

Dana S. Connell

Shareholder

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Focus Areas

Leaves of Absence and Disability Accommodation
Discrimination and Harassment
Hiring, Performance Management and Termination
Litigation and Trials
Whistleblowing and Retaliation

Overview

Dana S. Connell has practiced exclusively in the field of employment litigation for more than 30 years, representing companies in all types of employment matters. He has litigated cases of all sizes under a variety of employment and labor laws, including:

- Title VII
- The Americans with Disabilities Act, Titles I and III (ADA)
- Section 1981
- The Age Discrimination in Employment Act (ADEA)
- The Family and Medical Leave Act (FMLA)
- The Employee Retirement Income Security Act (ERISA)
- The Equal Pay Act
- The Labor Management Relations Act, §1981 and §301 (LMRA)
- The Uniformed Services Employment and Reemployment Rights Act (USERRA)
- The Fair Labor Standards Act (FLSA)
- State law equivalents

Dana has argued numerous times before the federal courts of appeal, including the Seventh Circuit in Chicago and the Sixth, Eighth and District of Columbia Circuits. He also practices in state courts and before the Illinois Department

of Human Rights and Human Rights Commission, the Equal Employment Opportunity Commission, and other state agencies.

Dana's practice involves the defense of claims that arise in the context of the employment relationship. Specifically, he has defended against claims involving:

- Discrimination
- Sexual and racial harassment
- Retaliation
- Defamation
- Intentional infliction of emotional distress
- Public policy retaliatory discharge
- Battery
- Fraud
- Breach of contract
- Promissory estoppels
- Negligent retention
- Intentional interference with prospective economic advantage
- Invasion of privacy

Additionally, Dana represents employers in labor arbitrations and mediation. He engages in a wide range of activities designed to help clients take necessary actions while minimizing liability, including advising on discipline and termination matters, compliance, FMLA issues, pre-employment screening, reductions-in-force, and in-house training.

Dana has been interviewed for and has published articles on a variety of subjects, including the ADA, FMLA, ADEA, sexual harassment, and workplace violence. He speaks extensively on employment law topics and has testified before the U.S. Commission on Civil Rights regarding the ADA.

Dana helped open Littler's Chicago office in 1997. He served on the firm's shareholder compensation and nominating committees for many years and currently is a member of the firm's Management Committee. He also oversees all of the firm's advice and compliance practice groups.

In law school, Dana was lead articles editor for the *Washington & Lee Law Review*.

Professional and Community Affiliations

- Member, Illinois Bar Association
- Member, Labor and Employment Law Section, American Bar Association
- President, Indian Hill Club, 2005-2006
- President, Lawrence Hall Youth Services of Chicago, 1999-2003

- Chair, Lawrence Hall Youth Services of Chicago, 1999-2003

Recognition

- Named, The Best Lawyers in America©, 2013-2019
- Recipient, Gene B. Meier Award, 2003
- Named, Leading Illinois Attorney in Employment Law
- Awarded, AV® Peer Review Rating , *Martindale-Hubbell*

Education

J.D., Washington and Lee School of Law, 1982, *cum laude*

B.A., Denison University, 1979, *Phi Beta Kappa*

Bar Admissions

Illinois

Courts

U.S. Supreme Court

U.S. Court of Appeals, 6th Circuit

U.S. Court of Appeals, 7th Circuit

U.S. Court of Appeals, 8th Circuit

U.S. Court of Appeals, 11th Circuit

U.S. Court of Appeals, D.C. Circuit

Illinois Supreme Court

U.S. District Court, Northern District of Illinois

U.S. District Court, Central District of Illinois

U.S. District Court, Northern District of Indiana

U.S. District Court, Western District of Wisconsin

U.S. District Court, Western District of Michigan

U.S. District Court, Western District of Arkansas

U.S. District Court, Eastern District of Arkansas

Publications & Press

Best Lawyers in America© 2019 Edition Honors More Than 200 Littler Lawyers

Littler Press Release

August 15, 2018

Honest Belief of FMLA Abuse Is Enough to Fire Someone

SHRM Online

March 14, 2018

Hiring in the Age of Ageism

SHRM Online

January 22, 2018

Best Lawyers in America© 2018 Edition Honors More Than 200 Littler Lawyers

Littler Press Release

August 17, 2017

FMLA Leave, Legitimate or Not, Can Create Headaches for Employers

Bloomberg BNA

June 26, 2017

5 Steps to Help Employers Stay Compliant with the ADA

HR Daily Advisor

June 20, 2017

The Best Lawyers in America© Honors More Than 180 Littler Lawyers in Its 2017 Edition

Littler Press Release

August 16, 2016

Top 11 Employer FMLA Mistakes

SHRM Online

March 30, 2016

Littler Attorneys Recognized in the Best Lawyers in America© 2016 Edition

Littler Press Release

August 18, 2015

Be Wary of Too-Frequent FMLA Medical Recertification

Society For Human Resources (SHRM)

March 3, 2015

Littler Attorneys Included in the Best Lawyers in America© 2015 Edition

Littler Press Release

August 18, 2014

Five Tips for Avoiding Age Discrimination

Society For Human Resource Management (SHRM)

August 12, 2014

FMLA Continues to Challenge Employers

Society For Human Resource Management (SHRM)

July 16, 2014

Intermittent FMLA Leave Lends Itself To Potential Employee Misuse, Lawyers Warn

Bloomberg BNA Human Resources Report

April 14, 2014

Surveillance Curbs FMLA Leave Abuse

Society for Human Resource Management (SHRM)

April 3, 2014

Private Eyes Are Watching Out for FMLA Fraud

Corporate Counsel

April 2, 2014

No More Half Measures: A Case-Based Approach for Addressing FMLA Abuse

Employee Relations Law Journal, Vol. 39, No. 3

April 1, 2014

Fighting FMLA Abuse

Human Resource Executive Online

March 31, 2014

Littler Attorneys Named in Best Lawyers in America® 2014 Edition

Littler Press Release

August 15, 2013

Best Lawyers in America® Names 164 Littler Attorneys to 2013 Edition

Littler Press Release

September 7, 2012

New Regs Focus on Accommodating Disabled Workers

Law360.com

May 23, 2011

Consensual Relations Raise Thorny Issues For HR

SHRM Online

January 27, 2011

Illinois Supreme Court Applies Strict Liability to All Workplace Sexual Harassment By Supervisors

Littler Insight

April 23, 2009

The "Independent Investigation" Defense to Individual Termination Decisions

Employee Relations Law Journal

Winter 2009

Dana Connell Sees Signs of Hiring Mistakes

HR News

January 25, 2007

Designing a Bonus Plan That Rewards Productivity Without Violating the FMLA

Employee Relations Law Journal

Spring 2007

RIF à la Carte: Using Reported Cases To Develop Effective Reduction-in-Force Criteria

Employee Relations Law Journal Vol. 27, No. 7

December 31, 2001

Speaking Engagements

From the Judge's Bench: A Practitioner's Report Card on the Practical Impact of Recent Family Leave and Disability Discrimination Developments

Littler Executive Employer, Phoenix, AZ

May 3, 2018

2018 Littler Puerto Rico Conference

Hato Rey, PR

April 19, 2018

Stopping the Madness: Effective Ways to Protect Your Organization Against Misuse of FMLA and ADA Leave

2018 SHRM Employment Law & Legislative Conference

March 13, 2018

Avoiding the Wrath of the EEOC: Five Steps for Staying ADA-Compliant

SHRM National Conference, New Orleans, LA

June 19, 2017

Top FMLA/ADA Developments of 2016: What You Don't Know Can Hurt You

Com Psych Webinar

November 9, 2016

Aligning Wellness Plans With the Requirements of the Americans with Disabilities Act

MAPI's Annual Benefits Forum

June 7, 2016

Curbing FMLA Abuse: How to Manage Manipulative Employees

Lorman Education Services Webinar

May 16, 2016

Creative Approaches for Handling ADA and FMLA Issues in the Workplace: Actions You May Not Know You Can Take

The 2016 Executive Employer® Conference, Scottsdale, AZ

May 5, 2016

FMLA and ADA Update

ComPsych Webinar

May 13, 2015

No More Half Measures: Getting Serious About Controlling FMLA Abuse

Littler Mendelson, Phoenix, AZ

May 8, 2014

Performance Management: Are You Protected?

October 15, 2013

The Contrasting Positions of the EEOC and the Courts on Key ADA Issues – What's An Employer to Do?

February 26, 2013

The EEOC Has Yet to Speak on Leaves – So We Will!

Association of Corporate Counsel

September 20, 2012

Leave Me Alone

Chicago, IL

March 8, 2012

Navigating the Top FMLA Concerns for Employers

Thompson Publishing Group Webinar

February 9, 2012

Navigating Employee Leave and Accommodations Under the ADAAA and FMLA

Littler Mendelson, Minneapolis, MN

October 4, 2011

Benefits and Compensation Issues That Can't Be Overlooked In Employment Agreements, Severance Agreements and Other Documents and Situations

Employee Benefits Summit - Littler Mendelson

May 3, 2011

Criminal and Credit History Checks of Applicants and Employees: From New Laws to Tough Privacy and Novel Anti-Discrimination Issues

Bloomberg BNA Webinar

February 10, 2011

Background Checks: From New Laws to Tough Everyday Issues

North Shore Labor Council

October 27, 2010

Legal Update

Northwest Human Resources Council

May 4, 2010

New FMLA Regulations

Stafford Webinar

June 23, 2009