



## **MARILYN M. FISH**

**Partner**  
**Atlanta**

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### **BIOGRAPHY**

Marilyn is group leader of the Atlanta office's Employment and Global Mobility Team. Her practice focuses on management/employee relations, affirmative action, global mobility, and employment-related issues employers encounter every day. She represents a wide range of employers before federal, state and local government agencies and advises clients concerning employment policy design and review, contract negotiations and management training programs.

Marilyn has decades of experience providing training on employment-related issues with respect to expatriate assignments. She regularly develops in-house training programs for employers on key developments in domestic and global employment law. In addition, she is an authority on global mobility matters and frequently conducts roundtable and panel discussions on international employment issues before domestic and global in-house legal counsel. She regularly works with the

firm's global mobility team to develop an orderly and efficient practice for expatriate assignments and the transfer of personnel between countries.

In the area of equal employment opportunity, Marilyn handles discrimination claims involving age, race, gender, national origin, religion, disabled and veterans' rights issues as well as investigations arising from such claims. She is one of the nation's leading defense lawyers with respect to wage and hour matters. Marilyn assists clients in all aspects of wage and hour law compliance, including implementing compensation policies, conducting pay equity audits and remediation efforts, and reporting compensation data to government agencies.

Marilyn is nationally recognized for her experience in government-mandated affirmative action plans. She assists federal contractor clients to meet their OFCCP compliance obligations. She is national affirmative action counsel for several companies whose federal contractor facilities are located throughout the United States. Marilyn has defended numerous companies in hundreds of OFCCP audits and investigations, including "glass ceiling" reviews and class action complaints before the OFCCP. She is one of the nation's leading defense lawyers in connection with OFCCP matters and regularly works with OFCCP district and regional offices throughout the United States.

## CIVIC INVOLVEMENT & HONORS

- *The Best Lawyers in America*© 2023 for Labor & Employment Law
- Acritas Stars - Nominated as a Stand-Out Lawyer 2021

## PROFESSIONAL AFFILIATIONS

- American Bar Association
- Atlanta Bar Association
- State Bar of Georgia

## ADMISSIONS

- Georgia

## EDUCATION

Duke University, J.D., with honors

Duke University, B.A., *magna cum laude*

## RELATED PRACTICE AREAS

- Employment & Labor
- Investigations
- Litigation & Dispute Resolution
- Regulation, Compliance & Advisory
- Employment Class & Collective Actions
- Cross-border Employment Issues

## EXPERIENCE

- Assists clients with “high profile” internal investigations involving harassment and discrimination allegations concerning management and other executive officials
- Develops in-house training programs for managers and supervisors on a wide variety of employment-related matters, including workplace harassment and workplace violence.
- Handles global mobility matters for companies in various industries and geographic locations.
- Conducts seminars and training programs regarding employment-related matters
- Is a periodic instructor at both Georgia Institute of Technology and Georgia State University
- Defends clients in numerous nationwide wage/hour investigations
- Conducts training on affirmative action compliance and related preparation for OFCCP audits, on-site reviews, and “glass ceiling” audits.
- Regularly works with clients to conduct internal investigations of employee claims of harassment and discrimination, and employee violations of codes of conduct
- Lead counsel in coordinating successful reductions-in-force for companies with large, diverse workforces throughout the United States and reorganizations of global workforces.
- Lead counsel for numerous FLSA audits, including self-audits by clients with more than 1,500 jobs for review
- Provides advice and counsel to clients on employment contract negotiations and collective bargaining matters

# RESOURCES

## PUBLICATIONS

- "New OFCCP Guidance for Diversity Training Programs" - Ms. Fish [was quoted at length October 14, 2020 by \*HR Dive\*](#) on new guidance published by the U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) implementing President Donald Trump's executive order prohibiting federal contractors from promoting "race or sex stereotyping or scapegoating" within workplace diversity and inclusion training programs.
- Client Alert: "COVID-19 and Employer Obligations - PRC Update," March 19, 2020
- "Employers Have Until September 30, 2019 to Submit Pay Data to the EEOC," BCLPatWork Blog, April 25, 2019"
- "Distracted Driving Laws And How Employers Should Respond," *Law360*, July 20, 2018
- Client Alert: "EEOC Seeks To Address Pay Disparity By Collecting Pay Data From Federal Contractors And Large Employers," February 8, 2016
- "3rd-Party Retaliation Case Leaves Open "Retaliation" by Ben James in Employment Law360— Ms. Fish quoted extensively in this February 24, 2011 news article discussing the Supreme Court's reversal of the 6th Circuit in *Thompson v. North American Stainless* and the impact the reversal would have on employee retaliation claims based on relationships employees have with other employees who have claims against an employer.
- "Brief Advice," Counsel to Counsel, 2008
- "August 23, 2004: The Deadline for Employers to Comply with the FLSA's New White Collar Exemptions," Human Resource Executive, June 2004
- "August 23, 2004: The Deadline for Employers to Comply with the FLSA's New White Collar Exemptions," National Personnel Updates, August 2004
- "August 23, 2004: The Deadline for Employers to Comply with the FLSA's New White Collar Exemptions," Personnel/HR Assistant, June 2004
- "Map Out a Detailed Yet Simple Telecommuting Policy," Employment Management Today, Fall 2003
- "Sex, Lies and E-mail: Labor Law in Cyberspace," The Legal Perspective Paper for National Corporate Roundtable, 1999

- "Avoiding the Next Big Wave of Employer Liability," Paper for Council on Education in Management, 1999
- "The ADA and FMLA Transform 'Light Duty' Into a Heavy Burden," HR Atlanta, 1999
- "Same-Sex Sexual Harassment Ruled Illegal," Small Business News, 1998
- "Help Wanted: The Americans with Disabilities Act and Pre-employment Inquiries," Risk Management, 1997
- "Legal Concerns: Responsibility for Sexual Harassment May Extend to Conduct of Medical Staff," Georgia Hospitals Today, 1997
- "Client Alerts" tailored to needs/requests of client, published monthly for client's management personnel nationwide

## SPEAKING ENGAGEMENTS

- "Looking Ahead to the Biden Administration's Potential Impact on Employers," In-House Counsel CLE Institute, March 2021
- "Legal Issues in Hiring, Managing and Terminating Employees," Georgia Tech, Atlanta, annually from 2005 to 2018
- "Preventing and Reporting Harassment Manager Training and What Constitutes Retaliation," Washington, DC, November 2011
- "What Constitutes Harassment and Your Responsibilities," Washington, DC, November 2011
- "Social Media and the Workplace," Atlanta, May 2011
- "Annual 2010-2011 Update—The Year of the Employee," Human Resources Managers Seminar, Atlanta, 2011
- "OFCCP Compliance—What Is It? Why is it Important? And What is Your Role?" webinar presented to client's HR personnel at numerous locations with federal contracts, 2011
- "Training on Diversity, Reorganizations & Reductions-in-Force," 2010
- "What Employers Need to Know About Blogging and Social Networking and Its Impact on the Workplace," Atlanta, 2010
- "Handling Harassment and Workplace Violence Training," Atlanta, 2010

- “Taking HR to the Next Level: Proactive Strategies for the Experienced HR and Legal Department,” Annual Labor & Employment Seminar, Atlanta, 2007
- “Stemming the Tide of Whistleblower Claims: Minimizing Retaliation Risks in the Workplace,” Breakfast Briefing, Atlanta, 2005
- Presenter at Atlanta Employment Group’s Employment Seminars on such topics as: Employment Law Updates; Family and Medical Leave Act (FMLA); Internet Applicants; Human Resources Overview; Workplace Investigations; and Social Media Issues, Atlanta, presented annually since 2000

## RELATED INSIGHTS

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**The Best Lawyers in America® 2024**

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Aug 15, 2023

**What do recent lawsuits in the wake of Supreme Court decisions on Affirmative Action mean for your disclosures and DEI programs?**

Insights

Jun 30, 2023

**Affirmative Action: Effects of the Ruling and Actions to Take Now**

Blog Post

Jun 26, 2023

**Defending DEI: Are You Ready For a Legal Challenge to Your Diversity, Equity and Inclusion Programs?**

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## **New OFCCP Directive Shines Spotlight on Federal Contractors' Pay Equity Audit Obligations**