grants employers a form of qualified immunity when the employer acts with a good faith belief that the employee was impaired while working or otherwise used or possessed cannabis during work hours and when a third-party is injured and the employer had no reason to know that the employee was impaired. Certain federal laws and regulations preempt this state law, therefore employers may act so as to not violate these laws and regulations. For example, certain employees, such as school bus drivers and those with commercial driver's licenses, may not use medical cannabis.

How to Proceed: Employers must tread carefully when relying on drug tests in disciplining employees. Cannabis is not like other drugs since its active ingredient, THC, stays in one's system for up to 30 days. The employer should have a good faith belief that the employee was impaired on the job and document all of the reasons which support that good faith belief. Employers are urged to consult with an attorney before taking disciplinary action in the context of a registered medical cannabis user as the courts have not yet interpreted the Act.

THIS MONTH'S AUTHORS:

Brad Ingram has spent his entire legal career with Heyl Royster, beginning in 1980 in the Peoria office. His defense practice has included a wide variety of civil litigation matters. He is the partner in charge of the firm's Employment Law Practice Group. He also manages the defense of workers' compensation cases, civil rights, and municipal claims in the Peoria office.

Brian Smith concentrates his practice in the areas of employment law, civil rights, professional liability, and trucking/motor carrier litigation. His experience includes defending employers before the Illinois Human Rights Commission and in federal court. His practice also entails defending government officials and medical professionals in cases alleging violations of constitutional rights.

Jana Brady focuses her practice on the defense of civil litigation and federal practice, particularly in the context of employment law, civil rights, medical malpractice, insurance coverage, education law, and nursing home cases. In the employment law area, she helps prepare employment policies, manuals, forms, and severance agreements and assists with anti-harassment and anti-discrimination training for employees.

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