

CURRICULUM VITAE
for
Ginger S. McRae, Esq., SPHR

892 Heritage Place
Decatur, GA 30033
(404) 634-1580

gmcr@epspros.com

EDUCATION

J.D., *summa cum laude* University of Georgia School of Law
Activities/Accomplishments:

- **University of Georgia Law Review**
Staff Member, 1980-81 academic year
- **Order of the Coif**

B.A., *summa cum laude* University of Georgia
MAJOR: Journalism
MINOR: Political Science

PROFESSIONAL EXPERIENCE

Consulting:

Employment Practices Solutions, Inc.
Senior Consultant and Board Member
January 2001 - present

Utilize expertise in labor and employment law to provide training programs on a broad range of employment issues, including investigation procedures, harassment, sensitivity, diversity, effective hiring, disciplinary action and other workforce policies and practices, and conflict management. Conduct investigations into complaints of employee workplace misconduct. Act as an expert witness on employment practices. Provide guidance to employers concerning sound personnel practices and procedures. Make presentations and write articles on employment topics.

Academic:

January 2001 - 2006

Taught various courses on legal issues, including Legal Environment of Business, a graduate level course, and Employment Law, an undergraduate level course for the University of Phoenix. Created lesson plans for Employment Law course for Business Management and Graduate Business Management degree programs, Labor Relations course for Graduate Business Management degree program, and Business Law course for Graduate Business Management degree program offered by Ashworth College, a nationally accredited distance learning educational institution. Content for employment and labor law covered anti-discrimination and other federal employment laws, labor law, workers' compensation, employee benefits, and diversity. Content for business law covered criminal laws, contracts, torts, securities, antitrust, and other areas related to business operations. Taught Contracts for Emory University Paralegal Program.

Legal:

**Counsel On Call
Attorney
January 2014 - present**

Provide legal advice and assistance on labor and employment issues for corporate clients, including a consumer credit reporting company and an industrial engineering and services supplier. Partner with internal counsel and human resources to meet needs and complete projects to maintain compliance with labor and employment laws and manage risk.

**Southern Company
Managing Attorney
July 1997 - January 2001**

Provided legal advice and services to Human Resources Department and to management on employment, employee benefits and executive compensation matters; supported internal complaint program; managed outside counsel in litigation matters; presented training to Human Resources personnel and management on a variety of topics.

**Turner Broadcasting System, Inc.
Director of Special Projects, Human Resources
1996 - 1997**

Consultant to several business units on personnel issues; coordinated company-wide reduction in force due to merger of TBS and Time Warner; managed work/life programs offered to employees.

**Turner Broadcasting System, Inc.
Assistant General Counsel
1989-1996**

Responsible for labor and employment matters, including handling discrimination and other employment-related claims; managing employment litigation; advising Human Resources department and numerous business divisions; drafting and implementing employment policies; investigating complaints; conducting training on employment issues; negotiation and preparation of employment contracts and separation agreements; advising the company with respect to labor union issues, union avoidance and the conduct of campaigns against union organizational drives; and the labor and employment aspects of the acquisitions of several other companies. Participated in numerous mediations of employment disputes involving racial and sexual harassment and other claims.

**Paul, Hastings - Atlanta, Georgia Office
Labor and Employment Law Attorney
1983-1989**

Associate in Labor and Employment Department; represented management in all areas of labor and employment litigation, including appellate arguments before federal and state courts of appeals, federal and state equal employment commission proceedings, federal and state court litigation, and National Labor Relations Board representation election and unfair labor practice proceedings.

**United States District Court for the Northern District of Georgia
Law Clerk to Honorable Robert H. Hall, United States District Judge.
1982-1983**

LICENSE / CERTIFICATIONS

License: Licensed attorney in the State of Georgia, 1982

Certification: Senior Professional in Human Resources (SPHR) since 2005. Awarded from the Human Resource Certification Institute affiliated with the Society for Human Resource Management.

MEMBERSHIPS

National Society for Human Resource Management (SHRM)

Atlanta Society for Human Resource Management
Chair for the 2005 Consultants Professional Emphasis Group
Leadership Team for the Consultants Professional Emphasis Group, 2002-04

Association of Corporate Counsel, Atlanta, Georgia Chapter

Georgia Bar Association

Atlanta Bar Association, Labor and Employment Section

EXPERT WITNESS DESIGNATIONS

Elizabeth Brooks Brown v. Chris Mendoza and Denny's, Inc., C.A. No. 00-CV-5045, in the United States District Court for the Eastern District of Pennsylvania, on behalf of Plaintiff. Report submitted in September 2001. Reviewed response of company to conduct by manager alleged to be sexually harassing and preventive and corrective actions.

Alcatel USA, Inc. v. Cisco Systems, Inc., C.A. No. 4:00CV199, in the United States District Court for the Eastern District of Texas, on behalf of Plaintiff. Report submitted April 14, 2002 on the issue of an individual's status as an employee versus independent contractor.

Jessica Sanders and Polly Sanders v. Timothy Paul Crane, Rollins, Inc., Donald Boswell, and Orkin Exterminating Company, C.A. No. 00-C-2994-1, in the State Court of Gwinnett County, Georgia, on behalf of Plaintiffs. Deposed and testified at trial in July, 2002 on the issues of negligent hiring and retention and company policies and procedures related thereto. Case was settled before it was submitted to the jury.

Elizabeth Fink v. Chris Mendoza, Advantica Guest Assurance d/b/a Denny's Restaurants, and Denny's, Inc., d/b/a Denny's Restaurants, C.A. No. 02-CV-387, in the United States District Court for the Eastern District of Pennsylvania, on behalf of Plaintiff. Report submitted in August 2002 on adequacy of company actions to prevent sexual harassment and response to conduct by manager.

Allan Foster, et al. v. General Electric Company, Local 119 U.E., et al., C.A. No. 01-CV-6804, in the United States District Court for the Eastern District of Pennsylvania, on behalf of Plaintiffs. Report submitted in August 2002 on adequacy of response to incidents of alleged racial harassment and adequacy of policies and procedures.

Bess J. Myers v. Crestone International, L.L.C., C.A. No. 301-CV1736-D, in the United States District Court for the Northern District of Texas, on behalf of Defendant. Designated in October 2002. Reviewed compensation system for members of management in context of pay discrimination claims. Defendant's motion for summary judgment was granted in June 2003.

EEOC and Diane Cantu v. InTown Suites Management, Inc., C.A. No. 1:03-CV-1494-RLV, in the United States District Court for the Northern District of Georgia, on behalf of Defendant. Engaged in 2005 to review actions taken by management against employee for disloyalty in context of employee having alleged racially discriminatory hiring practices. Case settled before trial.

John and Jane Doe v. Brookhaven Country Club, Inc. and Clubcorp USA, Inc., Cause No. 04-10591-D, in the District Court, Dallas County, Texas, on behalf of Defendants. Engaged in 2005 to review actions taken by management in screening applicants, supervising managers, and conducting an internal investigation in negligent hiring, retention, and supervision case. Deposed by plaintiffs and testified at trial in February 2006. Jury returned a verdict finding no liability for either defendant.

EEOC, Tubandt, et al. v. GLC Restaurants, et al., No. CV05-618, in the United States District Court for the District of Arizona, on behalf of Defendant GLC Restaurants. Engaged in 2006 to review the employer's policy on sexual harassment, training on harassment, and response to complaints. Case settled before trial.

D.S. and R.M. v. The Hertz Corporation and Carco Group, Inc., No. 9:05cv163, in the United States District Court for the Eastern District of Texas, on behalf of Defendant The Hertz Corporation. Engaged in 2006 to review the employer's policy and practice of screening applicants. Case settled before trial.

Phyllis Darling v. First United Methodist Church of Mineola, et al., No. 2005-067, in the District Court, Wood County, Texas, on behalf of Defendant First United Methodist Church. Engaged in 2006 to review practices of Defendant in screening and supervising staff members. Case settled before trial.

EEOC and Chad Farr v. AutoZone, Inc., No. CV06-1767, in the United States District Court for the District of Arizona, on behalf of Defendant AutoZone. Engaged in 2007 to review the employer's response to employee's request for reasonable accommodation. Case settled before trial.

EEOC, Rivers, et al., v. FLTVT, LLC d/b/a David Maus Toyota, No. 6:05-cv-1452, in the United States District Court for the Middle District of Florida, on behalf of Defendant FLTVT, LLC. Engaged in 2007 to review the employer's policy on racial discrimination, and the dissemination and communication thereof. Not used at trial, which was won by Defendant, due to time constraints.

EEOC and Jeleana James v. Foot Locker Retail Inc., No. 2:07-CV-01109-JS, in the United States District Court for the Eastern District of Pennsylvania, on behalf of Defendant Foot Locker Retail Inc. Engaged in 2007 to review the employer's policies on sexual harassment and retaliation, and the dissemination, communication, and application thereof. Case settled before trial.

Cellini D. Parker v. Atlanta Newspapers Name Holding Corporation and Cox Enterprises Inc., No. 1:02 CV-2652 CC, in the United States District Court for the Northern District of Georgia, on behalf of Defendants. Engaged in 2007 to review the employer's policy on sexual harassment and the application thereof. Case settled before trial.

Carter Bryant v. Mattel, Inc., No. CV 04-9049 SGL, and consolidated actions, in the United States District Court for the Central District of California, on behalf of Defendant Mattel. Engaged in 2008 to serve as rebuttal expert regarding human resources practices related to intellectual property belonging to the employer. Deposition taken in 2008 but opposing expert was withdrawn before trial and therefore did not testify at trial.

Cynthia Tavani v. CW II Holdings, Inc., Devon Hill Motors, Inc., and Cortright Wetherill, Jr., in the United States District Court for the Eastern District of Pennsylvania, on behalf of Defendants. Engaged in 2008 to review employer's termination of a human resources director. Case settled before trial.

Jesus Loza, et al. v. Arrow Truck Sales, Inc. in the United States District Court for the Southern District of Texas on behalf of Defendant. Engaged in 2009 to review employer's discrimination and retaliation policies and practices and the application thereof. Case settled before trial.

Regina Guinn and Susan Dobson v. HCA, Inc., GPCH-GP, Inc. d/b/a Garden Park Medical Center, Jay Ratcliffe, and Sarah Ratcliffe in the United States District Court for the Southern District of Mississippi on behalf of Defendant Garden Park Medical Center. Engaged in 2010 to review employer's harassment and retaliation policies and practices and the application thereof. Case settled before trial.

Estela Carrola v. La Canasta Mexican Food Products, Inc., Josie Ippolito and John Doe Ippolito in the United States District Court for the District of Arizona on behalf of Plaintiff. Engaged in 2010 on behalf of plaintiff to review employer's policies and practices regarding workplace injury and the application thereof.

Patricia Mulligan v. American National Red Cross, Tri-County Chapter, and Sheldon Goldberg in the United States District Court for the District of New Jersey. Engaged in 2010 on behalf of Defendants American Red Cross and Tri-County Chapter to review employer's harassment and retaliation policies and the application thereof. Case settled before trial.

Gabrielle Blanca Morgan v. Reginald Dicks and MCG Health, Inc. in the Superior Court of Richmond County, Georgia. Engaged in 2010 on behalf of Defendant MCG Health to review its hiring policies and the application thereof.

Richard Trusz v. UBS Realty Investors, LLC and UBS AG in the United States District Court for the District of Connecticut. Engaged in 2011 on behalf of plaintiff to review employer's retaliation policies and the application thereof.

Elsa Villegas v. Del Valle Independent School District in the District Court of Travis County, Texas. Engaged in 2011 on behalf of plaintiff to review employer's investigation of alleged misconduct by plaintiff and the corrective action imposed. Case settled before trial.

Doe v. Episcopal School of Dallas in the County Court of Dallas County, Texas. Engaged in 2011 on behalf of defendant to review practices in the area of hiring and supervision of staff.

Doe v. McDonald's Corporation, et al. in the District Court of Wichita County, Texas. Engaged in 2011 on behalf of plaintiff to review practices in the area of hiring staff.

James St. Clair v. Don Davis Auto Group in the United States District Court for the Northern District of Texas. Engaged in 2011 on behalf of plaintiff to review employer's policies and practices regarding disabilities and accommodation thereof.

Luz M. Marulanda v. Penske Truck Leasing Co., et al. in the State Court of Cobb County, Georgia. Engaged in 2012 on behalf of plaintiff to review practices in hiring, discipline, and safety.

Gwendolyn McDade v. Texas Association of School Boards, Inc. in the 98th Judicial District, Travis County, Texas. Engaged on behalf of plaintiff to review practices in performance management and other personnel practices.

Paul M. Deutsch v. Backus Corporation, et al. in the Superior Court, Judicial District of Hartford, Connecticut. Engaged on behalf of plaintiff to review employer's practices in connection with internal investigations. Testified at trial and jury returned a verdict in favor of plaintiff.

Gressett v. Central Arizona Water Conservation District in the United States District Court for the District of Arizona. Engaged in 2013 on behalf of plaintiff to review employer's policies and practices in connection with employee leave.

Welch v. City of Albuquerque, et al. in the United States District Court for the District of New Mexico. Engaged in 2013 on behalf of plaintiff to review employer's policies and practices in connection with discrimination, harassment and retaliation and the application thereof.

Bakhit and Miles v. Safety Marking, Inc., et al. in the United States District Court for the District of Connecticut. Engaged in 2014 on behalf of plaintiffs to review employer's policies and practices in connection with investigating complaints of harassment and discrimination.

PUBLICATIONS

Author, "Are Your Employment Practices Expert-Proof?," published in Employment Practices Solutions Newsletter, September 2014 and SHRM Atlanta's eHuman Resource, September 2014.

Quoted in "Missteps by Mike Pouncey, Don Jones hamper Miami Dolphins' effort to repair image," by Adam H. Beasley, Miami Herald, May 13, 2014.

Author, "Rigid Policies May Break Under the Weight of ADA Reasonable Accommodation," Employment Practices Solutions Newsletter, October 2011.

Author, "Insights on Investigations," *Security Management*, December 2008, pp. 132-34.

Author, "Assessing Credibility in Workplace Investigations," published in SHRM Atlanta's eHuman Resource, April 2009, and Employment Practices Solutions Newsletter, December 2008.

Author, "[Analyzing Past Investigations: An Investment in the Future](#)," published in HR.com's eBulletin, March 20, 2006, and Employment Practices Solutions Newsletter, February 2006.

Author, "[Investigations Made 'Easy': Positive Legal Developments and Practical Tips](#)," published in HR.com's eBulletin, March 7, 2005, and Employment Practices Solutions Newsletter, December 2004.

Co-author, "Workplace Strategies in a Down Economy," 2003, Aspen Publishing: New York, NY.

Quoted in "Discrimination's Payoff: 'I Felt Less Than Human,'" published on G. Neil's web site, <http://www.gneil.com/hradvisor/hrFocus/archiveArticle.asp?sessionId=cnfss0-316.98&id=16>, May 2003.

Co-author, "Ready or Not, It Could Happen to You: The HR Professional on the Witness Stand," Employment Practices Solutions Newsletter, March 2003.

Author, "Health Benefits Claims And Appeals Rules Effective July 1, 2002: Countdown To Compliance," Employment Practices Solutions Newsletter Special Edition, September-October 2002.

Author, "Don't Get Caught at the Shredder: A Guide to Record Keeping Best Practices for Employers," Employment Practices Solutions Newsletter Special Edition, February 2002; HR.com Ebulletin, February 25, 2002.

Author, "Patients' Bill of Rights: What It Means for Employers and Employees," Employment Practices Solutions Newsletter, July 2001.

Author, "New Benefits Claims and Appeals Rules: Another Item for the 2001 'To Do' List," Employment Practices Solutions Newsletter, January 2001; HR.com Ebulletin, October 1, 2001.

Quoted in "Defamation. Stuck in the Middle: Employers Can Face Lawsuits from Accused as Well as Accusers," By Simon Nadel, March 5, 2001, Bureau of National Affairs.

PRESENTATIONS

Facebook Firing? The Problems Associated with Employers Policing Employee Blogs and Social Networking Sites. Teleconference by American Bar Association Section of Litigation, May 2009. Panel member.

Facebook Firing? Employment Issues Associated with Policing of Employee Blogs and Social Networking Sites. Workshop at 2009 American Bar Association Section of Litigation Annual Conference, April 2009. Panel member.

Employer or Big Brother: The Quandary over Employee Blogging and Social Networking. Webinar for Employment Practices Solutions, September 9, 2008.

Employer or Big Brother: Responding to Employee Blogging, IM'ing and Off-duty Conduct, Presentation at Society for Human Resources Management Atlanta Spring Assembly, March 18, 2008.

Presentation on Workplace Investigations, American Institute for Continuing Legal Education National Employment Law Conference, December 3-4, 2007, Las Vegas, Nevada.

How Executives and Managers Can Avoid Personal Lawsuits for Work Decisions. Audio Conference for Business 21 Publishing, July 30, 2007.

Employer or Big Brother: Responding to Employee Blogging, IM'ing, and Off-Duty Conduct that Affects Employers. Presentation at HR Star Conference, Atlanta, Georgia, May 2, 2007.

Avoiding Personal Lawsuits for Work Decisions. Audio Conference for National Institute of Business Management, April 19, 2007, and September 26, 2006.

What a Long, Strange Road: Tackling Advance Internal Investigations. Presentation at Society for Human Resources Management Atlanta Spring Assembly, March 20, 2007.

Workplace Investigations Made Easy: Practical Tips for 2007, Audio Conference for National Institute of Business Management, January 16, 2007.

Ann E. Employee v. YOU: Personal Liability and the HR Professional. Presentation at HR Star Conference, Atlanta, Georgia, May 10, 2006.

Ann E. Employee v. YOU: Personal Liability and the HR Professional. Presentation at Society for Human Resource Management Atlanta Spring Assembly, March 21, 2006.

Workplace Investigations Made "Easy": Positive Legal Developments and Practical Tips for 2005. Presentation for Northeast Atlanta Group of SHRM Atlanta, September 15, 2005.

Workplace Investigations. Audio Conference for Alexander Hamilton Publications, May 24, 2005.

Workplace Investigations Made “Easy”: Positive Legal Developments and Practical Tips for 2005. Presentation at HR Star Conference, Atlanta, Georgia, May 18, 2005.

Think Before You Shrink. Downsizing: Implications for Employers, Administrators, and Employees. Presentation to Employer Issues Conference sponsored by Franklin County, Ohio Mental Health Association, April 21, 2005.

HR and Business Communications: Key Legal Issues and Best Practices. Athens Area Society of Human Resources Professionals, November 9, 2004.

Practical Techniques for Conducting a Sound Investigation. Council of State Personnel Administration 2004 Fall Conference, October 28, 2004.

Managing (Mis)behavior in Executives, Key Employees, and Board Members, Southeast Human Resource Conference, Atlanta, Georgia, October 19, 2004.

Conducting Effective and Legal Workplace Investigations. Rome, Georgia Society of Human Resources Professionals, October 12, 2004.

Critical Components of a Sound Workplace Investigation. HR Star Conference, Atlanta, Georgia, May 12, 2004.

Managing Employee Issues. Georgia Women Entrepreneurs 2004 Conference, presented with Donna Lowe, April 21, 2004.

Call Your Next Witness: The HR Professional on the Witness Stand, Valdosta, Georgia Society of Human Resources Professionals, March 17, 2004.

HR Consulting to Fit the Tightest Budget: Sidestepping Legal Minefields, 13th Annual Southeast Human Resources Conference, Atlanta, Georgia, October 21, 2003. Panel member.

Conducting Workplace Investigations. Audio conference for Alexander Hamilton Publications, June 18, 2003.

Call Your Next Witness: The HR Professional on the Witness Stand. HR Star Conference, Atlanta, Georgia, April 30, 2003.

Conducting Effective and Legal Workplace Investigations, Athens Area Society of Human Resources Professionals, January 14, 2003.

Conducting Effective and Legal Workplace Investigations, Greater Henry County Society of Human Resources Professionals, September 19, 2002.

Conducting Effective and Legal Workplace Investigations. West Georgia Society of Human Resource Professionals, May 9, 2002.

Conducting Workplace Investigations. Interactive seminar. Atlanta, GA, April 30, 2002.

Trends in Employee Training, Foothills of Georgia Society of Human Resources Professionals, April 18, 2002.

Strategies for Effective Employee Record Keeping in Georgia. Speaker at Seminar by Lorman Educational Services, December 14, 2001.

Employment Law, American Bar Association EEO Basics Program, Atlanta, GA, November 15, 2001.

Conducting Bulletproof Investigations, Central Georgia Society of Human Resource Professionals.
September 6, 2001.

Best Practices in Employment: Preventing Workplace Discrimination and Harassment and Managing
Employee Complaints and Workplace Conflicts, Seminars in Atlanta, GA and Chattanooga, TN,
September 2001.
