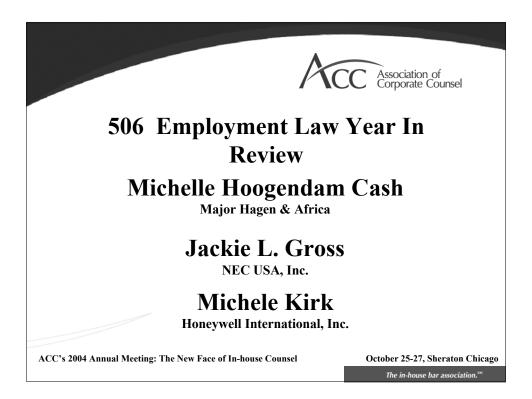


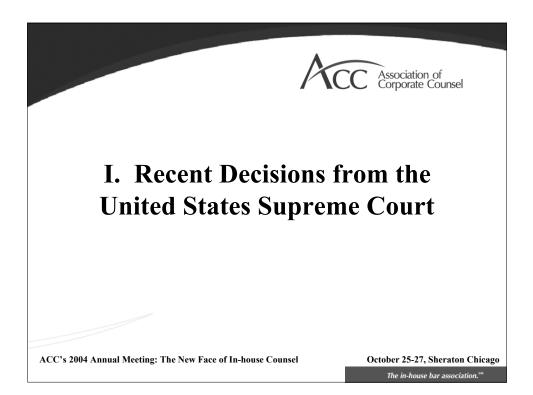
506:Labor & Employment Law Year in Review

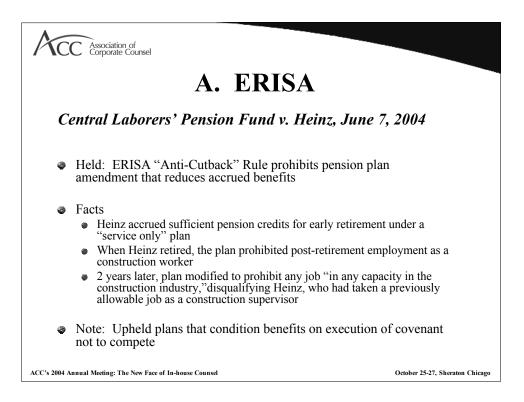
Michelle Hoogendam Cash Managing Director & Employment Counsel Major, Hagen & Africa—Attorney Search

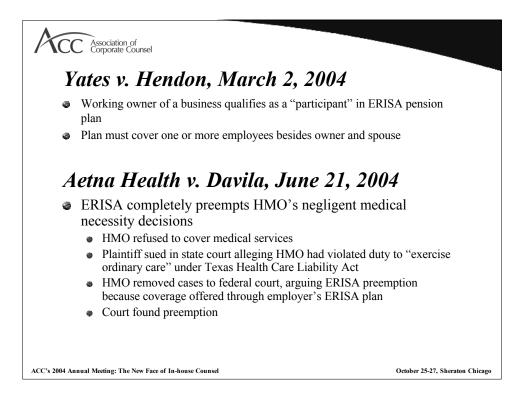
Jackie L. Gross Senior Attorney NEC USA, Inc.

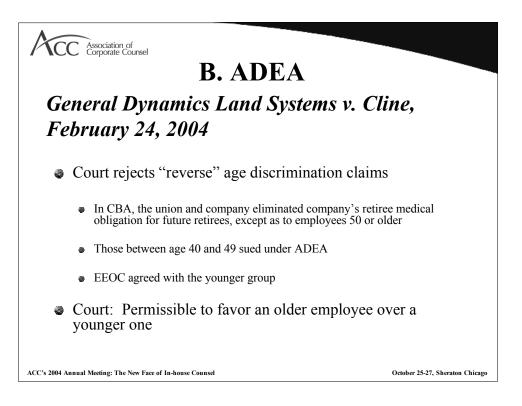
Michele Kirk Assistant General Counsel—Labor & Employment Honeywell International Inc.

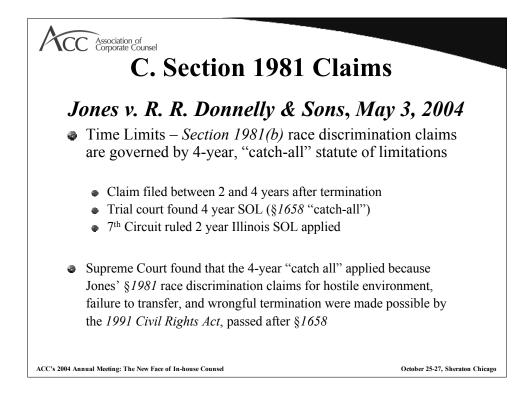


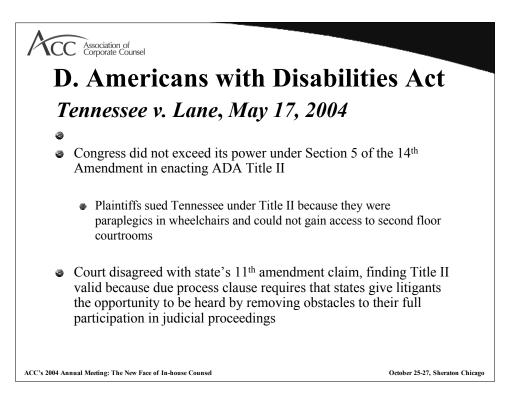


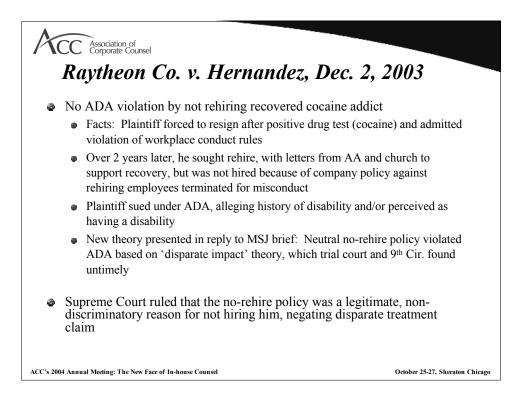


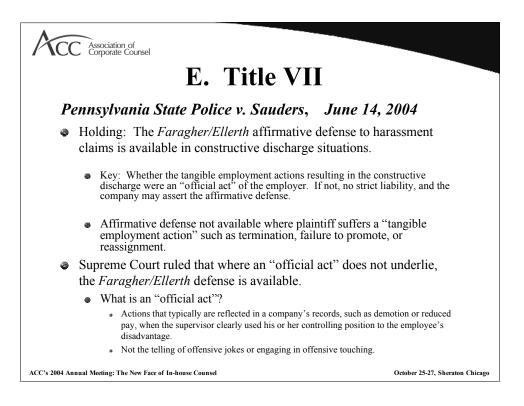


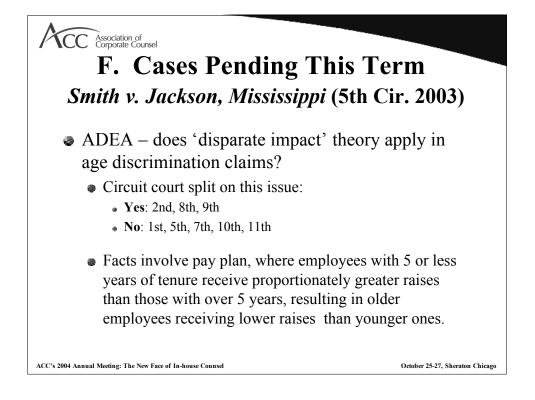


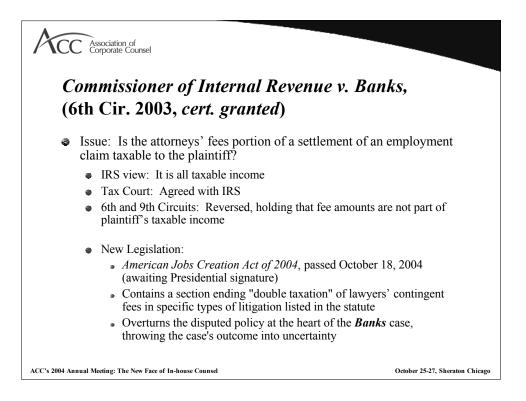


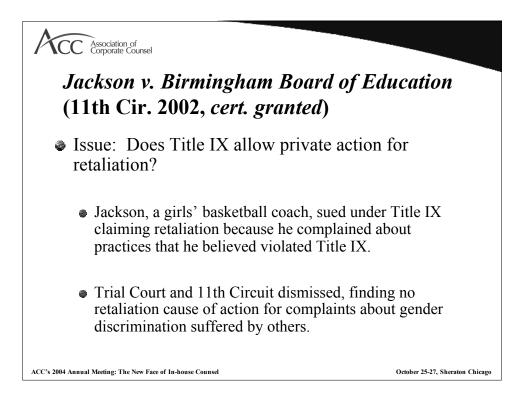


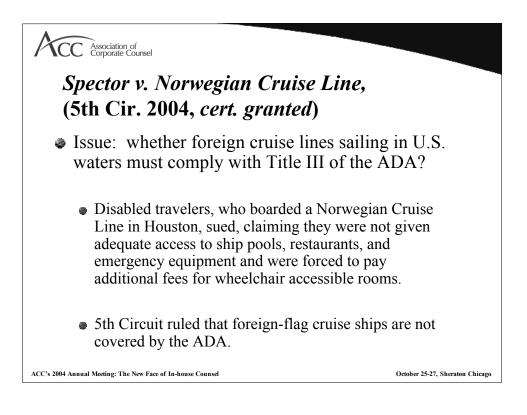


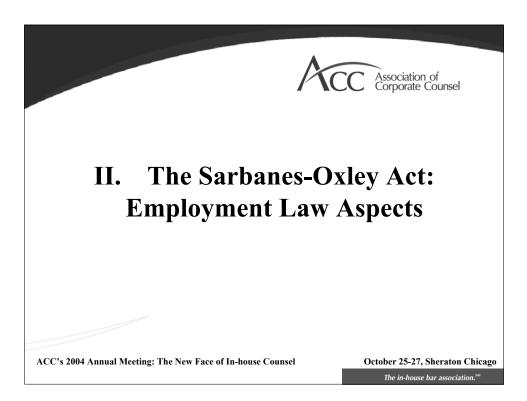


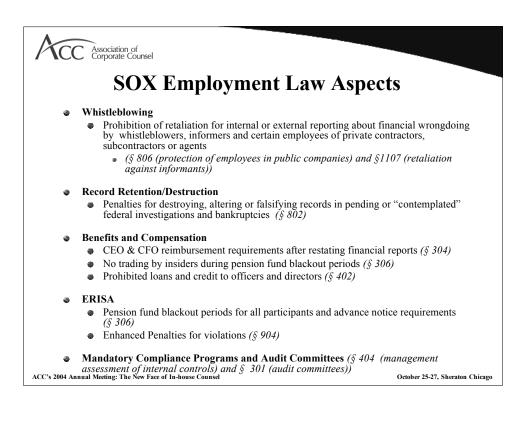




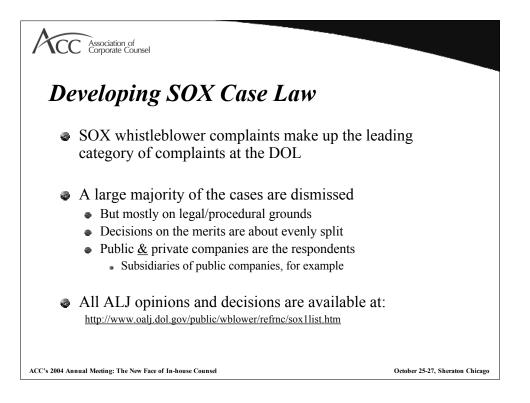




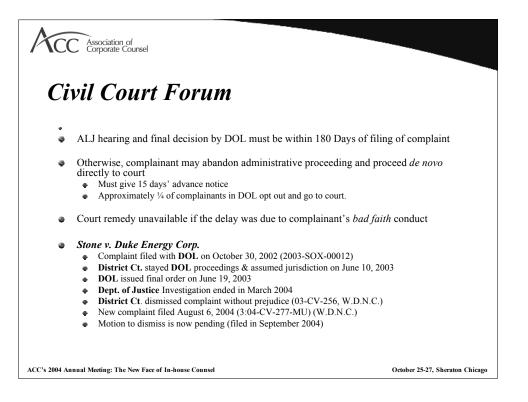


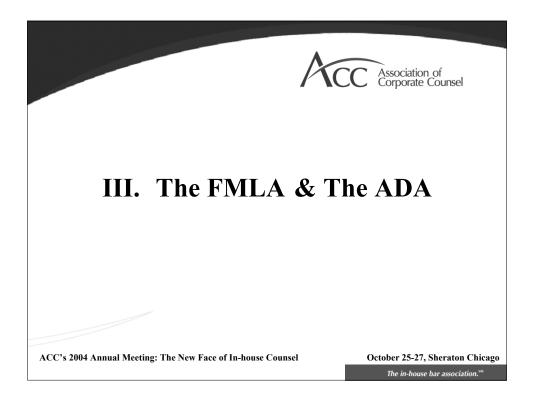


Acc	Association of Corporate Counsel									
Lit	igating a SOX Claim									
Secti	on 806: "Protection for Employees of Publicly Traded Companies Who Provide Evidence of Fraud" DOL Regulations at: 29 C.F.R. Part 1980									
٩	Administrative exhaustion is required									
ø										
	Procedural Manual released in August 2004 available at: http://www.osha.gov/pk/oshaweb/owadisp.show_document?p_table=FEDERAL_REGISTER&p_id=17845									
ą										
۵	Burden of proof - New regulations specify that once plaintiff proves prima facie									
	case, employer must prove by "clear and convincing evidence" that same action									
	would have been taken absent protected conduct by employee. (29 CFR 1980.104(c))									
	• This is potentially much higher standard than other discrimination laws									
۲	Securities law defenses may be applicable (materiality, e.g.)									
a	Remedies and Penalties									
	• Reinstatement with seniority retroactive to termination date, including a <i>preliminary order</i> of reinstatement, absent exceptional circumstances.									
	 Backpay with interest 									
	 Attorneys' Fees, Experts' Fees & Litigation costs 									
٩	No preemption of stronger state laws									
ACC's 2004 An	nual Meeting: The New Face of In-house Counsel October 25-27, Sheraton Chicago									

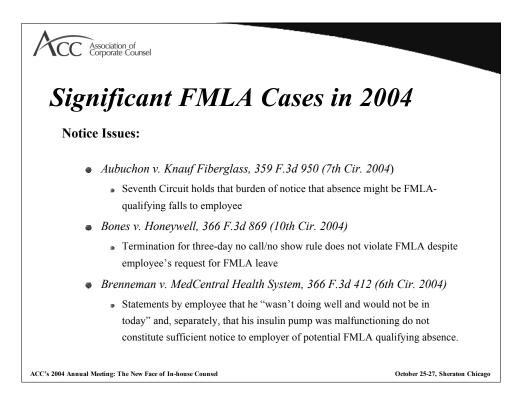




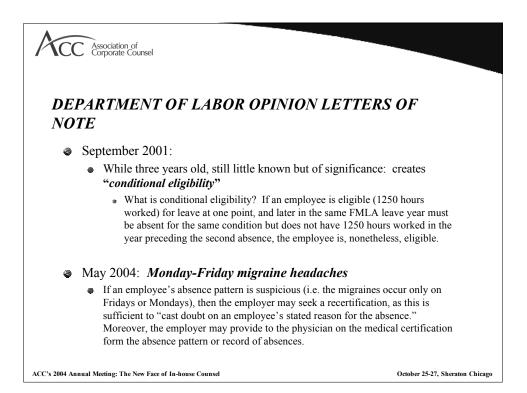


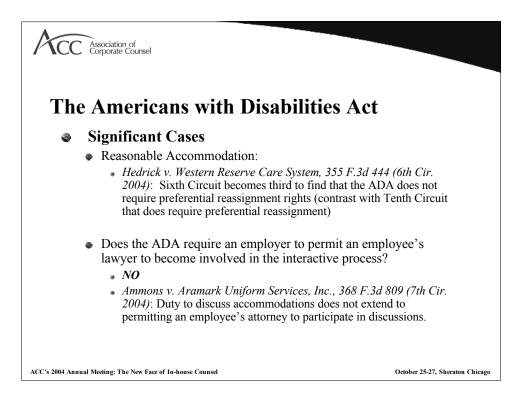


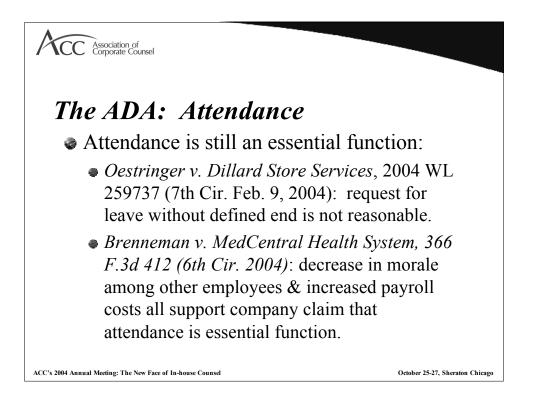


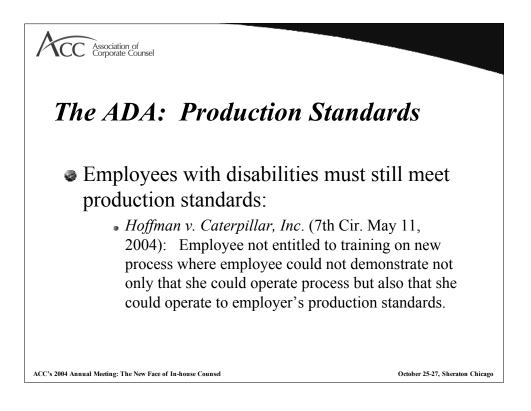


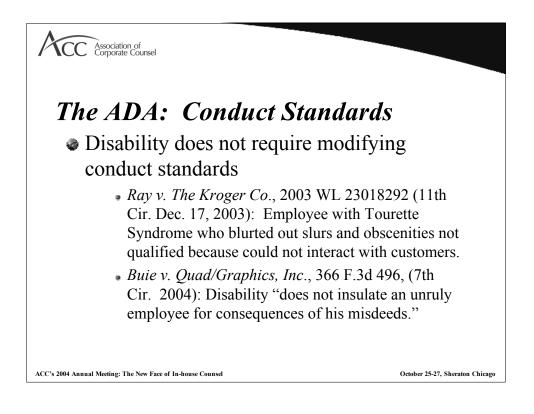


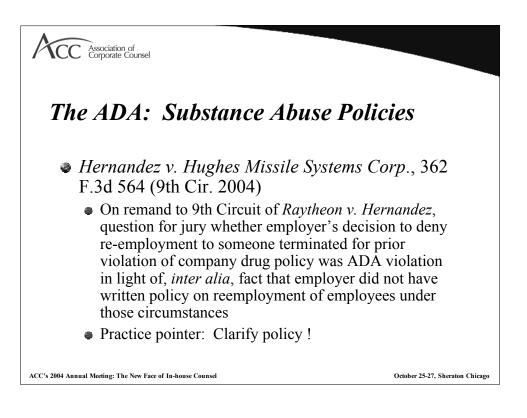


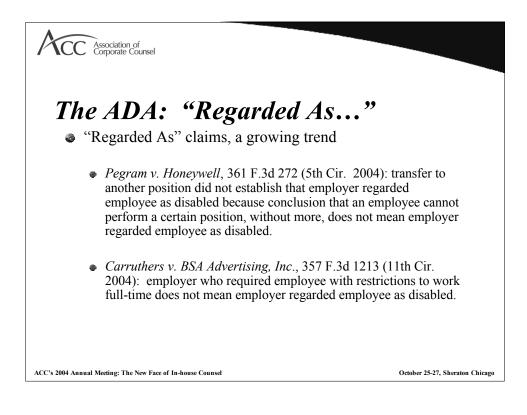


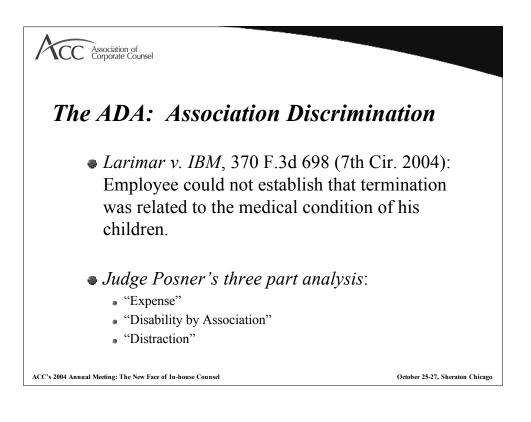


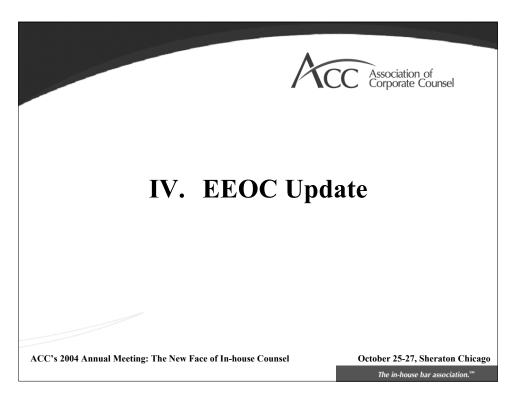


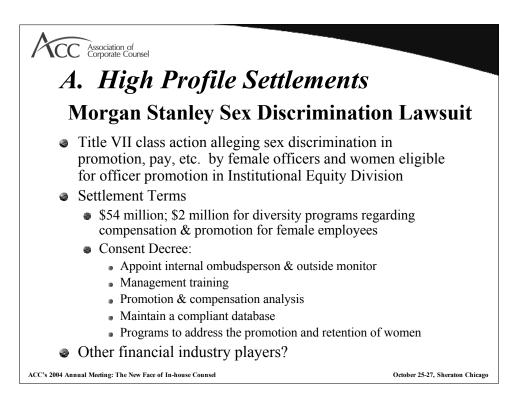


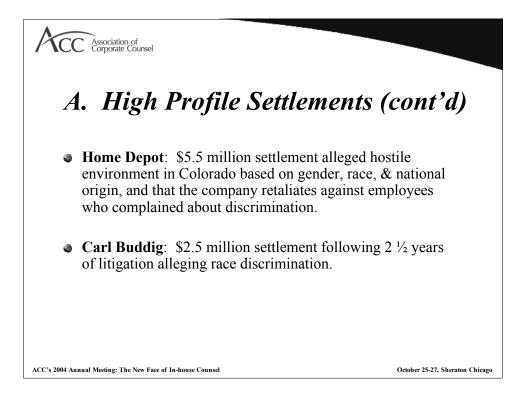


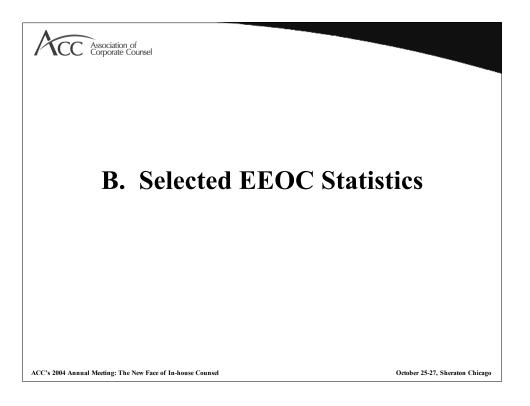












EF	EOC Charge l	Filing Statistic	s – FY 1999 TI	hrough FY 20	03
	FY 1999	FY 2000	FY 2001	FY2002	FY 2003
Total Charges	77,444	79,896	80,840	84,442	81,293
Race	28,819	28,945	28,912	29,910	28,526
касе	37.3%	36.2%	35.8%	35.4%	35.1%
Sex	23,907	25,194	25,140	25,536	24,362
sex	30.9%	31.5%	31.1%	30.2%	30.0%
National	7,108	7,792	8,025	9,046	8,450
Origin	9.2%	9.8%	9.9%	10.7%	10.4%
Delleter	1,811	1,939	2,127	2,572	2,532
Religion	2.3%	2.4%	2.6%	3.0%	3.1%
All Statutes	19,694	21,613	22,257	22,768	22,690
All Statutes	25.4%	27.1%	27.5%	27.0%	27.9%
Title VII	17,883	19,753	20,407	20,814	20,615
The vir	23.1%	24.7%	25.2%	24.6%	25.4%
Age	14,141	16,008	17,405	19,921	19,124
Age	18.3%	20.0%	21.5%	23.6%	23.5%
Disability	17,007	15,864	16,470	15,964	15,377
Disability	22.0%	19.9%	20.4%	18.9%	18.9%
Equal Pay Act	1,044	1,270	1,251	1,256	1,167
Equal 1 ay Act	1.3%	1.6%	1.5%	1.5%	1.4%

EEOC Litigation Statistics									
	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003				
All Suits Filed	464	328	430	364	393				
Direct Suits	437	290	385	332	361				
Title VII	325	222	269	246	277				
ADA	51	23	62	41	46				
ADEA	41	27	32	29	21				
EPA	3	3	5	2	0				
Concurrent	17	15	17	14	17				

