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PRESS RELEASE

Amalgamated Family of Companies Senior Vice President & General Counsel Ellen Dunkin Serves on Employment and Labor Law Panel at the 2017 Annual Meeting of the Association of Corporate Counsel

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Ellen Dunkin, Senior Vice President & General Counsel at the Amalgamated Family of Companies, which includes its flagship company, Amalgamated Life Insurance Company (www.amalgamatedlife.com), a leading provider of life and health insurance, recently served as a panelist at the 2017 Annual Meeting of the Association of Corporate Counsel (www.acc.com), the in-house bar association for professional corporate counsel who practice in legal departments globally. The event, recognized as the world's largest gathering of in-house counsel, was held at the Walter E. Washington Convention Center (Washington, D.C.). Dunkin served on the panel titled, "Employment and Labor Law: A Primer of New In-house Practitioners." Her focus was on the matter of responding to and defending against discrimination suits.

Dunkin shared her expertise on the types of discrimination claims an employer might face including those based on race, creed, religion, color, national origin, ancestry, sex, marital status, handicap, disability, pregnancy, sexual orientation or other classifications protected by law. She also cited that the largest number of claims filed before the Equal Employment Opportunity Commission (EEOC) are for retaliation (i.e., when an employer fires an employee because the individual filed a complaint related to a protected class). Dunkin also pointed out that, in addition to the EEOC, employees can file complaints with their states' Human Rights Division. She noted that there are various federal and state anti-discrimination statutes and cited examples of federal laws under which discrimination can be made such as Title VII, Americans with Disabilities Act, Age Discrimination in Employment Act, and Family Medical Leave Act, among others.

Those attending the panel discussion learned what steps should be taken when they receive an EEOC complaint. Specifically, Dunkin outlined steps that began with: obtaining a copy of the employee's HR file; determining in which department the employee worked, including who they worked with and who their supervisor was; developing a litigation hold memo and sending it to all individuals who may have relevant documents, including the HR and IT departments. Other measures Dunkin shared with the ACC Annual Meeting attendees included: notifying the company's employment practices liability carrier of the claim; engaging outside counsel, if needed; and proceeding with the matter in the same way you would any litigation (i.e., interview interested parties, maintain privileged communications, and draft a company's position statement in response to the charge.)

If the EEOC issues a “Dismissal and Notice of Rights” letter, Dunkin informed that there would be a waiting period during which the complainant must file a lawsuit within 90 days of receipt of this notice or risk losing the right to sue. There are some state time limits that do differ from the EEOC’s 90-day period. If, in fact, a lawsuit is filed, Dunkin noted that the employer must decide whether or not to fight the lawsuit or settle, which she added requires the employer to perform thorough due diligence in order to arrive at the best decision. She then shared some examples of cases that had differing paths to settlement.

Dunkin’s final words of advice to new in-house counsel was to find good outside counsel who concentrate on employment and labor law matters, and to get on good terms with their company’s HR department.

Dunkin is an active member of the legal profession. In addition to the ACC for which she has previously spoken at its annual meetings, and serves on its Employment & Labor Law, Compliance, and Small Law Department Committees, she is a member of the Board of Directors of the Risk and Insurance Management Society (New York, NY, www.rims.org) and previously served as President and a Director of its New York Chapter.

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