

# Client Alert

A report  
for clients  
and friends  
of the firm     January 2005

## *Christina M. Gerety v. Atlantic City Hilton Casino Resort*

On January 18, 2005 at 11:30 a.m., the New Jersey Supreme Court will hear oral argument in *Christina M. Gerety v. Atlantic City Hilton Casino Resort*. This important employment discrimination case involves the validity of provisions of a leave of absence policy that are commonly used by employers in New Jersey. Proskauer Rose LLP represents an *amicus* party on this appeal, the Employers Association of New Jersey ("EANJ"), and will be presenting oral argument in the case. The argument will be simulcast live, via a streaming webcast, at <http://www.judiciary.state.nj.us/webcast/index.htm>.

The case centers on an employer's ability to implement and apply facially-neutral and non-discriminatory benefits policies that track or exceed employee benefits guaranteed by federal and state law. Like the majority of employers in New Jersey, Hilton's leave of absence policy offered eligible employees 26 weeks of leave time — more than twice the amount mandated by either federal or state law alone. Nonetheless, the trial court ruled that Hilton's policy was discriminatory on its face because it did not favor female employees with pregnancy-related illnesses. Proskauer and the EANJ have argued that the trial court unduly expanded New Jersey's Law Against Discrimination and contradicted the intent of federal and state employee benefits laws governing leaves of absence.

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### Client Alert

Proskauer's Newark office has 40 attorneys with significant and diverse experience in labor, employment, employee benefits and immigration law. The following individuals serve as contact persons for this alert and would welcome any questions that you might have. For more information on this matter, please contact:

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