

CLAUDIA D. ORR



Senior Attorney

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An attorney in the firm's Detroit office, Claudia D. Orr focuses her practice primarily in the area of labor and employment law. Her clients include Fortune 500 companies, local governments, tier-one automotive suppliers, nationwide distributors of pharmaceutical products, numerous nonprofit agencies, healthcare providers, restaurants, and wholesale food distributors. She also has extensive litigation and appellate experience, and regularly practices before state and federal courts as an advocate.

As a counselor, Ms. Orr regularly advises clients on employment/labor matters, including hiring, discipline/discharge, complex ADA/Family and Medical Leave Act/STD-LTD/Workers' Disability Compensation issues, and labor grievances/arbitration matters.

Ms. Orr regularly defends clients in litigation and arbitration matters involving allegations of discrimination, harassment, retaliation, FMLA violations, wage/benefit issues, retaliation against whistleblowers, public policy discharge, unpaid commissions, and pension, severance and other ERISA claims, etc.

Ms. Orr routinely represents clients in administrative proceedings before government agencies, including the Equal Employment Opportunity Commission, Michigan Department of Civil Rights, state and federal Departments of Labor (including their Wage and Hour Divisions and Occupation Health and Safety Agencies), and the Michigan Employment Security Commission.

In addition, Ms. Orr has an ever-growing practice in Alternative Dispute Resolution ("ADR"). In this regard, she serves as defense case evaluator for the special employment

Areas of Practice

- Alternative Dispute Resolution
- Labor & Employment Law

Honors & Awards

- Martindale-Hubbell's highest rating-AV. AV is a registered certification mark of Reed Elsevier Properties, Inc., used in accordance with the Martindale-Hubbell certification procedures, standards and policies
- Top Lawyer in Labor & Employment, *dbusiness Magazine*, 2009 and 2010

Education

- University of Detroit Law School, *summa cum laude*, J.D., 1991
- University of Michigan – Dearborn, *high distinction*, B.G.S., 1986

Bar & Court Admissions

- Michigan, 1991
- U.S. Court of Appeals, 6th Circuit, 1991
- U.S. Supreme Court, 2004

panels of the Wayne, Macomb and Oakland Counties' Case Evaluation Tribunals, is an appointee to the American Arbitration Association's Roster of Neutrals for its Employment Panel, and serves as a mediator for the American Arbitration Association and others.

Ms. Orr regularly speaks on employment law issues for the Lorman Business Institute and the Council on Education in Management, and has been a guest lecturer at the Lawrence Institute of Technology and the Institute of Continuing Legal Education. Ms. Orr is the author of "*The Defense of Resume Fraud and Other 'After-Acquired Evidence' of Misconduct Under Sixth Circuit and Michigan Case Law*," 70 *University of Detroit Law Review* 657 (1993), and she has authored articles for the State Bar of Michigan's Employment and Labor Law Section Journal and *Laches*, a publication of the Oakland County Bar Association.

Notable Cases

- *Equal Employment Opportunity Commission v. Dairy Fresh Foods*, 2009 WL 1508379 (E.D. Mich. 2009)
- *Wallace v. Detroit Coke Corp.*, 818 F. Supp. 192 (1993)
- *Hartleip v. McNeilab, Inc.*, 83 F.3d 767 (6th Cir. 1996)
- *Switzer v. Hayes Wheels Int'l, Inc.*, 976 F. Supp. 692 (1997)
- *Wilcoxon v. Minnesota Mining and Manufacturing*, 235 Mich. App. 347 (1999)
- *Collucci v. Eklund*, 240 Mich. App. 654 (2000)
- *Jordan v. Michigan Conf. of Teamsters Welfare Fund*, 207 F.3d 854 (6th Cir. 2000)
- *Switzer v. Hayes Wheels Int'l, Inc.*, 2000 WL 92273 (6th Cir. 2000)
- *Boyd v. Wayne County*, 469 Mich. 987 (2003)

Professional Certifications

- Certified Mediator, under MCR 2.403 (2001)

Professional Affiliations

- State Bar of Michigan (Employment and Labor Law Section)
- American Arbitration Association (Special Employment Panel of Neutrals, Mediation Panel member)
- Human Resources Association of Greater Detroit (Member, Board of Directors and Vice President of Legal Affairs, 2009 to Present; Chair of Legal Affairs Committee, 2002 to 2009)

Publications and Lectures

- "Sixth Circuit Clarifies Definition of 'Joint Employers,' Explains Key Sexual Harassment Defense Under Title VII," Chartis *Legal Insights* newsletter, Spring 2010
- "The Defense of Resume Fraud and Other 'After-Acquired Evidence' of Misconduct Under Sixth Circuit and Michigan Case Law," *University of Detroit Law Review*, Vol. 70:657, 657-690, 1990

- “Employment Law Review,” lecture, Michigan Association of Certified Public Accountants, June 29-30, 2005
- “Fair Labor Standards Act: New Regulations, Exemptions From Overtime: Who Is In & Who Is Out Now?,” lecture, Association of Manufacturing Technology, May 18, 2005
- “Dealing With the Fair Labor Standards Act,” lecture, Institute of Continuing Legal Education, 2002
- Employee Discharge & Documentation in Michigan, lecture, Lorman Educational Services, 1998-1999
- Discharge and Other Employment Issues in Michigan, lecture, Lorman Educational Services, 2000-2001
- “How to Terminate Employees Without Prompting a Lawsuit,” lecture, Council on Education in Management, 2002
- “ADA Update 2000,” lecture, Council on Education in Management, 2000
- Managing Pay and Employee Benefits Without Violating the FLSA or Leave and Disability Laws, lecture, Council on Education in Management, 2002

Publications

- Michigan Legislature Amends Youth Employment Standards Act
- SUPREME COURT LIMITS EMPLOYER LIABILITY FOR QUID PRO QUO SEXUAL HARASSMENT
- Court Rules Compensation Disclosure Prohibition Violates National Labor Relations Act
- Limiting Employer Liability Under Genetic Information Nondiscrimination Act (GINA)
- Supreme Court’s Ruling in Wal-Mart Case Stiffens Requirements for Employment Class Actions
- Federal Court Strikes Contractual Limitations Period Defense in FMLA Case
- Learner/Trainee or Employee? What is the FLSA Test?
- ‘Zone of Interests’ Expand for Employer Retaliation Claims
- Supreme Court Blesses ‘Cat’s Paw’ Theory Making it Easier for Employees to Prove Discrimination
- Court rules Employer’s request for general diagnosis does not violate the Americans with Disabilities Act
- Federal Court Rules Employer Properly Discharged Employee for Medical Marijuana Use
- Supreme Court Ruling Expands Title VII Protections to ‘Affinity’ Relationships
- Michigan Amends Wages and Fringe Benefits Act
- Appellate Court Rules Harassment Does not Violate Civil Rights Act Unless Overtly Sexual or Racial
- Arbitration Agreement Applicable to Third Party Claims but not Civil Rights Claim
- Written Notice During Six-Month Period Prior to Leave Necessary to Inform Employees of their Obligations to Qualify for FMLA Leave
- U.S. Department of Labor Provides FMLA Rights to Gay Employees Co-Parenting With Their Life Partners

- Court Restricts Employee Access to Documents Not Part of “Personnel Record”
- Are Your Employees ‘Knowingly and Intelligently’ Waiving Their Rights?
- Federal Law Incentivizes Employers to Hire Unemployed Workers
- A Small Employer’s Big Mistake Nearly Results in FMLA Liability
- Employers Need not be all a Twitter over Social Media Issues
- Family and Medical Leave Act Amended to Benefit Military Service Members Families
- Preparing Your Workplace for Michigan’s Upcoming Smoking Ban
- Sixth Circuit Clarifies Definition of ‘Joint Employers,’ Explains Key Sexual Harassment Defense Under Title VII
- Employee’s harassment complaint to harasser-manager precludes dismissal of sexual harassment claim
- Appellate Court Rules Employee’s Car May Have Been ‘Normal’ Place of Employment
- COBRA Subsidy Extended for Assistance Eligible Individuals
- Terminating Employees for Breach of a Confidentiality Policy may be Illegal
- It May Be Time to Amend Your ERISA Plan
- Federal Wage Law prohibits recouping amounts overpaid to exempt employees under bonus plan
- Sixth Circuit Reverses Prior Decision and Narrows Those who are Protected From Retaliation Under Title VII
- Refusing to Hire Ex-Cons and Poor Credit Risks can Violate Federal Law
- Sixth Circuit’s Definition of ‘Accrued Benefit’ Favors Pension Plans
- Community Health Rules Leave Employers in Haze Over Medical Use of Marijuana
- Federal Stimulus Law Provides Premium Assistance For Cobra Continuation Coverage
- Lilly Ledbetter Fair Pay Act Retroactively Reverses Supreme Court Decision
- State Amends Unemployment Security Act
- Employer May Be Found Liable Under Rico For Its Involvement In Denying Worker’s Disability Compensation Claims
- Congress Amends Americans with Disabilities Act
- Supreme Court Clarifies Claims of Disparate Impact Under the Age Discrimination in Employment Act
- Federal civil rights law expanded to protect related third parties from retaliation
- Appeals Court Rules employee complaint to customer is a protected activity under federal labor Law
- President Signs Amendment to Family and Medical Leave Act
- New OSHA Rule Requires Employers to Purchase Personal Protection Equipment for Employees
- Can Employers Require Employees to Use Paid Leave During FMLA Absence?
- Failure to Promote Employee Because His Accent Makes Him Difficult to Understand is Unlawful

- Agreements to Release Claims - What Protection Are You Really Buying?
- Some Independent Contractors May be Eligible to File Discrimination Claims Under State Civil Rights Law
- Hospital and Chief of Staff Can Be Held Liable Under State's Civil Rights Law for Discrimination Against Physician with Staff Privileges
- All Group Health Benefits Must be Available to Employees on a FMLA Leave
- Database Security Breaches May Result in Significant Personal and Business Liability
- Contraceptives and Pregnancies: New State and Federal Court Rulings May Impact Your Company
- Accommodating Religious Beliefs - What Employers Should Consider This Holiday Season
- Recent Michigan Court Opinions Address Employer Liability for Employee Misconduct
- Appellate Courts Rule on Employer Liability for Third Party Sexual Harassment
- Supreme Court Clarifies Employer Liability in Sexual Harassment Cases
- Updates on the Family Medical Leave Act and the Social Security Number Privacy Act
- Wage Issues—Are You Compliant?

Speaking Engagements

- ADA, FMLA & GINA - The Good, Bad & Ugly Webinar
- Summer Camp for New Human Resources Professionals
- Wage and Benefits Law Webinar
- Audio Conference: Federal Stimulus Law Yields New COBRA Requirements For Business