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Meet Nancy Gray

In a diverse legal career that has spanned over three decades, attorney Nancy Gray has represented hundreds of clients in a variety of civil matters, including labor and employment (management/employee); sexual harassment, discrimination, wrongful termination; commercial, contract and business issues.



Among other highlights, Ms. Gray served as Assistant District Attorney in New York, spent seven years with a national law firm working on complex

FMLA Claims and Undocumented Workers



The [U.S. Supreme Court](#), the [California Supreme Court](#), and the State of California have made it clear that all workers, whether documented or undocumented, are [entitled to certain legal](#)

[protections](#) in the workplace. This includes the right to minimum wage, overtime pay for working more than eight hours in a day, and the right to work in a workplace free from retaliation.

A recent case out of Wisconsin illustrates how the Family Medical Leave Act (FMLA) also applies in situations where businesses are dealing with an undocumented worker, and highlights the importance of working with an experienced labor and employment attorney on FMLA issues.

pharmaceutical and medical device cases, and successfully litigated and coordinated cases around the country. She has a unique expertise in matters pertaining to the adulteration of extra virgin olive oil.

Ms. Gray has also lectured and written on a variety of topics, including expert testimony, drug and medical device regulation, sexual harassment, employment practices and child performer issues.

In 1997, she started her own firm, based in Los Angeles.

Having been raised in New York City, Nancy enjoys dramatic, musical and comedy theater as well as pro sports. She is a PADI-certified scuba diver. Among her favorite reading material is Bon Appetit and anything pertaining to criminal behavior and behavioral profiling.

In [Burlington Graphic Systems v. Department of Workforce Development](#), the Court of Appeals of Wisconsin, District II attempted to resolve the potential conflict between the state and federal FMLA provisions, and the federal Immigration Reform and Control Act of 1986.

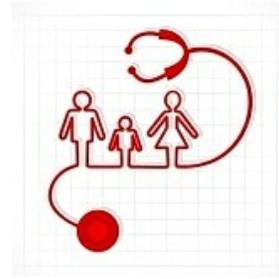
The Burlington case involved a worker who had worked for a printing company for more than a decade, and then took a week off for surgery. The company terminated the worker for unexcused absences. After being terminated, the worker filed an FMLA complaint against the employer, and upon investigation, the state's Department of Workforce Development investigation found probable cause for an FMLA violation. The company soon hired the worker back, but asked her to submit documentation of legal status. When the worker failed to produce proof of her legal status to work in the United States, the company terminated the employment.

The employer unsuccessfully argued that it could not violate the FMLA by discharging the undocumented worker, because that worker had no right to employment in the first place, and in fact under federal immigration laws, the employer actually had an affirmative duty to discharge the employee.

The Wisconsin appellate court ruled that regardless of legal status, the company violated the FMLA law when it initially fired the worker. The [appellate panel reasoned](#) that, "federal immigration law is not an absolute defense to an employer's violation of the [state]... FMLA. Employers must abide by the [state]... FMLA regardless of an employee's

immigration status."

FMLA cases like *Burlington* are typically very sensitive, especially because they involve workers



with medical and family problems, and require careful employer action. The Wisconsin case underscores the importance of employers following state and federal employment laws, regardless of employee status, and understanding the rights that undocumented workers have in FMLA matters.

When your California business needs advice on FMLA issues and other labor and employment matters, you can turn to Gray & Associates. [Attorney Nancy Gray](#) represents California businesses and individuals in all aspects of labor and employment law, including resolving hourly wage disputes, developing policies and best practices for human resources, and addressing potential labor and employment claims. Put a committed, knowledgeable labor and employment attorney to work for your business today. Call Attorney Gray at (310) 452-1211 or visit Gray & Associates [online](#) for a free consultation.

Price Is Right Model Pursues Pregnancy Discrimination Suit

A daytime game show model on the long-running television series *The Price is Right* continues to pursue damages in a case involving allegations of pregnancy bias. The model, Brandi Cochran, claimed that she was not rehired back to *The Price is Right* in 2010, after she tried to return from maternity leave. Cochran claimed that the only reason the show's

producers did not hire her back was her pregnancy. In 2012, a [Los Angeles Superior Court agreed](#), awarded Cochran \$7.7 million in punitive damages, and decided that Cochran was entitled to more than [\\$8.5 million in total](#).

CBS and *The Price is Right* producers appealed on procedural grounds, citing a recent California Supreme Court decision on jury instructions. The appellants claimed that the jury received bad jury instructions, which allegedly influenced their decision-making process. [According to ABC News](#), the producers claimed that the judge should have instructed the jury that "discrimination is not just a 'motivating factor/reason' for termination, but [instead] a 'substantial motivating factor/reason.'" The appellate court agreed, [ordering a new trial](#).

Now the appeals court has rejected efforts by the show's producers to avoid re-trying the case. Justice Rubin of the Court of Appeal, Second Appellate District, ruled that there was [sufficient evidence for a reasonable jury](#) to find that pregnancy bias existed, given the facts and the allegations before the court. [Writing for the panel](#), Rubin continued that, "Cochran's absence from the show was inextricably tied to her pregnancy, permitting the jury to infer from producer Kathy Greco's testimony that Cochran's pregnancy played a role in the [show producers']...decision not to rehire [Cochran]..."

This is not the first brush with pregnancy bias claims for *The Price is Right*. Back in 2010, model Shane Stirling sued CBS [claiming she was fired soon after she returned from maternity leave](#), allegedly for failing to lose the baby weight quickly enough to satisfy the show's producers.



Cases like *The Price is Right* demonstrate the importance of developing policies and procedures for preventing workplace harassment and discrimination. [Attorney Nancy Gray](#) represents Southern California businesses and individuals in all aspects of labor and employment law, including resolving workplace employment issues before they lead to costly, protracted litigation. Attorney Gray can help your business develop policies and best practices for human resources, and resolve potential labor and employment disputes. Put a committed, knowledgeable labor and employment attorney to work for your business today. Call Attorney Gray at (310) 452-1211 or visit Gray & Associates [online](#) for a free consultation.

About Gray & Associates P.C.

Attorney Nancy Gray of Gray & Associates, P.C. has more than 30 years of experience providing personalized attention and creative solutions to her

clients' legal issues. Whether you need a strong litigator, a labor and employment advocate, or a savvy business law attorney, you can rely on Gray & Associates to provide you with excellent legal representation. Click [here](#) to read more.

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