



## Erin M. Connell

*Partner*  
Employment Law

San Francisco

(415) 773-5969

---

### Profile

Erin M. Connell is a partner in the San Francisco office and a member of the Employment Law Group. Orrick's Employment Law Group was recently named Labor & Employment Department of the Year in California by *The Recorder*, the premier source for legal news, in recognition of their significant wins on behalf of leading multinational companies on today's most complex and challenging employment law matters.

Erin's practice covers all aspects of employment law, as well as complex business litigation outside the employment context. Erin has defended numerous class actions, EEOC systemic discrimination investigations, and complex individual cases involving claims of discrimination, harassment, retaliation, wrongful termination, unpaid overtime, missed meal and rest breaks, and other alleged wage-and-hour violations. She also regularly advises clients with respect to OFCCP audits, and conducts internal audits covering compensation, hiring, promotions, and reductions in force. Erin also assists clients in developing compensation policies and compliance measures designed to reduce potential exposure.

Erin is also an accomplished trial lawyer, and has tried several cases before juries and in arbitration. Additionally, Erin successfully has obtained numerous defense summary judgment rulings and other favorable resolutions in state and federal court.

Representative clients include: Facebook, Oracle, Morgan Stanley, Bank of America, Citigroup, The Home Depot, CVS Caremark, Williams Sonoma, Varian Medical Systems, CoorsTek and Seagate Technology.

Notable engagements include:

***Morgan Stanley***

### Practices

- Advice & Counseling
- Discrimination, Harassment & Retaliation
- Employment Law & Litigation
- Wage-and-Hour

### Education

- J.D., *cum laude*, Georgetown University Law Center, 2002
- B.A., *magna cum laude*, Government and Literature, Claremont McKenna College, 1997

### Externships

- Hon. Diarmuid O'Scannlain on the U.S. Court of Appeals for the Ninth Circuit.

### Honors

- *The Recorder's* California Labor & Employment Department of the Year



# ORRICK

- Obtained summary judgment and defeated class certification in wage-and-hour class action alleging compelled patronage in violation of California law and various Labor Code claims.
- Defeated class certification in wage-and-hour class action challenging the exempt status of financial advisors and alleging unpaid business expenses.
- Successfully resolved three related complex individual charges alleging breach of contract, wrongful termination, sexual harassment, gender discrimination, retaliation and compensation-related claims.
- Defended numerous complex individual cases involving all types of employment-related claims, including claims of discrimination, harassment, retaliation, wrongful termination, breach of contract and wage-and-hour violations.

### ***The Home Depot.***

- Successfully resolved wage-and-hour class action involving claims of unpaid overtime, meal and rest break penalties and other wage-and-hour violations based on alleged misclassification of independent contractors.

### ***Bank of America.***

- Defended numerous complex individual cases involving all types of employment-related claims, including claims of discrimination, harassment, retaliation, wrongful termination, breach of contract and wage-and-hour violations.

### ***Wyndham Vacation Ownership, Inc.***

- Successfully tried and/or resolved claims of ten plaintiffs alleging discrimination, retaliation, harassment, wrongful termination and related claims.

### EEOC/OFCCP representative matters include:

- EEOC Commissioner’s charge alleging nationwide race and national origin discrimination in hiring.
- Nationwide EEOC investigation alleging race and national origin discrimination in the use of criminal background checks.
- Nationwide EEOC investigation alleging systemic failure to accommodate individuals with disabilities.
- Multiple simultaneous OFCCP audits assessing affirmative action compliance and potential systemic discrimination in hiring, promotions and compensation.

(2013-2014)

- *The Recorder’s* California Litigation Department of the Year (2013-2014)
- *Georgetown Journal of Legal Ethics*, Current Developments Editor

### **Memberships**

- Board Member, BASF Justice and Diversity Center
- State Bar of California
- Member, American Employment Law Council
- Planning Committee Member, American Bar Association, Section of Labor & Employment, Equal Employment Opportunity Committee
- Management Vice-Chair, American Bar Association, Section of Labor and Employment, Webinar Committee
- Founding Board Member, San Francisco Mother Attorneys Mentoring Association (SF MAMA)
- Former Member, Georgetown Appellate Litigation Clinic
- Planning Committee Member, Women In Employment Law Network
- West Coast Facilitator,



- Multiple OFCCP audits and threatened DOL litigation alleging systemic gender and race discrimination in hiring.
- Ongoing OFCCP/EEO compliance counseling for numerous clients, with a particular emphasis on recruiting, hiring, compensation and promotions.

Erin frequently speaks on California and national employment law issues, and has published numerous articles on employment law in publications around the country. She also provides training on managing within the law and preventing sexual harassment, and conducts internal investigations on employment-related matters.

### Speeches

- "Complying with the California and New York Equal Pay Laws," Orrick Webinar, December 9, 2015.
- "What's New with the OFCCP: An Update on Key Issues and Developments - Part 2 of 2," Thomson Reuters Webinar, October 14, 2015.
- "What's New with the OFCCP: An Update on Key Issues and Developments - Part 1 of 2," Thomson Reuters Webinar, October 7, 2015.
- "Culture Shift: Insights From Men Who Get It," Thomson Reuters Women's Transformative Leadership Conference, September 2015.
- "Equal Pay? The OFCCP's New Aggressive Focus on the Compensation and Discrimination Issue," Thomson Reuters Webinar, September 2015.
- "OFCCP Compensation Discrimination: Navigating Directive 307 and Item 19 of OFCCP's Itemized Listing," PLI Webinar, July 2015.
- "Nuts and Bolts of OFCCP Audits and Enforcement Strategies," Thomson Reuters Webinar, August 2015.
- "Avoiding Workplace Pregnancy Discrimination Claims," Orrick Webinar, July 2015.
- "Pregnant Worker Bias: Navigating the Complexities of Accommodations and (ADA, PDA, FMLA) Compliance Rules," Center for Competitive Management, May 5, 2015.
- "Employment Law Practice: Year in Review," Continuing Education of the Bar, California, January 2014.
- "OFCCP Compensation Directive 307 - One Year Later," Northern California Industry Liaison Group, April 2014.



ORRICK

## Select Publications

- "Cross-Border Trends: UK to Follow US Attack on the Gender Pay Gap," Orrick's Employment Law & Litigation Blog, February 17, 2016.
- "EEOC Keeps Its Resolution to Litigate Company Wellness Programs Under ADA, Despite Recent Victory for Employers," Orrick's Employment Law & Litigation Blog, January 11, 2016.
- Chapter Chair, "Employment Discrimination Law Cumulative Supplement, Fifth Edition," ABA Section of Labor and Employment Law Treatise, 2015.
- Quoted, "California Cases To Watch in 2016," *Law 360*, December 24, 2015.
- Co-Author, "Complying with Employment Regulations, 2015-2016 Edition: Leading Lawyers on Analyzing Legislation and Adapting to the Changing State of Employment Law (Inside the Minds)," Aspatore Books, 2015.
- "EEOC Rules that Sexual Orientation Discrimination is Sex Discrimination Under Title VII," Orrick's Employment Law & Litigation Blog, July 28, 2015.
- Quoted, "Calif. Justices To Weigh Break Issue Left Open By Brinker," *Law 360*, June 2, 2015.
- "Is Your Wellness Program Healthy? EEOC Provides Much Needed Guidance in Proposed Rule," Orrick's Employment Law & Litigation Blog, April 22, 2015.
- Co-Author, "EEOC v. Abercrombie: Mere suspicion insufficient to give rise to claim," *Daily Journal*, February 25, 2015.
- "Employers Finally Get a Break—Court Reverses \$90 Million Verdict and Holds That Employers Are Not Required to Relieve Employees of All Duty During Rest Periods," Orrick's Employment Law & Litigation Blog, January 12, 2015.
- "Federal Contractors: In the Line of Regulatory Fire," Orrick's Employment Law & Litigation Blog, October 22, 2014.
- "At Long Last, OFCCP Announces OMB Approval of a New Scheduling Letter and Itemized Listing," Orrick's Employment Law & Litigation Blog, October 1, 2014.
- "PDA and Young: Pregnancy Discrimination Law to Break from Its Infancy," Orrick's Employment Law & Litigation Blog, July 15, 2014.
- "Did the EEOC Try Hard Enough to Resolve Your Case Before Filing Suit?"



## ORRICK

Orrick's Employment Law & Litigation Blog, April 8, 2014.

- Quoted, "5 Tips For Employers Facing An EEOC Investigation," *Law360*, January 30, 2014
- "Off the Playground, Out of the Locker Room, and into the Office: How to Combat Workplace Bullies," Orrick's Employment Law & Litigation Blog, November 27, 2013.
- "NLRB Continues to Hold Firm on D.R. Horton Reasoning Despite Contrary Decisions in the Courts," Orrick's Employment Law & Litigation Blog, September 11, 2013.
- "Supreme Court Hold But-For Causation Required to Prove Retaliation under Title VII," ABA's Section of Labor and Employment Law's Hot Topic, June 2013.
- "The High Cost of Hiring Unpaid Interns," Orrick's Employment Law & Litigation Blog, June 26, 2013.
- "The EEOC Aggressively Pursues Criminal Background Check Policies," Orrick's Employment Law & Litigation Blog, June 14, 2013
- "Eighth Circuit Rules Employers Can Change Workweek Regardless of Effects on Overtime Pay," Orrick's Employment Law & Litigation Blog, November 1, 2012.
- "Amendment to New York's Labor Law Expands the Universe of Permissible Wage Deductions," Orrick's Employment Law & Litigation Blog, August 21, 2012.
- Co-Author, "Criminal Background Policy Checkup," SHRM HR Magazine (Legal Trends), July 2012.
- "EEOC Issues New Enforcement Guidance Regarding Criminal Background Check Policies," Orrick's Employment Law & Litigation Blog, April 30, 2012.
- Chapter Author, "Harassment Objectively and Subjectively Severe or Pervasive," Lindemann & Kadue BNA Treatise on Workplace Harassment Law, 2012
- Co-Author, "Paycheck Fairness Act Is Dead, but Employers Can Expect Continued Aggressive Action by Agencies, Plaintiffs' Bar," BNA Daily Labor Report, December 12, 2010 and BNA Employment Discrimination Report, January 10, 2011
- "A How-To Guide for Employers Who Want To Pay Employee Expenses on a Lump Sum Basis," Bender's California Labor & Employment Bulletin, May



ORRICK

2010.

- Co-Author, "Practical Tips For Preparing A Video Deposition," *Law 360*, March 9, 2010.
- Co-Author, "Sending Mixed Messages on Harassment Law," *Daily Journal*, February 17, 2010.

### **Admitted In**

- California

### **Court Admissions**

United States District Court

- Eastern District of California
- Central District of California
- Northern District of California
- Southern District of California

United States Courts of Appeals

- Ninth Circuit