



Miriam L. Rosen

DETROIT MANAGING MEMBER; BOARD OF DIRECTORS; EXECUTIVE COMMITTEE

Detroit

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OVERVIEW

Miriam is the Managing Member of McDonald Hopkins' Detroit office, serves on the Executive Committee and Board of Directors, and is a member 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.

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

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

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District of Michigan.

- 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.

Honors & Recognition

Selected for inclusion in *Michigan Super Lawyers* (2010-2023)

Selected for inclusion in *Dbusiness* magazine's *Top Lawyers* (2015)

Named one of the *Best Lawyers in America* (2013-2024)

AV Peer Review Rated by Martindale-Hubbell

Credentials

EDUCATION

Northwestern University School of Law

Michigan State University

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

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Professional & Civic

PROFESSIONAL ACTIVITIES

American Bar Association

State Bar of Michigan

Oakland County Bar Association

Society for Human Resource Management

Detroit Society of Human Resource Management - Board Secretary

COMMUNITY INVOLVEMENT

Northwestern University School of Law Alumni Association

News & Insights

BLOG POST | AUGUST 30, 2023

DOL proposes increase to exempt salary level threshold

NEWS | AUGUST 17, 2023

55 McDonald Hopkins attorneys recognized in the 2024 editions of *The Best Lawyers in America* and *Best Lawyers: Ones to Watch in America*

NEWS | AUGUST 11, 2023

McDonald Hopkins attorneys selected to 2023 Michigan Super Lawyers and Rising Stars Lists

ALERT | JUNE 29, 2023

Supreme Court course corrects on workplace religious accommodation test

BLOG POST | MARCH 13, 2023

Employment Law Lessons: Teeing up the Speak Out Act edition

BLOG POST | FEBRUARY 27, 2023

NLRB decision upends use of standard severance agreement terms

BLOG POST | JANUARY 27, 2023

Court of Appeals keeps Michigan Paid Leave Act and minimum wage in place

BLOG POST | JANUARY 11, 2023

Employment Law Lessons: Protecting maternity rights edition

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BLOG POST | JANUARY 3, 2023

Employment Law Lessons: 2023 New Year's resolutions edition

BLOG POST | DECEMBER 27, 2022

Employers get a holiday surprise: New employment laws tucked in the spending bill

BLOG POST | DECEMBER 14, 2022

Year-end push produces new federal employment laws

BLOG POST | NOVEMBER 7, 2022

Employment Law Lessons: Twitter Drama Edition

NEWS | OCTOBER 5, 2022

McDonald Hopkins Announces Transition to New Co-Presidents, Leadership Team

NEWS | AUGUST 18, 2022

50 McDonald Hopkins attorneys recognized in the 2023 editions of The Best Lawyers in America® and Best Lawyers: Ones to Watch in America™

BLOG POST | JULY 7, 2022

Illinois employment law roundup: Employers' guide to recent employment law amendments

BLOG POST | JUNE 13, 2022

New DOL Fact Sheet takes on rising workplace mental health issues

BLOG POST | MAY 9, 2022

Employment Law Lessons: Happy Birthday Edition

BLOG POST | APRIL 7, 2022

Employment law activity heats up at the federal level

BLOG POST | FEBRUARY 18, 2022

It may be time to revisit arbitration clauses in your employment agreements

BLOG POST | FEBRUARY 3, 2022

The DOL says "Help Wanted"

ALERT | JANUARY 14, 2022

Supreme Court stays the OSHA ETS

ALERT | JANUARY 14, 2022

Supreme Court gives go ahead to healthcare workers vaccine mandate

BLOG POST | JANUARY 3, 2022

CMS reinstates vaccine mandate rule for healthcare workers in 25 states

ALERT | DECEMBER 20, 2021

OSHA ETS vax or test mandate revived: What now?

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ALERT | NOVEMBER 5, 2021

Ready, set, go: Employers race to comply with OSHA ETS vaccine requirements

BLOG POST | OCTOBER 26, 2021

EEOC updates guidance on COVID-19 religious accommodations and undue hardship

BLOG POST | OCTOBER 4, 2021

Federal contractor vaccine mandates: Preparing for compliance

ALERT | SEPTEMBER 20, 2021

Planning for the COVID-19 ETS: Vaccine mandates, regular testing, and more

ALERT | SEPTEMBER 10, 2021

President Biden's Six Prong COVID-19 Action Plan: What employers need to know about the Path out of the Pandemic

NEWS | AUGUST 19, 2021

50 McDonald Hopkins attorneys recognized in The Best Lawyers

NEWS | AUGUST 13, 2021

McDonald Hopkins attorneys selected to 2021 Michigan Super Lawyers and Rising Stars Lists

NEWS | AUGUST 12, 2021

Rosen featured in Cleveland Jewish News: Can businesses mandate vaccines for employees?

BLOG POST | JULY 29, 2021

To mandate or not to mandate? That is the vaccine question

BLOG POST | JULY 27, 2021

4 employment law lessons from the Olympic Village

BLOG POST | JULY 9, 2021

Biden Administration targets competition

ALERT | JUNE 22, 2021

Update: MIOSHA suspends COVID-19 Emergency Rules for employers

BLOG POST | JUNE 14, 2021

Case dismissed: Employees lose challenge to mandatory vaccine policy

ALERT | JUNE 1, 2021

EEOC weighs in with updated guidance on vaccine mandates, incentives and more

BLOG POST | MAY 19, 2021

Michigan mask requirements – It's complicated

BLOG POST | APRIL 30, 2021

It's "Vacc to Normal" for Michigan

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BLOG POST | MARCH 1, 2021

The curious case of Lady Gaga's dog walker: An employment law tale

BLOG POST | FEBRUARY 18, 2021

Dealing with rampant unemployment fraud

BLOG POST | JANUARY 14, 2021

A flurry of DOL activity ushers in 2021

BLOG POST | DECEMBER 28, 2020

The FFCRA: It's goodbye for now, but maybe not forever

BLOG POST | DECEMBER 3, 2020

Modified CDC guidance offers employers options for quarantining

ALERT | NOVEMBER 16, 2020

Michigan COVID-19 Update: Putting the pieces together for employers

NEWS | SEPTEMBER 22, 2020

Nine McDonald Hopkins attorneys recognized as Michigan Super Lawyers and Rising Stars

BLOG POST | SEPTEMBER 14, 2020

DOL issues revised FFCRA regulations

BLOG POST | AUGUST 28, 2020

School's in session: New FFCRA FAQs address return to school leave issues

NEWS | AUGUST 20, 2020

Lawyer of the Year honorees Riley and Welin among 42 McDonald Hopkins attorneys recognized as 2021 Best Lawyers

BLOG POST | JULY 24, 2020

DOL's new FMLA forms intended to improve user experience

BLOG POST | JUNE 18, 2020

Dealing with COVID-19 return to work issues? EEOC provides more practical guidance

BLOG POST | JUNE 15, 2020

Supreme Court rules Title VII's ban on workplace discrimination applies to sexual orientation and gender identity

BLOG POST | JUNE 12, 2020

COVID-19 and OSHA reporting requirements

BLOG POST | MAY 28, 2020

COVID-19 crisis prompts EEO-1 reporting delay

BLOG POST | MAY 13, 2020

New FFCRA FAQs address child care leave and documentation issues

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BLOG POST | MAY 6, 2020

10 ways to stay CyberSavvy while employees return to work

ALERT | MAY 3, 2020

Crain's Cleveland Op-Ed: There are legal and labor challenges to reopening the economy

BLOG POST | APRIL 20, 2020

As employers prepare to return to work, more EEOC guidance on COVID-19 and ADA

BLOG POST | APRIL 13, 2020

Michigan's extended Stay Home Order adds new limitations

BLOG POST | APRIL 13, 2020

New CDC guidance helps employers keep critical infrastructure workers safe

BLOG POST | APRIL 13, 2020

EEOC provides updated guidance on COVID-19 and ADA related issues

ALERT | APRIL 8, 2020

New Michigan executive order addresses time off and employment protections

BLOG POST | APRIL 5, 2020

DOL issues 4th Q&A guidance on Families First Coronavirus Response Act

ALERT | APRIL 5, 2020

CARES Act: Department of Labor guidance helps employers understand new unemployment programs

BLOG POST | MARCH 30, 2020

Expansion of work share programs under the CARES Act

ALERT | MARCH 29, 2020

Additional DOL guidance on paid sick and paid FMLA provides practical advice

ALERT | MARCH 26, 2020

CARES Act: An early analysis of the historic Coronavirus Aid, Relief and Economic Security Act

BLOG POST | MARCH 25, 2020

DOL provides Q&A style guidance on Families First Coronavirus Response Act

BLOG POST | MARCH 25, 2020

New FFCRA required poster available for April 1 effective date

BLOG POST | MARCH 24, 2020

Michigan stay home, stay safe order in effect - now what?

BLOG POST | MARCH 24, 2020

Oakland County issues new health order for screening employees and maintaining social distancing at essential businesses

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BLOG POST | MARCH 19, 2020

Tax credits ease cost of extension of paid sick leave and FMLA

BLOG POST | MARCH 19, 2020

Temperatures, medical questions and how the ADA intersects with public safety

BLOG POST | MARCH 19, 2020

Families First Coronavirus Response Act becomes law

BLOG POST | MARCH 17, 2020

House amends Emergency Leave Legislation before it gets to the Senate

BLOG POST | MARCH 15, 2020

COVID-19 Bill with FMLA leave and sick pay provisions is passed by House and moves to Senate

BLOG POST | FEBRUARY 18, 2020

What employers can learn from the EEOC's FY 2019 stats

BLOG POST | OCTOBER 30, 2019

Employers take note: DOL nets record \$322M in back pay in FY 2019

ALERT | SEPTEMBER 24, 2019

DOL's new FLSA salary level rule effective January 1, 2020

NEWS | AUGUST 14, 2019

41 attorneys from McDonald Hopkins recognized as 2020 Best Lawyers®

BLOG POST | MAY 15, 2019

EEO-1 reporting drama continues with 2017 pay data now required

BLOG POST | MAY 1, 2019

EEOC confirms pay data collection reporting

BLOG POST | APRIL 5, 2019

More drama with the EEO-1 reporting

ALERT | APRIL 3, 2019

March Madness Department of Labor-style

BLOG POST | MARCH 8, 2019

DOL discloses proposed new FLSA salary-level threshold of \$35,308

ALERT | FEBRUARY 6, 2019

EEO-1 filing deadline extended until May 31, 2019

BLOG POST | DECEMBER 5, 2018

Early Christmas present for Michigan employers: Earned Sick Time Act overhauled and wage hike delayed

BLOG POST | NOVEMBER 7, 2018

Michigan voters say yes to recreational marijuana

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BLOG POST | JULY 26, 2018

Michigan AG and Civil Rights Commission at odds over LGBT protections

BLOG POST | JULY 18, 2018

Dads score win as EEOC calls for equal leave time for child bonding

BLOG POST | JUNE 28, 2018

What does Supreme Court ruling on public-sector unions mean for your organization?

BLOG POST | JUNE 21, 2018

New NLRB Guidance will ease restrictions on workplace policies

ALERT | MARCH 7, 2018

Best practices for data privacy and cybersecurity employee awareness training

BLOG POST | NOVEMBER 16, 2017

Reading the EEOC's tea leaves: Year-end disability cases reveal priorities

BLOG POST | NOVEMBER 9, 2017

Proposed Workflex bill offers employers unique federal approach to paid leave time

NEWS | SEPTEMBER 5, 2017

Eleven attorneys at McDonald Hopkins honored as Michigan Super Lawyers and Rising Stars

BLOG POST | AUGUST 31, 2017

One less headache for employers: New EEO-1 Form pay reporting stayed indefinitely

NEWS | AUGUST 16, 2017

35 attorneys at McDonald Hopkins selected for inclusion in Best Lawyers® 2018

BLOG POST | JULY 21, 2017

The ADEA is getting its AARP card and some special attention from the EEOC

BLOG POST | JULY 11, 2017

Welcome back, DOL opinion letters!

BLOG POST | JULY 5, 2017

No summer vacation for employers facing new July 1 laws

BLOG POST | JUNE 28, 2017

In employment law, even the "mark of the beast" must be accommodated

BLOG POST | JUNE 27, 2017

Employing foreign physicians and researchers during the Trump years

BLOG POST | JUNE 19, 2017

The impact of "Buy American and Hire American" Executive Order No. 13788

BLOG POST | MAY 24, 2017

New case highlights military leave law

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BLOG POST | MAY 18, 2017

Comp time in the private sector: New legislation makes it a real possibility

ALERT | MARCH 10, 2017

Guidance regarding the new I-9 form released

ALERT | NOVEMBER 23, 2016

New FLSA rule blocked by federal court

BLOG POST | NOVEMBER 9, 2016

The Final Countdown: New FLSA regulations take effect December 1

BLOG POST | OCTOBER 28, 2016

The EEOC's new game plan is an open book

NEWS | AUGUST 16, 2016

39 attorneys at McDonald Hopkins selected for inclusion in Best Lawyers 2017

BLOG POST | AUGUST 11, 2016

The Olympics of Employment Law

ALERT | JUNE 27, 2016

The DOL's Persuader Rule: Employers should act by July 1!

BLOG POST | JUNE 15, 2016

Employment law developments: A busy EEOC and a quick hit

BLOG POST | MAY 18, 2016

The new FLSA overtime rule on salary pay is here! Time to act now

BLOG POST | MARCH 17, 2016

New FLSA regs are on the move... and employers should be too!

BLOG POST | MARCH 4, 2016

Pushing boundaries: EEOC brings sexual orientation discrimination suits

BLOG POST | FEBRUARY 3, 2016

Employers take heed: The EEOC sets rapid pace for 2016 activity

BLOG POST | JANUARY 19, 2016

Resolved: Your 2016 employment compliance goals

BLOG POST | DECEMBER 30, 2015

The benefits of being engaging: ADA-style

BLOG POST | NOVEMBER 11, 2015

Check it twice: Your 7-step employment law compliance list

BLOG POST | OCTOBER 29, 2015

Employer takes \$1.3 million hit for staffing company's FLSA violations

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NEWS | SEPTEMBER 4, 2015

Twelve attorneys at McDonald Hopkins honored as Michigan Super Lawyers and Rising Stars

NEWS | AUGUST 18, 2015

41 attorneys at McDonald Hopkins selected for inclusion in Best Lawyers® 2016

BLOG POST | AUGUST 17, 2015

NLRB Punts: Decides not to decide if NU football players are employees

BLOG POST | JULY 15, 2015

Fair Credit Reporting Act is definitely not child's play

BLOG POST | JULY 1, 2015

DOL's new FLSA rule will shake up exempt status

BLOG POST | APRIL 15, 2015

A Dose of Common Sense: Sixth Circuit Says Regular Attendance is an Essential Function of Most Jobs

BLOG POST | APRIL 9, 2015

EEOC Decision Addresses Transgender Discrimination

BLOG POST | MARCH 25, 2015

Shades of Gray: NLRB Memo Provides Insight on Handbook Policies

BLOG POST | MARCH 11, 2015

Supreme Court Decision on DOL Rule Change Relaxes Requirements for Agency Rulemaking

BLOG POST | FEBRUARY 25, 2015

New DOL Rule Broadens FMLA Definition of "Spouse"

ALERT | FEBRUARY 18, 2015

Anthem's two small details that led to one big breach

ALERT | FEBRUARY 5, 2015

Cybersecurity breach rocks Anthem

BLOG POST | JANUARY 13, 2015

Michigan Legislature Goes on Offense

EXTERNAL NEWS & 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

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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

SPEAKING ENGAGEMENT | MARCH 9, 2023

Dissecting the FTC'S Proposed Non-Compete Ban and Next Steps for Employers

MH EVENT | WEBCAST ONLY | DECEMBER 7, 2021

It's Not All About COVID...Closing Out 2021 and Looking Ahead

MH EVENT | DECEMBER 15, 2020

Employment law developments while you were quarantining

MH EVENT | WEBCAST ONLY | AUGUST 20, 2020

Ohio is open for business: Now what?

SPEAKING ENGAGEMENT | WEBCAST ONLY | JUNE 4, 2020

Ready to Restart: Employment Law Reopening Readiness, Risks & Responses

MH EVENT | WEBCAST ONLY | APRIL 29, 2020

Ready to Restart: Employment Law Reopening Readiness, Risks, and Responses

MH EVENT | CLEVELAND | JANUARY 23, 2020

20 Employment Law Challenges for 2020

MH EVENT | FIFTH THIRD CENTER | JUNE 13, 2018

Contemporary Workplace Issues: Marijuana, #MeToo and More

MH WEBCASTS | FIFTH THIRD CENTER | JUNE 14, 2017

You've Been Served: Why employers get sued and how to avoid it

MH EVENT | OCTOBER 14, 2015

Get your wage hour house in order for 2016

MH EVENT | FIFTH THIRD CENTER | MAY 14, 2015

EEOC activism in 2015: Insights for employer compliance

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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

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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