

Stephanie E. Harley

Partner



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Practices/Industries

- Employment & Labor Litigation
- Employment & Labor

Education

University of Colorado
(B.A., *magna cum laude*,
1995)

Case Western Reserve
University School of Law
(J.D., *cum laude*, 1998)
Recipient of Milton A. Kramer
Legal Clinic Award (1998)
Associate Editor, *Case
Western Reserve University
Law Review* (1996-1998)
National Trial Academy,
American Bar Association

Overview

Stephanie's areas of expertise include the full gamut of employment counseling, conflict resolution, and litigation. The counseling side of her practice focuses on litigation avoidance including matters involving daily personnel decisions, discipline and termination, reductions-in-force, benefits and FMLA administration, disability accommodations procedures, wage and hour issues, harassment and discrimination investigations, handbook and policy drafting, implementation and enforcement, employee and supervisory training, performance management, and contract and agreement drafting (non-competes, trade secret protection, independent contractors, etc.).

With respect to conflict resolution, Stephanie has successfully guided companies, business units, and leadership teams through periods of opposition by facilitating open communication and understanding of positions and priorities. Stephanie also counsels clients on ways to improve workplace culture and implement diversity and inclusiveness initiatives.

Stephanie's litigation experience includes representation of large, medium, and small-sized employers in lawsuits alleging all types of discrimination and harassment, retaliation, and violations of virtually every employment law and statute including Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act (ADEA), the Americans with Disabilities Act (ADA), the Older Workers Benefit Protection Act (OWBPA), the Equal Pay Act, the Family Medical Leave Act (FMLA), the Fair Labor Standards Act (FLSA), the Worker Adjustment and Retraining Notification Act (WARN), and all corresponding state laws as well as Ohio common law claims such as wrongful discharge in violation of public policy, promissory estoppel, and others. Stephanie has repeatedly been named to the Ohio Super Lawyers Rising Stars list.

Experience

Stephanie has successfully represented the following:

- A large publicly traded telecommunications company defending against claims of sex and age discrimination during a reduction-in-force. (All claims were dismissed, and the dismissal was affirmed on appeal).
- A large publicly traded provider of wireless communications services defending against claims of age and sex discrimination by multiple plaintiffs in a reduction-in-force. (All claims were dismissed, and the dismissal was affirmed on appeal).
- A large publicly traded provider of components for telecommunications equipment defending against claims of race and disability discrimination. (All claims were dismissed, and the dismissal was affirmed on appeal).
- A large publicly traded energy supplier defending against claims of sexual harassment and retaliation. (All claims were dismissed, and the dismissal was affirmed on appeal).

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Experience (Cont)

- A large publicly traded supplier of petroleum products defending against a pregnancy discrimination claim.
- A large publicly traded telecommunications company defending against claims of race, disability, and age discrimination, conspiracy to interfere with civil rights, promissory estoppel, and negligent retention and supervision. (All claims were dismissed, and the dismissal was affirmed on appeal).
- A large hospital defending against a religious discrimination claim.
- A large publicly traded telecommunications company defending against claims of sexual harassment and retaliation by multiple plaintiffs.
- A large publicly traded provider of components for telecommunications equipment defending against claims of disability and age discrimination, a violation of the Equal Pay Act, retaliation, a violation of the FMLA, and intentional infliction of emotional distress.
- A real estate developer defending against claims of same-sex sexual harassment.
- A nationwide fast food chain against sexual harassment allegations. (All claims were dismissed).
- A non-profit organization against claims arising from violence in the workplace.
- A large bank defending against a claim of wrongful discharge in violation of public policy in a highly publicized lawsuit (All claims were dismissed on summary judgment).
- A mid-sized advertising company defending against claims of age and gender discrimination in connection with a reduction-in-force.
- A hotel conglomerate defending against claims of disability, age, gender, and retaliation claims arising from a reduction-in-force.

Presentations

- "Hot Topics in Employment & Labor Law for 2021," Ulmer Webinar (March 2021)
- "Legal Considerations for Returning to the Workplace: How to Stay Healthy, Productive, and Profitable in our New Normal," Ulmer Webinar (May 2020)
- "Understanding the Families First Coronavirus Response Act: Employment, Labor, and Tax Implications," Ulmer Webinar (March 2020)
- "ADA Compliance: It's More Than Accessibility," Ulmer Webinar (August 2019)
- "Transitions in Civil Rights: Judicial and Legislative Efforts to Increase Protections for Transgender Individuals," panelist, Ulmer, Transgender Issues in the Workplace Seminar (April 2019)
- "Supporting Transgender Employees: Moving Beyond Compliance to Culture Change," Diversity Leadership Symposium, Cincinnati Chamber of Commerce (Fall 2018)
- "Wrench in the Plan: How to Navigate the New Age of Enforcement when ICE Comes Knocking," Ulmer Immigration Dialogue Series (June 2018)
- "A Sobering Discussion on Workplace Drug Issues," Ulmer Coffee Talk Dialogue Series (May 2018)
- "Workplace Harassment in the #MeToo Era," Ulmer Coffee Talk Dialogue Series (April 2018)

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Presentations (Cont)

- “Why Workplace Culture, Communication and Compliance Are the Keys to Success,” Coffee Talk Series
- “Ohio’s Opioid Crisis, Medical Marijuana, and the New Normal,” Coffee Talk Series
- “Background Checks, References, and Pre-Employment Testing: Best Practices for Employers,” Ohio Chamber of Commerce CLE Series
- “From Hiring to Termination: How to Maximize Your Employees’ Potential and Minimize Your Liability Under Employment Laws,” Ohio Craft Brewers Association
- “Employment Handbooks: Dos and Don’ts,” 10,000 Small Businesses Legal Clinic, Goldman Sachs
- “From Hiring to Termination – How to Minimize Your Liability Under Employment Laws,” Cleveland Consortium of Independent Schools
- “Ohio’s Minimum Wage; No-Smoking Law; How to Terminate Lawfully; Discrimination and Harassment,” ACE Hardware regional meeting for Northwest Ohio & Southern Michigan
- “Compliance in a Digital Age: Telecommuting Employees and the New E-Discovery Rule Changes,” Employment & Labor Seminar
- “Are Chronically Sick and Tardy Employees Costing You Money? Practical Tips on Increasing Your Bottom Line by Dealing with Attendance-Challenged Employees,” Rockwell Automation Employment & Labor Seminar
- “Employment Arbitration: Procedures and Practical Advice,” The Fourth Annual Employment and Labor Law Conference, The Cleveland Bar Association
- “Goodbye? See You Later. Termination Without Consequence,” Council on Education in Management
- “Avoiding New Legal Twists and Pitfalls in Your Public Sector Hiring and Promotion Policies,” Council on Education in Management
- “Redefining Your ADA Responsibilities Following Recent Supreme Court Cases and New EEOC Guidelines,” Council on Education in Management
- “Tips for Developing an Evacuation Plan which Provides Assistance to Disabled Employees,” Employers Resource Council
- “How to Terminate Employees Without Prompting a Lawsuit,” Council on Education in Management
- “Preventing Post-September 11th Backlash in the Workplace,” Council on Education in Management
- “Adapting Your FMLA Policies and Practices to Take Account of the Latest Pregnancy, Maternity and Fertility Leave Issues,” Council on Education in Management
- “The FMLA – Using Recent Court Decisions as a Guide to Help You Accurately Identify Serious Health Conditions,” Council on Education in Management
- “Sex, Lies, and Lie Detector Tests – How to Conduct an Effective Internal Investigation,” HR Issues for Housing Providers, Northeast Ohio Apartment Association

Publications

- “Winter Is Coming - And So Is the Emergency Temporary Standard From OSHA,” Ulmer & Berne LLP *Client Alert* (November 2021)

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Publications (Cont)

- “Congress Permits Employers to Voluntarily Extend FFRCA Leave and Claim Tax Credits Through March 31, 2021,” *Ulmer & Berne LLP Client Alert* (December 2020)
- “DOL and IRS Issue Additional FFCRA Leave and Tax Credit Documentation Guidance,” *Ulmer & Berne LLP Client Alert* (April 2020)
- “DOL Issues Families First Coronavirus Response Act Guidance,” *Ulmer & Berne LLP Client Alert* (March 2020)
- “President Trump Signs Families First Coronavirus Response Act Into Law,” *Ulmer & Berne LLP Client Alert* (March 2020)
- “Coronavirus Guidance for Employers,” *Ulmer & Berne LLP Client Alert* (March 2020)
- “Transgender Protections in the Workplace,” *Today’s General Counsel Magazine* (Summer 2019)
- “How to Keep Your Company from Becoming the Next #MeToo,” *Best Lawyers Women in the Law Business Edition* (June 2018)
- “How to Keep Your Company from Becoming the Next #METOO,” *Ulmer & Berne LLP Client Alert* (January 2018)
- “Recent Cases Highlight the Mutuality of Obligations Placed on Both Employers and Employees Under the Family Medical Leave Act,” *Employment Law Letter*
- “The Wisdom and Constitutionality of Race-Based Decision-Making in Higher Education Admission Programs: A Critical Look at *Hopwood v. Texas*,” *48 Case Western Reserve University Law Review* 133

Involvement

Professional Affiliations

- American Inns of Court (*Cleveland Employment Chapter*)
- American Bar Association (*Labor and Employment Section*)
- Ohio State Bar Association
- Cleveland Metropolitan Bar Association (*Chair, Labor and Employment Section Practice and Procedure Clinic; Committee Member, Northern Ohio Employment and Labor Conference*)

Community Involvement

- Cleveland Entrepreneurship Preparatory School (*Board of Directors, Secretary*)
- USO of Northern Ohio (*Board of Directors, Executive Committee, Secretary, and Chair of Personnel Committee*)
- Avon Lake PTA
- DANCECleveland (*Former Member, Board of Directors*)

Honors & Distinctions

- Named to *The Best Lawyers in America*, Litigation - Labor and Employment (2021;2022)
- Named a “Labor & Employment Star” by *Benchmark Litigation* (2020; 2021)
- Named to the Ohio Super Lawyers Rising Stars list (2006-2007; 2012-2013)

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Honors & Distinctions (Cont)

- YWCA Woman of Professional Excellence Award (2010)

Admissions

- State of Ohio
- U.S. Court of Appeals, Sixth Circuit
- U.S. District Court, Northern District of Ohio
- U.S. District Court, Southern District of Ohio