




## Did That Really Happen?

Concerning Court Cases for Employers & the Risky Side of HR

Presented by  
**Laura M. Dinon**  
**Claudia D. Orr**

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### Today's Presenters

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### RICO Claims!

- Federal Racketeer Influenced and Corrupt Organizations Act (remember Kwame?)
  - Worker's Disability Compensation Act claims (*Brown v Cassens Transport Co*)
  - Fair Labor Standards Act claims (*Torres v Vitale*)
  - Potential Example: Title VII Class Action (*Advantage Staffing*)

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## Whistleblower Protection Act

- Employee report of PPO violation to her personal attorney, was a report to a “public body” for purposes of the WPA!
  - Marks v Mid-Michigan Medical Center-Gratiot*, Mich App Case No 348987, May 2, 2020 (unpublished)



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## Sexual Harassment Cases

- Rumors (*Parker v Reema Consulting*)
- Holiday parties (*Smits v Michael Morse*)
- The story about Don Juan – until he wasn't



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## Liability for Temp Agency Actions

- GM banned temporary employee from its properties.
- Temporary agency fired employee rather than reassigning him.
- Employee sued GM, claiming its actions were illegal, unethical or fraudulent and won.
- Hayword v General Motors LLC*, Mich App No. 346470, March 3, 2020 (unpublished)



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## Hodgepodge of Tidbits!

- No good deed goes unpunished! (*Dyer v Ventra Sandusky, LLC*; *Smith v Chrysler Group, LLC*; *Adams v Amcomm Telecommunications, Inc.*)
- A good deed plus stupid remarks (*Fisher v Nissan North America, Inc*)
- Stupid remarks (*Hubbell v FedEx SmartPost, Inc*; *Hickle v American Multi-Cinema, Inc*; *Rowe v Detroit School of Digital Technology*)



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## Whistleblower Proofs Handed to Plaintiff

- Plaintiff was a client and an employee of an agency providing services to individuals with mental health issues or other disabilities
- Following her report of a sexual assault in the non-work hours by another client to the police, employer suspended her from its programs, pending criminal investigation
- *Apacanis v Carter and Services to Enhance Potential*, Mich App No. 339241 Dec. 20, 2018 (unpublished)



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## Questions?



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Concerning Court Cases for Employers and the Risky Side of HR

05/28/2020 | Noon to 1:15 pm

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Concerning Court Decisions & the Risky Side of HR

Date: May 28, 2020  
Time: Noon to 1:15 pm.  
Cost: Complimentary

Presenters  
Laura Dixon and Claudia G. Orr



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## Stay Safe!

Have a Great Day!

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