



Miriam L. Rosen

**Chair, Labor & Employment Practice; Member; Board of Directors;
Executive Committee**

Detroit

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Practice Focus

- Labor and employment
- Wage and hour compliance
- Reductions in Force and WARN Act
- Labor and employment counseling
- Healthcare restructuring
- Data privacy and cybersecurity

Miriam serves on the Executive Committee and Board of Directors at McDonald Hopkins and as the chair of the firm's Labor and Employment Practice. She represents and counsels employers on a wide-range of labor and employment law issues. She focuses her practice on counseling employers on day-to-day human resource matters to ensure compliance with complex issues arising from state and federal employment laws, such as the FMLA, ADA, and civil rights statutes. She has extensive experience in the area of wage/hour matters, assisting employers in auditing practices and defending and resolving disputes stemming from the Fair Labor Standards Act and state law requirements. Miriam regularly works with employers to develop effective strategies for implementing difficult employment business decisions related to RIFS, WARN issues, and other employee separations. She also represents employers in collective bargaining negotiations, labor arbitrations, contract administration, union avoidance strategies and training, as well as union recognition, decertification and deauthorization campaigns. Miriam regularly conducts seminars and training for managers and staff on workplace compliance issues.

Miriam is an author of the *Employer Advocate*, a blog that provides executives, managers, human resources professionals, and labor relations personnel with easy-to-understand, accurate and informative articles on the latest legal developments and how to apply them in the workplace.

Miriam earned her J.D. from Northwestern University School of Law in 1987. She received a B.A., with high distinction, from Michigan State University in 1984.

Representative Cases/Matters

- Lead two successful U.S. Department of Labor Fair Labor Standards Act investigations for a large healthcare organization in the metro-Detroit area. Investigations resulted in no violations against the employer.
- Current representation of a large healthcare organization in the metro-Detroit area in wage and hour class action involving home health companions. The matter is pending in the United States District Court for the Eastern District of Michigan.

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- Represented a multi-national IT consulting company in multiple U.S. Department of Labor Fair Labor Standards Act investigations.
- Successfully represented a national insurance company in a U.S. Department of Labor Fair Labor Standards Act investigation. Investigation resulted in no violations against the employer.
- Represented a large automotive supplier in a Department of Homeland Security investigation of I-9 compliance resulting in no fines or penalties to employer.
- Counseling and planning of numerous reductions in force for employers in a broad range of industries, including accounting, aerospace, automotive, financial, IT, insurance, and healthcare.
- Successful resolution of a potential class national origin, gender, and equal pay claim against a multi-national automotive supplier.
- Successful resolution of an EEOC class claim based on gender discrimination against a financial services firm.
- Successfully represented employers in numerous charges of discrimination before the EEOC and state agencies resulting in dismissal of the charges.
- Successfully represented numerous employers in state agency wage/hour complaints.

Admissions - Court

- U.S. District Court for the Eastern District of Michigan
- U.S. District Court for the Western District of Michigan

Admissions - State

- Michigan

Education

- Northwestern University School of Law
- Michigan State University

Honors and Awards

- Selected for inclusion in *Michigan Super Lawyers* (2010-2021)
- Selected for inclusion in *Dbusiness* magazine's *Top Lawyers* (2015)
- Named one of the Best Lawyers in America (2013-2022)
- AV Peer Review Rated by Martindale-Hubbell

Professional Membership

- American Bar Association
- State Bar of Michigan
- Oakland County Bar Association
- Society for Human Resource Management
- Human Resources Association of Greater Detroit

Public Service and Volunteerism

- Forgotten Harvest
- Northwestern University School of Law Alumni Association

Alerts

- Supreme Court gives go ahead to healthcare workers vaccine mandate
- Supreme Court stays the OSHA ETS
- OSHA ETS vax or test mandate revived: What now?
- Ready, set, go: Employers race to comply with OSHA ETS vaccine requirements
- Planning for the COVID-19 ETS: Vaccine mandates, regular testing, and more
- President Biden's Six Prong COVID-19 Action Plan: What employers need to know about the Path out of the Pandemic
- Update: MIOSHA suspends COVID-19 Emergency Rules for employers
- EEOC weighs in with updated guidance on vaccine mandates, incentives and more
- Michigan COVID-19 Update: Putting the pieces together for employers
- Crain's Cleveland Op-Ed: There are legal and labor challenges to reopening the economy
- New Michigan executive order addresses time off and employment protections
- CARES Act: Department of Labor guidance helps employers understand new unemployment programs
- Additional DOL guidance on paid sick and paid FMLA provides practical advice
- CARES Act: An early analysis of the historic Coronavirus Aid, Relief and Economic Security Act
- DOL's new FLSA salary level rule effective January 1, 2020
- March Madness Department of Labor-style
- EEO-1 filing deadline extended until May 31, 2019
- Best practices for data privacy and cybersecurity employee awareness training
- Guidance regarding the new I-9 form released
- New FLSA rule blocked by federal court
- The DOL's Persuader Rule: Employers should act by July 1!
- Anthem's two small details that led to one big breach
- Cybersecurity breach rocks Anthem

Blog Posts

- New DOL Fact Sheet takes on rising workplace mental health issues
- Employment Law Lessons: Happy Birthday Edition
- Employment law activity heats up at the federal level
- It may be time to revisit arbitration clauses in your employment agreements
- The DOL says "Help Wanted"
- CMS reinstates vaccine mandate rule for healthcare workers in 25 states
- EEOC updates guidance on COVID-19 religious accommodations and undue hardship
- Federal contractor vaccine mandates: Preparing for compliance
- To mandate or not to mandate? That is the vaccine question

- 4 employment law lessons from the Olympic Village
- Biden Administration targets competition
- Case dismissed: Employees lose challenge to mandatory vaccine policy
- Michigan mask requirements – It's complicated
- It's "Vacc to Normal" for Michigan
- The curious case of Lady Gaga's dog walker: An employment law tale
- Dealing with rampant unemployment fraud
- A flurry of DOL activity ushers in 2021
- The FFCRA: It's goodbye for now, but maybe not forever
- Modified CDC guidance offers employers options for quarantining
- DOL issues revised FFCRA regulations
- School's in session: New FFCRA FAQs address return to school leave issues
- DOL's new FMLA forms intended to improve user experience
- Dealing with COVID-19 return to work issues? EEOC provides more practical guidance
- Supreme Court rules Title VII's ban on workplace discrimination applies to sexual orientation and gender identity
- COVID-19 and OSHA reporting requirements
- COVID-19 crisis prompts EEO-1 reporting delay
- New FFCRA FAQs address child care leave and documentation issues
- 10 ways to stay CyberSavvy while employees return to work
- As employers prepare to return to work, more EEOC guidance on COVID-19 and ADA
- EEOC provides updated guidance on COVID-19 and ADA related issues
- Michigan's extended Stay Home Order adds new limitations
- New CDC guidance helps employers keep critical infrastructure workers safe
- DOL issues 4th Q&A guidance on Families First Coronavirus Response Act
- Expansion of work share programs under the CARES Act
- New FFCRA required poster available for April 1 effective date
- DOL provides Q&A style guidance on Families First Coronavirus Response Act
- Oakland County issues new health order for screening employees and maintaining social distancing at essential businesses
- Michigan stay home, stay safe order in effect - now what?
- Families First Coronavirus Response Act becomes law
- Temperatures, medical questions and how the ADA intersects with public safety
- Tax credits ease cost of extension of paid sick leave and FMLA
- House amends Emergency Leave Legislation before it gets to the Senate
- COVID-19 Bill with FMLA leave and sick pay provisions is passed by House and moves to Senate
- What employers can learn from the EEOC's FY 2019 stats
- Employers take note: DOL nets record \$322M in back pay in FY 2019
- EEO-1 reporting drama continues with 2017 pay data now required
- EEOC confirms pay data collection reporting
- More drama with the EEO-1 reporting
- DOL discloses proposed new FLSA salary-level threshold of \$35,308
- Early Christmas present for Michigan employers: Earned Sick Time Act overhauled and wage hike delayed

- Michigan voters say yes to recreational marijuana
- Michigan AG and Civil Rights Commission at odds over LGBT protections
- Dads score win as EEOC calls for equal leave time for child bonding
- What does Supreme Court ruling on public-sector unions mean for your organization?
- New NLRB Guidance will ease restrictions on workplace policies
- Reading the EEOC's tea leaves: Year-end disability cases reveal priorities
- Proposed Workflex bill offers employers unique federal approach to paid leave time
- One less headache for employers: New EEO-1 Form pay reporting stayed indefinitely
- The ADEA is getting its AARP card and some special attention from the EEOC
- Welcome back, DOL opinion letters!
- No summer vacation for employers facing new July 1 laws
- In employment law, even the "mark of the beast" must be accommodated
- Employing foreign physicians and researchers during the Trump years
- The impact of "Buy American and Hire American" Executive Order No. 13788
- New case highlights military leave law
- Comp time in the private sector: New legislation makes it a real possibility
- The Final Countdown: New FLSA regulations take effect December 1
- The EEOC's new game plan is an open book
- The Olympics of Employment Law
- Employment law developments: A busy EEOC and a quick hit
- The new FLSA overtime rule on salary pay is here! Time to act now
- New FLSA regs are on the move... and employers should be too!
- Pushing boundaries: EEOC brings sexual orientation discrimination suits
- Employers take heed: The EEOC sets rapid pace for 2016 activity
- Resolved: Your 2016 employment compliance goals
- The benefits of being engaging: ADA-style
- Check it twice: Your 7-step employment law compliance list
- Employer takes \$1.3 million hit for staffing company's FLSA violations
- NLRB Punts: Decides not to decide if NU football players are employees
- Fair Credit Reporting Act is definitely not child's play
- DOL's new FLSA rule will shake up exempt status
- A Dose of Common Sense: Sixth Circuit Says Regular Attendance is an Essential Function of Most Jobs
- EEOC Decision Addresses Transgender Discrimination
- Shades of Gray: NLRB Memo Provides Insight on Handbook Policies
- Supreme Court Decision on DOL Rule Change Relaxes Requirements for Agency Rulemaking
- New DOL Rule Broadens FMLA Definition of "Spouse"
- Michigan Legislature Goes on Offense

News

- 50 McDonald Hopkins attorneys recognized in The Best Lawyers
- McDonald Hopkins attorneys selected to 2021 Michigan Super Lawyers and Rising Stars Lists
- Rosen featured in Cleveland Jewish News: Can businesses mandate vaccines for employees?

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- Nine McDonald Hopkins attorneys recognized as Michigan Super Lawyers and Rising Stars
- Lawyer of the Year honorees Riley and Welin among 42 McDonald Hopkins attorneys recognized as 2021 Best Lawyers
- 41 attorneys from McDonald Hopkins recognized as 2020 Best Lawyers®
- Eleven attorneys at McDonald Hopkins honored as Michigan Super Lawyers and Rising Stars
- 35 attorneys at McDonald Hopkins selected for inclusion in Best Lawyers® 2018
- 39 attorneys at McDonald Hopkins selected for inclusion in Best Lawyers 2017
- Twelve attorneys at McDonald Hopkins honored as Michigan Super Lawyers and Rising Stars
- 41 attorneys at McDonald Hopkins selected for inclusion in Best Lawyers® 2016

External Publications

- *The Clash of Social Media and Employee Privacy*, PEO Insider, April 2014
- *Is your workplace social media savvy?* RBMA Monthly Legal Update Digest August 2013
- *EEOC Issues New Guidance on Specific Disabilities*, RBMA Monthly Legal Update Digest June 2013
- *New Laws Protect Online Password Privacy*, RBMA Monthly Legal Update Digest March 2013
- *Hold the NLRB Posting*, RBMA Monthly Legal Update Digest May 2012
- *Court Provides FMLA Guidance in Termination Case*, RBMA Monthly Legal Update Digest March 2012
- *Employers Beware: With New Round of Audits, ICE Seeks to Chill Illegal Hiring*, RBMA Monthly Legal Update Digest July 2011
- *Hiring 2.0: What Employers Need to Consider when Hiring this Time Around*, Human Resource Association of Greater Detroit Newsletter, March 2011
- *Investigating Employee Misconduct*, Employment Law in Michigan: An Employer's Guide (ICLE 2d. ed. 2008 -2014 Supplements)
- *The New FMLA Regulations*, Human Resources Association of Greater Detroit, November 2008
- *Guidance for Small Business Owners*, Detroit Chamber of Commerce, October 2008

Events

- Employment law developments while you were quarantining | Tuesday, December 15, 2020
- Ohio is open for business: Now what? | Thursday, August 20, 2020
- Ready to Restart: Employment Law Reopening Readiness, Risks & Responses | Thursday, June 4, 2020
- Ready to Restart: Employment Law Reopening Readiness, Risks, and Responses | Wednesday, April 29, 2020
- 20 Employment Law Challenges for 2020 | Thursday, January 23, 2020
- Contemporary Workplace Issues: Marijuana, #MeToo and More | Wednesday, June 13, 2018
- You've Been Served: Why employers get sued and how to avoid it | Wednesday, June 14, 2017
- Get your wage hour house in order for 2016 | Wednesday, October 14, 2015
- EEOC activism in 2015: Insights for employer compliance | Thursday, May 14, 2015

Speaking Engagements

- HR Best Practices for Navigating Trending Employment Law Issues, Detroit SHRM, NextGen HR Conference, November 15, 2019

- A Hazy Future for IL Employers, The New IL Marijuana Law and other State Employment Law changes, Federal Women Contractors, July 30, 2019
- Understanding the New Paid Medical Leave Act, Detroit SHRM Webinar, June 13, 2019
- FMLA, ADA, and Now PMLA; Just one fact matters, Detroit SHRM Seminar, May 9, 2019
- Updating your Employee Handbook for Changing Times, Detroit SHRM Webinar, November 2018
- Employment Issues for Physician Practices, 5th Annual Symposium of the Syrian American Medical Society (SAMS), September 2018
- Respect in the Workplace Training, Jewish Professional Resources Organization, May 17, 2018
- HR Compliance in Non-Compliant Times, HR Group Michigan Credit Union League, November 8, 2017
- Managing Employment Law Challenges for Medical Practices Challenges, Ohio MGMA, September 22, 2017
- Is My Data Safe? Why HR Professionals Should Care, American Society of Employers Employment Law Conference, September 2014
- Manage and Minimize HR Risk for your Practice, Illinois Medical Group Management Association Annual Meeting, May 2014
- Overcoming Common Pathology Practice HR Issues, American Pathology Foundation Webinar, May 2014
- The Importance of Documentation: The Good, the Bad, and the Missing, American Pathology Foundation, Practice Management Boot Camp, November 2013
- Social Media – Does and Don'ts, Detroit Society for Human Resources Management, June 2013
- Family and Medical Leave Act Legal Update, Human Resource Association of Greater Detroit, March 2012
- Dust Off and Clean Up Your Employment Policies for 2012, Human Resource Association of Greater Detroit Webinar, February 2012
- Fundamentals of Employment Law for Practice Management, American Pathology Foundation, 2012 Practice Management Boot Camp, November 2012
- Managing & Training Your Multi-Generational Team in the 21st Century Workplace, American Pathology Foundation, 2011 Practice Management Boot Camp, November 2011
- Employment Law Update: 2011 Trends, Hot Topics & Top Risks, presented to various Employer Industry Groups
- Employment Law Landmines: How to Avoid Hidden Traps, Illinois Medical Group Management Association Annual Meeting, May 2011
- Employer Use and Control of Social Media, Human Resource Association of Greater Detroit Webinar, March 2011
- Fair Labor Standards Act and Michigan Wage Hour Law, Human Resource Association of Greater Detroit Webinar, March 2010
- Practice Management HR Risks, American Pathology Foundation, 2010 Practice Management Boot Camp, November 2010
- ADA Amendments Training Presentation, panel member, Human Resources Association of Greater Detroit, January 2009
- Union Avoidance Training, National Private Duty Association, April 2009
- The Truth about Your Employment Law Obligations, presented to various industry groups
- It May be Healthy, but is it Legal, presented to Michigan Society of Association Executives Law Symposium, Nov. 2005

