

Sugar Law Center Advocates on Capitol Hill

*Legal Director John Philo
advises U.S. Senate on
protecting laid-off workers*

Sugar Law Legal Director John Philo testified May 20 at a hearing of the Senate Committee on Health, Education, Labor and Pensions. John called for significant strengthening of the WARN (Worker Adjustment and Retraining Notification) Act, a federal law that requires employers to provide advance notice of mass layoffs.

"WARN Act reform is long overdue," John told the committee, "especially as a faltering national economy means mass job loss in more and more communities." Workers in more than 90% of American workplaces do not receive the required notice provided for by the Act.

John testified alongside Richard Trumka, Secretary-Treasurer of the AFL-CIO; Joe Aguiar, a laid-off worker who did not receive notice; and an attorney speaking for employers. John explained that increased transition time for workers in more of America's workplaces can make an enormous difference for our nation's workers, their families and their communities.

The WARN Act requires many em-

ployers to provide their workers with at least 60 days' notice prior to any mass layoffs. This advance notice is intended to give laid-off workers the time to find new jobs or enter retraining without spending weeks or months out of work. Congress is considering reforming the law to strengthen its protections of workers and communities.

Finding new employment takes 10-26 weeks for most workers, so more advance notice is essential. The current law not only exempts most American workplaces, but provides inadequate damages to deter employer violation.

Even if they are sued, employers who ignore WARN often end up paying less than those who comply and treat their workers fairly. This puts ethical employers at a disadvantage and increases the number of workers and communities who suffer the devastation of job loss with no warning.

Some of the reforms under consideration would lengthen the required notice, tighten loopholes so more workplaces are covered, and

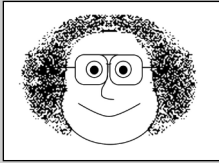
change the structure of damages to deter wrongdoing more effectively. To make WARN truly help workers, Sugar Law calls for:

- Longer advance notice (double the current requirement of 60 days);
- Reduced threshold for WARN coverage from 100 to 50 workers, and inclusion of part-time workers toward the coverage threshold;
- A full range of compensatory damages, including double wages and benefits for the notice period; and
- Outlawing employers' common practice of having workers waive their WARN rights to obtain minimal severance.

Sugar Law has represented tens of thousands of dislocated workers forced to go to court to get even partial compensation for not receiving the notice WARN requires. The Center also serves as a technical resource for state agencies helping dislocated workers as well as attorneys representing them nationwide.

To learn more about how you can help push Congress to enact real protections for workers, visit www.sugarlaw.org/WARNreform.html.

Above, left to right: AFL-CIO Secretary-Treasurer Richard Trumka, laid-off worker Joe Aguiar of Fall River, and Sugar Law Legal Director John Philo in Senate committee hearing. Photo courtesy of US Senate staffer Frank Zhang.



Sugar Law's parade of generous *pro bono* professionals now includes **David A. Spitzley**, who is helping us communicate with our supporters about our work. David is an economist by training (PhD, Wayne State University 2007), but pays the bills doing web development and database programming for the Washtenaw county public schools. While looking for a job in his field David runs a website on the economics of Detroit called Pingree's Potato Patch (www.davidaspitzley.org/PotatoPatch), provides *pro bono* assistance to various nonprofits and progressive causes, and has been known to write and illustrate his own personal profiles.



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Letter from the Executive Director

The challenge we face every day at the Sugar Law Center for Economic and Social Justice is how a small advocacy organization, headquartered in the middle of the Rust Belt, can make a real difference for working people and communities nationwide.

It is easy to see the immense power of those who use law and public discourse to advance an agenda of unfettered greed. We know they spend millions of dollars in court and on “messaging” to make a dog-eat-dog world seem inevitable, desirable and as American as apple pie. Can small organizations like Sugar Law really have any impact?

Every time I start to doubt it, I see evidence that our work matters. Thanks to our successes representing thousands of workers whose companies laid them off without notice, the US Department of Labor and its counterpart in every state refer workers to Sugar Law when it happens to them. We help many workers from all over the country obtain compensation from the employers who violated their rights.

Because the current Worker Adjustment and Retraining Notification (WARN) Act doesn't cover everyone who calls Sugar Law, we have also used our record as experts on mass layoffs to influence the law of the land. Legal Director John Philo has provided specific advice to U.S. Senate and House advocates on how to strengthen the WARN Act (see page 1). When new legislation protects more workers more fully, we will know Sugar Law made a difference.

Of course, workers who have not been laid off need fair rules and strong enforcement while they are on the job. Legal aid programs around the country often will not handle employment issues, so for many low-wage workers Sugar Law is the only source for help. I see the importance of our work when I answer calls from people whose supervisors blatantly break the law and basic principles of human decency. I know Sugar Law makes a difference because people say so: “Tony helped me get the leave I was entitled to” ... “I don't know what I'd have done without John's advice.”

A fair society goes beyond laws that prohibit abuse to create systems with power sharing built in at their very core. So we are excited about providing key support for those developing such institutions, whether they be unions (see page 7) or newer types of entities focused on broad economic empowerment (see page 3). Sugar Law makes a difference in these efforts through our combination of legal and advocacy skills, creativity, flexibility and willingness to do things differently.

Social change is hard to predict, hard to understand, and certainly hard to accomplish. But time after time, our allies, our clients, and those we fight show us that they believe Sugar Law's work has an impact. If you agree, please help us continue this important work, by connecting us to those in need or by using the form on page 7 to support our annual fund drive.

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Sugar Law Helps Build Community Wealth

New models for “rooted” businesses

Like all those working for economic justice in the United States, the Sugar Law Center must spend considerable energy on defensive action—efforts to protect past gains and fight off exploitation.

Sugar Law also works positively, however, to foster institutions committed to empowering people and communities. An exciting example is Sugar Law’s role as one of the founding organizational members of the Center for Community-Based Enterprise (C2BE).

Created by a network of labor, business, and community activists, C2BE is a new nonprofit whose mission is to grow “community-based enterprises”—sustainable, locally rooted businesses paying living wages. C2BE will serve as a catalyst and resource center for businesses that are a) committed to increasing income and assets for workers, and b) permanently rooted in their home communities by binding legal and financial mechanisms.

Participative ownership and management systems have helped communities across the world build strong, stable economies. The Basque region of Spain, for example, is home to the Mondragon Cooperative Corporation. This highly successful network of companies began with a handful of un-

skilled youth in a depressed area; today 80,000 worker-owners conduct over 20 billion euros of business each year.

Making this model work in the U.S. legal environment is worthwhile, but not simple. As part of C2BE’s leadership, Sugar Law is involved in setting up legal structures for community-based enterprises and for the Center itself; identifying and enlisting key stakeholders to make community-based enterprise an effective tool; and developing education campaigns to broaden public understanding of this valuable approach.

In its first major project, C2BE is working with the United Food and Commercial Workers to develop a financially feasible grocery store project in Detroit, with fresh food and fair work conditions. Departure of national chains has left the city a “food desert.”

Other incipient C2BE projects include advanced manufacturing using licensed proprietary technology. As varied as the ventures will be, all will benefit from Sugar Law’s help in introducing to American business new ways of building fair, sustainable wealth for families and communities.



To Learn More
C2BE: Call 313-331-7821
or visit www.c2be.org.
ROC-Michigan:
Call 313-962-5020 or visit
www.rocunited.org.

Sugar Law’s Tova Perlmutter (left) and C2BE Executive Director Deborah Olson at a C2BE planning meeting.



ROC-United Empowers Restaurant Workers

Sugar Law is proud to support the new Michigan operations of Restaurant Opportunities Centers United (ROC-United), a national workers’ organization that helps restaurant workers organize for better working conditions.

Initially founded in New York to support World Trade Center restaurant workers displaced by the 9/11 tragedy, ROC has provided workers with job training and placement; opened a cooperative restaurant; and conducted research and policy advocacy for workplace justice. ROC’s successes have included legal settlements of more than \$4 million in discrimination payments and unpaid wages, as well as non-monetary changes including vacations, promotions, and grievance procedures.

As it expands around the country, ROC will replicate its New York successes by 1) conducting research and policy work to lift industry standards; 2) promoting “high-road” restaurants that pay and treat workers well; and 3) organizing workers to win workplace improvements in “low-road” restaurants, supported by litigation, clergy, and consumer boycotts. ROC-Michigan will also provide free training and placement programs to help workers get high-end restaurant jobs.

Sugar Law is serving on ROC-Michigan’s Advisory Board, and our staff and interns have assisted in outreach with local restaurant workers. ROC-Michigan Coordinator Minsu Longiaru said “Sugar Law is an indispensable ally...The depth of their experience and relationships to labor, community, and advocacy organizations makes them an invaluable support for workplace justice efforts.”

Like most small nonprofits, Sugar Law struggles to manage cash flow. We live within our means, but it can be challenging because our revenues—a combination of court-awarded legal fees, individual tax-deductible contributions and project grants—tend to come in irregularly.

This spring, Sugar Law received a vote of confidence in the form of a flexible \$40,000 line of credit from the Michigan Interfaith Trust Fund, a mission-driven nonprofit lender that shares our commitment to social justice.

“Our ability to provide a working capital loan to the Sugar Law Center not only allows them to continue their extraordinary work; it also



supports the mission of the Michigan Interfaith Trust Fund,” said Rita F. Hillman, Director of Community Development for the Trust Fund. “Our mission is to foster economic and social justice by providing loans to organizations like Sugar Law who are helping preserve the rights of workers across the country.”

Each year the Trust Fund selects borrowers to spotlight at the annual Evening for Economic Justice dinner, which celebrates the Fund’s economic justice mission and the work made possible by its loans. For this year’s dinner on November 8, Trust Fund leaders have invited Sugar Law to present our work as a highlighted Fund project.

We are grateful to the Trust Fund for committing the time and effort to understand our operations and recognize that Sugar Law’s leaders will put their help to good use.

To learn more about the Trust Fund or to buy tickets to the Evening for Economic Justice, visit www.interfaithtrust.org.

Living Wage Law Struck Down

Sugar Law joins in appeal of bad ruling

The Sugar Law Center recently filed a brief challenging a deeply flawed trial court decision in Michigan that threatens living wage ordinances throughout the state. If upheld on appeal, the decision would put at risk local living wage, prevailing wage, civil and human rights ordinances throughout the state.

The case, *Rudolph, et. al. v. Guardian Protective Services, et. al.*, involves a company contracted by the City of Detroit to provide security services at Cobo Hall. Security guards working for Guardian at Cobo sued the company because they did not receive a living wage as required by Detroit’s Living Wage Ordinance.

The trial court granted Guardian’s motion to dismiss the case, ruling that the Detroit ordinance violated Michigan’s state constitution and was beyond the power of Michigan municipalities to enact.

Analogizing living wage ordinances to minimum wage legislation, the trial court judge found that Michigan’s home rule provisions gave only the state legislature the power to enact such laws. This conflicts with an explicit provision added to Michigan’s constitution when it was amended in 1963, which requires that the Constitution and Home Rule City Act be liberally construed to empower local government.

The court’s decision relied on a case decided in the early 20th century, before passage of the current state Constitution and before modern notions of regulatory legislation. Unfortunately, as outdated as this logic is, it is just the type of retrogressive reasoning used

throughout the country by pro-business advocates.

An appeal has been filed by the plaintiffs’ attorneys Reosti, James & Sirlin, and Sugar Law has enlisted several social justice advocacy groups to reinforce the significant issues for the appellate judges. ACORN, Centro Obrero, and Interfaith Worker Justice have joined Sugar Law’s amicus curiae brief supporting the appeal, and Michigan AFL-CIO and SEIU have submitted briefs supporting living wage ordinances as well.

Since the early 1990s, scores of cities across Michigan and across the nation have passed living wage ordinances.

These laws represent an effort to provide stability to communities given the reduced federal and state efforts to protect the working poor. The living wage movement is but one chapter in long history of local government efforts to help their residents by establishing minimum wages

for workers on city projects.

The flawed ruling is based on just the type of retrogressive reasoning used throughout the country by pro-business advocates.

As we await the appeals court decision on *Rudolph*, we are mindful that its consequences could be immense—and lasting. If the trial court decision is upheld, thousands of people whose work sustains the City of Detroit would see declining wages drive them deeper into poverty.

Furthermore, the decision invites attacks on local civil and human rights ordinances using the same flawed arguments against municipalities’ home rule. Citizens and elected officials must have the power to enact local laws on matters of economic and social justice for their communities. Sugar Law will continue to defend this principle at every level.

Exploited Wal-Mart Workers Nationwide Get Help from Sugar Law Center

UFCW supports assistance to individuals whose rights are violated

Throughout the U.S., people who work at Wal-Mart suffer exploitation—and when they try to effect change in their work conditions, they often face retaliation. Hundreds of Wal-Mart employees who have experienced injustice have asked the Sugar Law Center to help them fight back against unlawful practices.

Sugar Law's project to help Wal-Mart workers serves to support efforts by the United Food and Commercial Workers (UFCW) to organize the retail giant. UFCW has invited Wal-Mart workers all over the US to report the workplace problems they face, and has asked Sugar Law to provide expert advice for these workers. We analyze which claims could win in court, and find local attorneys to pursue the actionable claims. In cases where current employment law does not prohibit Wal-Mart's unfair practices, we advise workers on how a union could protect them.

Wal-Mart's website claims "At Wal-Mart, we recognize our servicemen and women have one of the most important jobs in the world" and that

the company "appreciate[s] their sacrifice." According to the website, stores "adopt" families "whose loved ones are deployed."

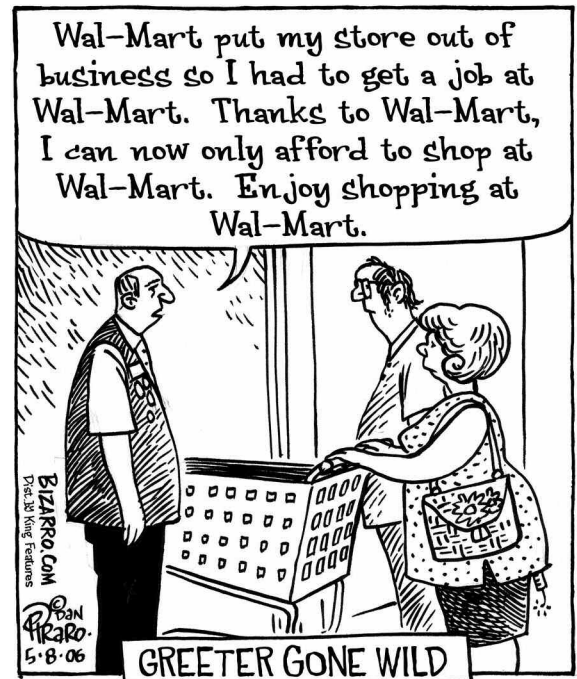
Yet Sugar Law's help has been sought by a number of workers because Wal-Mart would not give them scheduling leeway when a member of their family was deployed for military service.

One worker followed company practice in asking her manager for time off around her son's deployment to Iraq. She asked for five days off, when she had three weeks of accrued vacation after working for Wal-Mart 24 years. Her request was denied because it was "too close" to inventory time, but then was denied again when the deployment date moved. In order to spend time with her son before he left for a war zone, she ultimately had to resign.

Wal-Mart also denied another worker's request—submitted well in advance—for a day off on her daughter's return from Iraq. When she told coworkers she was frustrated, management disciplined her.

Until January 2008, no law protected workers in such situations; they could only hope Wal-Mart would live up to its boasts. In January, the federal Family and Medical Leave Act was amended to give relief to employees with a family member on current or impending armed forces active duty. It remains to be seen whether Wal-Mart will comply with this law.

Sugar Law thanks "Bizarro creator" Dan Piraro for allowing us to use the image above. See more at www.bizarro.com and bizarrocomic.blogspot.com.



Besides Wal-Mart's outrageous insensitivity to military families' challenges, workers have also reported to Sugar Law many egregious violations of employment law. "Jenny," for example, told us a co-worker left a nude drawing on her desk, touched her inappropriately, and exposed himself. Much of this sexual harassment was caught on surveillance tape.

When Jenny reported the incidents to management, and asked to see the surveillance footage, she experienced retaliation and targeting, including discipline on flimsy pretexts. An attorney in Sugar Law's national network is now representing Jenny in seeking redress through the EEOC.

Another worker, eight months pregnant, was given lifting restrictions by her doctor. Wal-Mart refused to either accommodate the restrictions or accept her offer to work fewer hours. A manager told her that she was lucky she still had her job despite being pregnant. A Sugar Law cooperating attorney is now helping this worker.

File Under "They Never Learn"

Sugar Law's last newsletter told about "Bonnie," whose manager at Wackenhut Security Services threatened her when family illness caused her to miss work. A Sugar Law cooperating attorney is helping Bonnie fight back.

Recently, management asked Bonnie to work without meal and rest breaks—in violation of state law. Management said if she refused, they would try to place her elsewhere in the company, but that it might result in less favorable work conditions and lower pay. Bonnie's attorney has added this violation to the growing evidence of illegal targeting and retaliation.

Out & About

Sugar Law staff and board members have been busy making public presentations and receiving national recognition. A few of the items in our 2008 calendar:

February

Executive Director Tova Perlmutter introduced Sugar Law at a "friendraiser" coffee hour in a private home in Sarasota, Florida. Those present offered valuable suggestions about increasing Sugar Law's national impact.

March

Good news from Sugar Law Board Member Holly Herndon: Goldstein, Demchak, Baller, Borgen and Dardarian, the firm where she is an associate, won a historic \$100 million dollar judgment against Starbucks. The coffeehouse chain violated California law by using the tip pools to compensate shift supervisors, and now must compensate baristas for tips it took for supervisors.

April

At "Rebuilding Labor's Power," the Labor Notes Annual Conference, Legal Director John Philo shared information on the law in the workshop "Consult an Expert About General Employment and Wage and Hour Complaints."

With the Michigan chapter of the National Lawyers Guild, Sugar Law hosted a reception for visitors from Mexico's

Frente Auténtico del Trabajo, an independent confederation of labor unions.

John and Staff Attorney Tony Paris represented Sugar Law at the Labor and Community Conference held by the University of Michigan's Institute of Labor and Industrial Relations.

John spoke on the labor movement's potential role in transition from a blue-collar manufacturing economy to a more environmentally friendly "green-collar" one. Tony's talk focused on myths that can divide the labor and environmental movements.

Sugar Law Board Member Rashida Tlaib announced that she was a candidate for State Representative in Michigan's 12th District.

May

Tova spent several days in Philadelphia meeting with allies and was joined by Sugar Law Board President Joseph Lipofsky at another friendraiser brunch to tell people about Sugar Law.

Sugar Law Board Member Jeanne Mirer testified to a Congressional subcommittee on American responsibility to Agent Orange victims.

Tova visited Seattle and met many

The Lighter Side
Watchers of *Jeopardy!* will have the chance to see Sugar Law's Tova Perlmutter test her knowledge and reflexes. Tova tapes in August, and the show will air September 29 or soon after. Check www.sugarlaw.org in September for the exact day.

Sugar Law supporters and colleagues during the annual AFL-CIO Lawyers' Coordinating Committee conference.

John testified to a US Senate committee on reforms needed to strengthen the federal WARN Act (see page 1).

Tova was named a finalist for Jewish Funds for Justice's Cornerstone Awards. These awards honor individuals who exemplify strong Jewish leadership in the progressive nonprofit and organizing communities.

Coming up: October

"Law for the People," the National Lawyers Guild's annual convention, will be held in Detroit this year, October 15-19. Sugar Law's John Philo has organized a major panel on "Labor Renewal" as well as a workshop on "Wage Servitude, Wage Theft, & Wage Flight."

Coming up: November

Watch for an announcement of **ESSENTIAL: Advocacy**, Sugar Law's annual celebration and fundraiser reception. Its date will be finalized as we determine our guest of honor.

Coming up: December

Newman Popiashvili Gallery in Chelsea will host a Manhattan reception for Sugar Law with the opening of its year-end show. Attendees will see works of leading artists and hear a Sugar Law update from Tova. The gallery will donate a portion of the evening's proceeds to further Sugar Law's work.



Sugar Law staff fight for justice with every part of ourselves! Staff Attorney Tony Paris played labor and folk songs at the May 2008 "America at Work" trade show spotlighting union-made-in-the-USA products and services.

Help Increase Sugar Law's National Impact

Your input and knowledge can enable us to serve your community

Although the Sugar Law Center serves people around the United States—including 38 states since the beginning of 2007—we are much better known in our home state of Michigan than in other parts of the country. We know that our advocacy can make a difference for working people and communities elsewhere, but we often learn too late of issues where we could be useful.

If you are outside Michigan, here's where you come in. We need eyes and ears around the country to spot opportunities for Sugar Law to help. Please consider serving on one of Sugar Law's two national channels for sharing information about important local issues for workers and communities.

First, we urge private attorneys to join our **Legal Advisory Council**. Sugar Law has always benefited from expertise among top attorneys who share our principles. We are now formalizing this

advisory role and creating a council whose mandate will be not only to serve as a sounding board for Sugar Law initiatives, but also to identify local issues and cases where Sugar Law can play a useful role.

Second, we invite engaged community members who are not attorneys to become part of our **Outreach Team**. If you are involved in union organizing, community organizing, neighborhood organizing or any other activity aimed at increasing the voice of ordinary people, we look to you. Let us know about policy-maker education efforts, public gatherings and media campaigns that can use Sugar Law's help.

This year, for example, a national AFL-CIO union called on Sugar Law when they mounted a major organizing campaign in Detroit. The union and the workers it was serving found Sugar Law helpful in exerting outside pressure on

management and as an independent source for reporters. Sugar Law also testified in a state legislature hearing on employers' use of public funds for anti-union activities.

"Knowledgeable, articulate and passionate voices like Sugar Law's are essential in making unions' case to the public," said Sandra Williams, President of the Metro Detroit AFL-CIO Council. "This kind of community campaign is what organizing looks like now. I would recommend Sugar Law to unions around the country."

If you are willing to serve on Sugar Law's Legal Advisory Council or our Outreach Team, please contact us at 313-962-6540 or mail@sugarlaw.org. These roles do not require regular commitment of extensive time—just alertness and an understanding of Sugar Law's capacity to help communities make change.

Your input, your knowledge, but also your dollars

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We know that now is a tough time to be asked for money. If your belt feels tight, though, imagine being in the position of Sugar Law clients, whose livelihoods are at risk or already gone.

If we receive just \$25 from every person who reads this newsletter—or \$50 from half of you—we will be able to maintain our current staff and performance level. If we could bring in just a bit more—say, \$40 from every reader—we could increase our essential services to people in need.

It doesn't take much to keep us going: you can make a real contribution to justice if you send Sugar Law the cost of dinner and a movie. Or, if you can, go to our website and sign up to donate automatically every month. Ten dollars a month—even \$5—would make a difference. We stretch every dollar, and those we help are truly grateful for your support of our work.

Sugar Law Helps Firefighter Fight Discrimination

Sugar Law is partnering with Legal Momentum (formerly the NOW Legal Defense and Education Fund) to represent "Laura," a Michigan firefighter who has been denied the opportunity to work in a light duty position during pregnancy-related medical restrictions.

Prior to becoming pregnant, Laura looked into whether the fire department had policies on pregnancy and light duty. The department has several positions that can be used for light-duty assignments, including driver, fire inspector, training instructor, and others. Laura was eventually told, however, that light duty status is only allowed for on-the-job injuries.

After becoming pregnant, Laura informed the fire chief of lifting restrictions imposed by her doctor, and requested to be assigned light duty. The chief berated her for asking for light duty, and denied the request. She was forced to take a leave from work, which not only affects her income but



also interferes with rights and benefits linked to department seniority.

Denial of light duty is a form of pregnancy and gender discrimination. Unlike other non-job-related disabilities, pregnancy diminishes job opportunities for women with gross disproportionate impact.

Thanks to the International Association of Women in Fire and Emergency Services, Laura was able to contact Legal Momentum and Sugar Law. We will do everything possible to help her obtain justice. New York and Detroit police officers have obtained favorable rulings from their respective EEOC offices in parallel circumstances, so we are optimistic about fighting for this important issue.

Laura's situation exposes a basic injustice, but also an opportunity for the law to right that injustice. Women who work hard at their jobs should not be penalized for bearing children.

And watch for our announcement of this year's "ESSENTIAL: Advocacy" Sugar Law Center Annual Reception

December 2008, in New York City: Benefit Art Sale for Sugar Law Center at Newman Popashvili Gallery (Opening reception Dec. 11)

October 15-19, 2008, in Detroit: "Law for the People" National Lawyers Guild Annual Convention

Save the Dates!

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