

# GENDER DISCRIMINATION, PREGNANCY DISCRIMINATION AND RETALIATION CLAIMS IN 2016

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# TEN RULES FOR AVOIDING LITIGATION

1. Determine the employment relationship in writing published to ALL (at-will is best)
2. If a probationary employee is not performing to your reasonable expectation, terminate their employment
3. Specify the terms of employment in writing in the handbook
4. Reserve the right to change any terms
5. Document performance issues and keep examples of performance deficiencies

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## TEN RULES FOR AVOIDING LITIGATION (CONT.)

6. Train your supervisors on the discrimination and harassment policies in your handbook as well as complaint procedures
7. Post your discrimination/harassment policy and complaint procedure with the other required employment postings
8. Treat all employees in a non-discriminatory manner – no exceptions!
9. Terminate employees in accordance with your published rules and policies
10. Hire Clark Hill lawyers to help you with all of the above!

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## OUR PANEL – GAIL COBER



Gail is the Director of the EEOC Detroit Field Office. She is a graduate of Wayne State University Law School. She began her career with the Detroit Office of the EEOC as a Trial Attorney in 1989. As a Trial Attorney, Ms. Cober litigated employment discrimination cases on behalf of the EEOC and served as in house counsel to a team of EEOC Investigators. Ms. Cober became part of the Detroit Office's management team in 1993. During her tenure with the EEOC, Ms. Cober

has spearheaded a variety of innovative programs in the Detroit Office, has participated in a number of agency taskforces, has contributed to the development and delivery of several major nationwide training programs and has participated in a number of EEOC outreach programs. Most recently, Ms. Cober was part of the design and development team for the EEOC's Compensation Discrimination Training and Intermediate Investigative Skills Workshop. Ms. Cober is a member of the Labor and Employment Law Council of the State Bar of Michigan.

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## OUR PANEL – SARAH S. PRESCOTT



Sarah is a founding partner of Salvatore Prescott. She earned her BA from Northwestern University and her JD from Harvard Law School, where she graduated with honors and was Primary Editor of the Harvard Law Review. Sarah represents individuals in a wide variety of situations—from highly compensated senior executives to part time wage earners. Sarah has also represented many government employees and contractors who have blown the whistle on public corruption or fraud and average citizens whose civil rights

have been denied. Sarah is a member of the Leadership Council for the Labor and Employment Section of the State Bar of Michigan, President, of the Michigan Employment Lawyers' Association, a Board Member, Michigan Association for Justice (chair, Employment Lawyers) and has been named as Michigan Super Lawyer since 2013.

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## OUR PANEL – ROBERT M. VERCRUYSSE



Bob is nationally recognized as a leading counselor, negotiator and litigator in all facets of employment, labor, civil rights and ERISA litigation. Bob graduated from Michigan State University, with high honors, and he received his J.D., cum laude, from the University of Michigan Law School. Bob served as a law clerk in the United States Court of Appeals for the Sixth Circuit and was an adjunct professor of Labor Law at The University of Michigan Law School. Bob's clients include automobile manufacturers and suppliers, newspapers, news organizations

and television stations, distributors, financial institutions, hospitals, physician groups and universities. Bob has been named among The Best Lawyers in America (listed since 1987); Chambers USA: America's Leading Lawyers for Business (listed since 2004) and Michigan Super Lawyers Top 100 (listed since 2006). Through his work over the years, Bob has helped to shape the labor and employment laws in Michigan.

# THANK YOU

Legal Disclaimer: This document is not intended to give legal advice. It is comprised of general information. Employers facing specific issues should seek the assistance of an attorney.

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