



Employment Litigation

At Foster Swift, we strive to prevent costly litigation. However, we also know sometimes litigation is necessary so we stand ready to defend you – and ensure you are properly represented.

Our Labor & Employment Law attorneys work with employers in discrimination, wrongful discharge and other employment disputes before state and federal courts and administrative agencies as well as in arbitration, mediation and other alternative dispute resolution systems. Our breadth of experience and skill in tackling the most complex labor relations issues are a true asset should litigation become a reality.

Our attorneys provide experience in employment litigation disputes under all aspects of employment and labor laws, including:

- The Elliott-Larsen Civil Rights Act
- Title VII
- The Family Medical Leave Act
- 42 USC 1983
- The Americans with Disabilities Act
- The Michigan's Persons With Disabilities Civil Rights Act
- The Age Discrimination in Employment Act
- MIOSHA

We are also well-versed in representing employers in causes of action for breach of contract (including non-compete covenants), wrongful discharge, whistleblower and retaliation.

Our attorneys have represented litigants in state and federal courts as well as in administrative proceedings before various state and federal agencies and departments. This includes the Michigan Department of Civil Rights, the Equal Employment Opportunity Commission, the Department of Labor, the Wage and Hour Division as well as the Unemployment Insurance Agency.

PUBLICATIONS & ALERTS

Federal Trade Commission Prohibits Noncompete Agreements for Almost All U.S. Workers, Legal Challenges Expected, *Foster Swift Labor & Employment Law News E-blast*, April 24, 2024

ATTORNEYS

Shareholder

Michael R. Blum
Dora A. Brantley
Karl W. Butterer
Julie I. Fershtman
Clifford L. Hammond
Ray H. Littleton
Thomas R. Meagher
David R. Russell
Deanna Swisher

Senior Attorney

Michael R. Kluck

Associate

Anthony M. Dalimonte
Benjamin C. Dilley
Brandon M. H. Schumacher

Paralegal

Lorri A. Rosier

RELATED PRACTICES

Discrimination - Unlawful
Harassment
Employment Law



Q&A: New DOJ Rule Requires State & Local Government Websites, Apps to be ADA Accessible, *Foster Swift Municipal Law News E-blast*, April 22, 2024

Independent Contractor Final Rule Could Have Major Impact on Select Industries, *Labor & Employment Law News E-blast*, January 30, 2024

As Attacks on DEI Programs Continue, Employers Should Review and Revise Diversity Initiatives, *Foster Swift Labor & Employment Law News E-blast*, December 20, 2023

Legal Review of Corporate DEI Critical as Activists Quickly Pursue Litigation, *Foster Swift Labor & Employment Law News E-blast*, October 16, 2023

New NLRB Rule Speeds Up Union Election Process, *Foster Swift Labor & Employment Law News*, August 25, 2023

U.S. Supreme Court Sides with USPS Worker on Religious Accommodation, *Foster Swift Labor & Employment Law News E-blast*, July 6, 2023

NLRB General Counsel Targets Non-Compete Agreements, *Labor & Employment Law News E-blast*, June 6, 2023

Compliance and Regulation Issues of the Family Medical Leave Act: A 2023 Update, *Foster Swift Labor & Employment Law News*, February 16, 2023

Don't Forget! Michigan's Minimum Wage Increases on January 1, Additional Hike Expected, *Foster Swift Labor & Employment Law News E-blast*, December 28, 2022

DOL Proposes New Rule Related to Employee Classification, *Foster Swift Labor & Employment Law News E-blast*, October 17, 2022

Michigan Court of Claims Invalidates Paid Medical Leave Act, *Foster Swift Labor & Employment Law News E-blast*, July 25, 2022

Litigation 101 - What Happens in a Lawsuit?, *Foster Swift Business & Tax Law News*, June 3, 2022

Why You Should Care About Federal Labor Law Even If You Have A Non-Unionized "At-Will" Workforce, *Foster Swift Labor & Employment Law News*, April 12, 2022

Consider Employee Arbitration Agreements to Avoid the Pitfalls of the Courtroom, *Foster Swift Labor & Employment Law News*, April 11, 2022

Supreme Court Blocks Mandate, Upholds for Health Care Workers, *Foster Swift Labor & Employment Law News E-blast*, January 13, 2022

Stay on Vaccine Mandate Dissolved by Sixth Circuit, *Foster Swift Labor & Employment Law News E-blast*, December 21, 2021

Fifth Circuit Court Blocks Vaccine Mandate for Employers, *Labor & Employment Law E-blast*, November 15, 2021

Update MIOSHA Emergency Rules in the Workplace, *Foster Swift Labor & Employment Law News E-blast*, May 25, 2021

Michigan Employers Permitted to Resume In-Person Work May 24, *Foster Swift Labor & Employment Law News E-blast*, May 11, 2021



MIOSHA COVID-19 Emergency Rules for Employers Extended for Six Months, *Foster Swift Labor & Employment Law News E-blast*, April 14, 2021

An Eye on the Future of COVID and the Workplace, *Foster Swift Labor & Employment Law News E-blast*, March 25, 2021

MIOSHA to Increase Inspections of Manufacturers' COVID Preparedness and Response Plans and Remote Work Policies, *Foster Swift Labor & Employment Law News*, November 23, 2020

How Do Recent Michigan Supreme Court and MDHHS Orders Regarding COVID-19 Impact Employers?, *Foster Swift Legal Update E-blast*, October 6, 2020

Employers Remember to Take These Steps by April 1, 2020, *Foster Swift Legal Update E-blast*, March 31, 2020
COVID-19 Legal Issues for Employers, March 17, 2020

Michigan Employers-FAQs on Coronavirus and Your Employees, *Foster Swift Labor & Employment Law News E-blast*, March 16, 2020

Is an Employee Injured before December 19, 2011 Obligated to look for Work?, *Foster Swift Workers' Compensation Update*, February 23, 2020

Appeals Court: J-1 Visa Employee at MSU Ineligible for Workers' Compensation, *Foster Swift Workers' Compensation Update*, February 22, 2020

What is a Good-Faith Job Search Effort? Michigan Legislature Considers New Bill, *Foster Swift Workers' Compensation Update*, January 4, 2020

DOL Issues New Rule Regarding Minimum Salary Level for White Collar and HCE Overtime Exemptions, *Foster Swift Employment Labor & Benefits Law News E-Blast*, September 25, 2019

Best Practices Agricultural Businesses Should Follow When Creating or Revising an Employee Handbook, *Foster Swift Agricultural Law News*, July 26, 2019

How Marijuana Laws Affect Workplace Policies for Municipalities in Michigan, *Foster Swift Municipal Law News*, March 22, 2019

Michigan's Paid Medical Leave Act, *Foster Swift Employment, Labor & Benefits Law News E-blast*, March 1, 2019

Intentional Tort Exception to Michigan Workers' Compensation Act – Court of Appeals Reaffirms High Standard, *Foster Swift Employment Labor & Benefits Law News*, May 31, 2018

As Public Pension Plan Funding Continues to Decline, Employers Explore Other Options, *Foster Swift Employment Labor & Benefits News E-blast*, May 30, 2018

Are Interns Injured on the Job Entitled to Michigan Workers' Compensation Benefits?, *Foster Swift Employment Labor & Benefits Law News*, May 29, 2018

U.S. Supreme Court Rules Employers can Prohibit Employees from Filing Class Action Lawsuits, *Foster Swift Employment Labor & Benefits Law News E-Blast*, May 24, 2018

Understanding the Ins and Outs of the "Favored-Work" Doctrine Under Michigan Workers' Compensation Law, *Foster Swift Employment Labor & Benefits News*, January 25, 2018

Stopping Sexual Harassment in the Workplace, *Foster Swift Employment Labor & Benefits News*, January 22, 2018



Fact or Fiction: Can an Employee be Fired while on FMLA?, *Foster Swift Employment Labor & Benefits Newsletter*, October 25, 2017

Acronyms That Can Cost You Money: A Defense Lawyer's Primer on Employment Law, *Foster Swift Employment, Labor & Benefits News*, October 31, 2016

Court Limits Road Commission Authority to Resolve Inter-Township Roadway Disputes, *Foster Swift Municipal Law News*, August 30, 2013

Noncompetition Agreements Are Enforceable If..., *Foster Swift Business & Corporate Law Report*, June 2012

Employer's "Honest Belief" Defeats Military Reservists' USERRA Claim, *Foster Swift Employment, Labor & Benefits Quarterly*, Fall 2010

Transfer During Pregnancy Raises Bias Claims, Sixth Circuit Rules, *Foster Swift Employment, Labor & Benefits Quarterly*, Fall 2010

Advocacy for Co-Workers as Basis for Hostile Work Environment Claim, *Foster Swift Employment, Labor & Benefits Quarterly*, July 2009

U.S. Supreme Court Endorses Retaliation Claims, *Foster Swift Employment, Labor & Benefits Quarterly*, September 2008

Ministerial Exception Exists in Michigan, *Foster Swift Employment, Labor & Benefits Quarterly*, June 2008

Retaliation Based on "Relation" to Protected Employee, *Foster Swift Employment, Labor & Benefits Quarterly*, June 2008

NEWS

Dora Brantley Receives "Excellence in Defense" Award, *Michigan Defense Trial Counsel*, March 21, 2024

Foster Swift Elects EC Officers for 2024, *Ingham County Legal News*, February 21, 2024

Fortune 500 Defense Litigator Joins Foster Swift, *Detroit Legal News*, June 1, 2023

Dalimonte Discusses Proposed FTC Changes to Noncompete Agreements, *Michigan Business Network*, January 16, 2023

Meagher Receives 2022 Theodore W. Swift Civility Award, October 26, 2022

Schumacher to Receive MDTC Volunteer Award, *Michigan Defense Trial Counsel (MDTC)*, April 14, 2022

Foster Swift Elects EC Members for 2022, February 21, 2022

Foster Swift Addresses Changes Coming for Employers in 2022, February 16, 2022

Firm Continues to See Steady Growth Entering 2022, January 11, 2022

Meagher Elected to American Board of Trial Advocates, November 8, 2021

Weekly TV Show Launches to Help Businesses Navigate the Pandemic, *mConnexions*, March 15, 2021

Hammond Weighs in on Minimum Wage Hike, *Grand Rapids Business Journal*, January 8, 2021

Resource Published to Help Organizations Link to Trending Legal Issues, *Foster Swift Business & Tax Law News*, November 17, 2020

Foster Swift in dbusiness 2021 Top Lawyers, *dbusiness*, November 12, 2020



What COVID Protections are Available in the Workplace for Employees and Employers, *WLNS-6*, November 11, 2020

When Employees Need to Home School, *Material Handling & Logistics (MH&L)*, September 10, 2020

Minimizing Legal Impact of Coronavirus for your Organization, *Foster Swift Legal Update E-blast*, March 17, 2020

Foster Swift Attorneys Listed in dbusiness 2020 Top Lawyers, November 12, 2019

Hammond Speaks at NLRB Labor Law Symposium, October 1, 2019

Dausman Selected to "Women in the Law" Class of 2019, July 18, 2019

Webinar: What Employers Need to Know about Marijuana in the Workplace, *Ingham County Legal News*, January 29, 2019

Hammond to Deliver Webinars on Important Employment Issues, *Ingham County Legal News*, January 22, 2019

Foster Swift Elects New Shareholders, *Lansing Regional Chamber*, January 21, 2019

Three Foster Swift Attorneys Named to dbusiness 2019 Top Lawyers, November 14, 2018

Foster Swift Welcomes Krueger to the Firm, October 2, 2018

Mamat Named to ACG Detroit Board of Directors, September 24, 2018

Richardson Elevated to MDTC President, July 5, 2018

Michigan Court of Appeals Reverses and Remands for Entry of Summary Disposition in Favor of Defendant School District Employee Based on Gross Negligence, May 15, 2018

Michigan Court of Appeals Reiterates That Worker's Compensation Claims Are the Exclusive Remedy for Injured Employees, *Detroit Legal News*, May 1, 2018

Meagher Inducted as an ABF Fellow, *Detroit Legal News*, April 24, 2018

Employment Attorney Re-elected as Chairman, *dbusiness*, March 27, 2018

30 Foster Swift Attorneys Selected to 2017 Michigan Super Lawyers and Rising Stars Lists, September 8, 2017

Richardson Named VP of MDTC, July 28, 2017

21 Foster Swift Attorneys named to 2015 Michigan Super Lawyers and Michigan Rising Stars, September 8, 2015

Attorney Josh Richardson elected Boys & Girls Club of Lansing Chair, January 26, 2015

EVENTS

Classification: Employees vs. Independent Contractors in a New Era, *Second Wednesday Sessions*, April 10, 2024

The Commissioner's Role in Union Negotiations, *County Road Association of Michigan: 2024 Highway Conference & Road Show*, March 20, 2024

Preparing for New Independent Contractor Rules, *Michigan Business Network*, February 16, 2024

How Recent Ruling Will Impact Your Business Initiatives, *Second Wednesday Sessions*, November 8, 2023



Employee Drug Testing, *Fall 2023 Labor & Employment Law Update Webinar*, October 12, 2023

Employee Misclassification, *Fall 2023 Labor & Employment Law Update Webinar*, October 12, 2023

Employers' Use of Artificial Intelligence (AI), *Fall 2023 Labor & Employment Law Update*, October 12, 2023

Fall 2023 Labor & Employment Law Update, *Foster Swift Going Forward Webinars*, October 12, 2023

Latest in Noncompete Developments, *Fall 2023 Labor & Employment Law Update Webinar*, October 12, 2023

Unemployment Insurance Matters, *Fall 2023 Labor & Employment Law Update Webinar*, October 12, 2023

Should Employers Use Generative AI for the Hiring Process?, *Foster Swift Second Wednesday Lunch Break*, June 14, 2023

How the New Wage and Hour Laws Impact Your Township, *Michigan Townships Association Annual Conference 2023*, April 19, 2023

Why You Should be Worried About the NLRB as a Nonunion Employer, *ASE*, November 10, 2022

Transforming Law Firms: DE&I Intent Into Real Progress, *Michigan Diversity Council Legal Diversity Summit*, October 18, 2022

ADA and FMLA Compliance and Regulation Issues, *Fall 2022 Labor & Employment Law Update Webinar*, October 12, 2022

Labor Law & Rapid Fire Look at DEI, *Fall 2022 Labor & Employment Law Update Webinar*, October 12, 2022

Talent Recruitment and Retention Policies, *Fall 2022 Labor & Employment Law Updates*, October 12, 2022

What Employers Need to Prepare for in 2023, *Foster Swift Going Forward Webinars*, October 12, 2022

Litigation Series: What To Do If You Are Being Sued, *Foster Swift Second Wednesday Morning Break*, August 10, 2022

Litigation Series: What To Know If You Are Planning To Sue, *Foster Swift Second Wednesday Morning Break*, July 13, 2022

Employers: Are You Ready for the Changes Coming in 2022?, *Foster Swift Going Forward Webinars*, March 10, 2022

What Does 2022 Hold for Employers?, *Foster Swift 2nd Wednesday Morning Break*, January 12, 2022

Looking Forward: What Employers Need to Know for 2022, *Foster Swift Going Forward Webinars*, October 19, 2021

What Can Employers Expect Returning to Work?, *Foster Swift 2nd Wednesday Morning Break*, June 9, 2021

Businesses have big questions even as new MIOSHA guidelines are released, *WDIV 4 Detroit News*, May 24, 2021

Unpacking MIOSHA Guidelines, *MICPA*, March 25, 2021

Hot Employment Law Topics for HR Teams in 2021, *Foster Swift*, February 25, 2021

What Happens If MIOSHA Shows Up?, *Foster Swift*, January 13, 2021

Employer Accommodations During and After COVID-19, *ASE HR Comply 2020*, December 2, 2020



A Primer on Civil Litigation - How to Avoid Getting Sued and What to do if you do!, *Foster Swift Going Forward Webinar Series*, June 25, 2020

Employer Guidance for a Lawful and Safe Re-Opening, *Foster Swift*, May 27, 2020

Coronavirus and Your Business: Employee Matters, *Lansing Regional Chamber of Commerce*, March 30, 2020

Human Resources: Planning To Avoid Litigation, *Michigan Township Participating Plan*, January 23, 2020

2019 Comprehensive Guide to Employment Law, *National Business Institute (NBI)*, November 13, 2019

Dealing With the Troubled/Troubling Employee, *National Business Institute (Employment Law: 2019 Comprehensive Guide)*, November 13, 2019

FMLA, ADA and Workers' Compensation: Managing Leave of Absence Issues, *National Business Institute (Employment Law: 2019 Comprehensive Guide)*, November 13, 2019

Rats, Rules and Reevaluations: Current Affairs at the NLRB, *NLRB, Bernard Gottfried Memorial Labor Law Symposium*, October 17, 2019

Best Practices For Employers On Using Video Surveillance Of Employees, *Michigan Business Network*, August 22, 2019

The Shifting Sands of Employment Law, *MICPA: CPEconomy Event, Frankenmuth*, May 9, 2019

Employee Handbooks and Personnel Policies, *Michigan Chamber of Commerce: Lansing*, April 23, 2019

Employee Handbooks and Personnel Policies, *Michigan Chamber of Commerce: Walsh College, Novi*, April 18, 2019

Compliance in Today's Environment of Employment Law Hyper-Awareness, *MICPA: CPEconomy Event for Industry, Troy*, March 26, 2019

Your Employee is Hurt, but is it FMLA, ADA or Workers Comp?, *Michigan Chamber of Commerce*, March 7, 2019

No, that Employee is NOT an Independent Contractor, *Michigan Chamber of Commerce*, January 31, 2019

Responding to Workplace Violence: Workers' Compensation, *Foster Swift*, October 17, 2018

"A Swinging Pendulum or Course Corrections: Recent Cases and Upcoming Changes", *26th Annual Bernard Gottfried Memorial Labor Law Symposium*, October 11, 2018

Why Worry About Unions Under the Trump Administration?, *American Society of Employers (ASE)*, August 9, 2018

Hiring, Investigating and Discipline/Discharge in the Law, *Foster Swift: Developing Labor Law Update*, May 9, 2018

Employment and labor laws that can affect the dairy industry, *Great Lakes Regional Dairy Conference (GLRDC)*, February 8, 2018

Hiring, Investigating and Discipline/Discharge in the Law, *Foster Swift: Developing Labor Law Update*, February 7, 2018

My Employee Did What in Off Hours, *American Society of Employers*, August 17, 2017



Basics of determining termination of employees that lawfully use medical marijuana, *Stop Before You Crash: Workers' Compensation and Employment Law*, March 22, 2017

Can an employee be fired while away on FMLA?, *Stop Before You Crash: Workers' Compensation and Employment Law*, March 22, 2017

Sexual Harassment in Workers' Compensation, *Stop Before You Crash: Workers' Compensation and Employment Law*, March 22, 2017

"Favored-Work" Doctrine Under Michigan Workers' Compensation Law, *Stop Before You Crash: Workers' Compensation and Employment Law*, March 22, 2017

How to Discipline and Terminate Employees, June 9, 2015

When an Employee Dies: HR & Accounting Essentials, *Michigan Chamber of Commerce*, April 2015

Public Employment and Labor Law – The Basics, *Foster Swift Webinar Series for New Municipal Officials*

Hiring-to-Termination: Termination & Layoff Practices, *Michigan Chamber of Commerce*, November 13, 2012

Hiring-to-Termination: Performance Tracking & Discipline Practices, *Michigan Chamber of Commerce*, October 3, 2012

Hiring-to-Termination: Pre-Employment & Hiring Practices, *Michigan Chamber of Commerce*, September 6, 2012

SEMINAR | Library Policies Seminar, *Walsh College & Foster Swift Collins & Smith, PC*, August 19, 2010