



Michael R. Blum

Shareholder

28411 Northwestern Highway
Suite 500
Southfield, MI 48034
T: 248.785.4722
F: 248.200.0252
mblum@fosterswift.com

333 W. Fort Street
Suite 1400
Detroit, MI 48226
T: 248.785.4725
F: 248.785.4726

Part of Mike Blum's effectiveness as a litigator in Alternative Dispute Resolution (ADR) and as a counselor to employers comes from his 11 years with the National Labor Relations Board. Mike primarily focuses on Michigan labor and employment law and has litigated some of the state's most important cases. He went to work for the NLRB as a field examiner right out of college and became an NLRB trial attorney in 1987, when he finished law school and was admitted to the bar. Mike works in the firm's Southfield office and serves on the firm's Executive Committee as Vice President of the Southeast offices.

Mike focuses his practice in five areas:

- **Labor law.** Counsels and represents employers in all kinds of labor matters, including negotiation of collective bargaining agreements, grievance processing, mediation and arbitration, development and implementation of union campaigns and matters before the NLRB. This includes election and unfair labor practice proceedings.
- **Employment law for private employers:** Helps in compliance with state and federal statutes affecting private-sector employers in Michigan and defense of claims before federal and state agencies.
- **Employment law for public employers.** Works with municipalities, road commissions, public schools and state courts in legal matters involving public employees. This includes defense of claims before governmental agencies.
- Handles high-stakes cases at the trial court and appellate levels. In 2009, for example, Mike prevailed in a precedent-setting claim before the United States Court of Appeals for the Sixth Circuit which reversed a federal district court's denial of costs and attorneys' fees under the Norris-LaGuardia Anti-Injunction Act.

PRACTICE AREAS

Employment Law
Labor Relations
Employment Litigation
Employer Services
School Law Services
Discrimination - Unlawful Harassment
Arbitration & Mediation
Municipal & Public Entity Law
Trade Secrets & Non-Compete Contracts

EDUCATION

Wayne State University Law School,
J.D., 1986, *cum laude*
Michigan State University, B.A.,
1978, Personnel Administration, with
High Honors

BAR AND COURT ADMISSIONS

Michigan
U.S. District Court for the Eastern
District of Michigan
U.S. District Court for the Western
District of Michigan
U.S. Sixth Circuit Court of Appeals

HONORS & RECOGNITIONS

AV® Preeminent™
Martindale-Hubbell
Best Lawyers in America®
2013-2024 (Employment Law -
Management; Labor Law -
Management)



- **Alternative Dispute Resolution.** Has represented employers in arbitrations and as an advocate and mediator. He's a recognized arbitrator on the American Arbitration Association's Neutral Employment Panel and a recognized mediator on the American Arbitration Association's Roster of Mediators.

Michigan *Super Lawyers*
Employment and Labor, 2009-2019,
2022-2023

dBusiness Magazine "Top Lawyer" in
Labor and Employment Law 2010,
2019-2022

He's a prolific author and is frequently invited to speak on complex labor and employment issues. Mike has written dozens of articles for leading organizations and publications. He recently assisted in revising the Michigan Chamber of Commerce's *Hiring to Termination Guide*. He has spoken on a wide range of key topics, including how to handle email communications and the significance of the amendments to the Family and Medical Leave Act (FMLA) and Americans with Disabilities Act (ADA) as well as other state and federal rules and regulations.

REPRESENTATIVE MATTERS

- Mike has recently successfully negotiated collective bargaining agreements with various unions, including the American Federation of State County and Municipal Employees, the Michigan Association of Fire Fighters, the International Union of Operating Engineers, the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of American, the Police Officers Association of Michigan, the Command Officers of Michigan, and the Michigan Nurses Association. By way of example, negotiations for a public sector employer completed in 2015 resulted in an almost 50% reduction in Other Post Employment Benefits (OPEB) liability and significant reduction in retiree health insurance costs.
- Mike has successfully defended class action litigation under the Fair Labor Standards Act (FLSA) and related state wage and hour laws in Michigan, Illinois, New York and Ohio. He is currently defending class action litigation involving the employment status of cosmetology students in Michigan, Illinois and Tennessee.
- In 2014, Mike was part of a trial team that won a 10-day jury trial in federal court. Mike represented one of the world's leading manufacturers of custom sporting equipment, claiming its former production manager and a retail sales agent unlawfully opened a competing business. A unanimous jury awarded damages on claims of unfair competition, breach of duty of loyalty, breach of fiduciary duty, civil conspiracy and false designation or origin.



- In December 2009, Mike won a precedent-setting case of first impression in the United States Court of Appeals for the Sixth Circuit. It reversed a federal district court's denial of costs and attorneys' fees under the Norris-LaGuardia Act, which were incurred in obtaining dissolution of an *ex parte* temporary restraining order that a union had improvidently obtained *ex parte* from a state circuit court judge.
- Mike assisted in closing a client's business operations, which included issuance of notices under the Worker Adjustment and Retraining Notification Act and negotiation of a plant closing agreement with the union. This matter also involved COBRA continuation notification and compliance issues.
- In June 2008, Mike successfully defended a client in a lawsuit filed by an ex-employee alleging sex and age discrimination under Title VII of the Civil Rights Act and Elliott-Larsen Civil Rights Act and age discrimination under the Age Discrimination in Employment Act and Elliott-Larsen. Summary judgment was granted by District Judge Bernard A. Friedman.
- Mike successfully defended clients in a lawsuit filed by an ex-employee alleging sex discrimination, sexual harassment and sexual stereotyping under Title VII of the Civil Rights Act and Elliott-Larsen Civil Rights Act. Summary judgment was granted in February 2002 by Macomb County Circuit Court Judge James Biernat and upheld by the Michigan Court of Appeals.

SPEAKING ENGAGEMENTS

Employee Misclassification, *Fall 2023 Labor & Employment Law Update Webinar*, October 12, 2023

Fall 2023 Labor & Employment Law Update, *Foster Swift Going Forward Webinars*, October 12, 2023

How the New Wage and Hour Laws Impact Your Township, *Michigan Townships Association Annual Conference 2023*, April 19, 2023

Changes to Michigan Minimum Wage and Paid Leave with Mike Blum, *Library of Michigan*, February 3, 2023

Why You Should be Worried About the NLRB as a Nonunion Employer, *ASE*, November 10, 2022

Labor Law & Rapid Fire Look at DEI, *Fall 2022 Labor & Employment Law Update Webinar*, October 12, 2022

What Employers Need to Prepare for in 2023, *Foster Swift Going Forward Webinars*, October 12, 2022

Employers: Are You Ready for the Changes Coming in 2022?, *Foster Swift Going Forward Webinars*, March 10, 2022

Looking Forward: What Employers Need to Know for 2022, *Foster Swift Going Forward Webinars*, October 19, 2021

Hot Employment Law Topics for HR Teams in 2021, *Foster Swift*, February 25, 2021

Employer Accommodations During and After COVID-19, *ASE HR Comply 2020*, December 2, 2020

Now That the Stay at Home Order is Lifted, What do Municipalities Need to Know?, *Michigan Municipal League*, June 8, 2020

Employer Guidance for a Lawful and Safe Re-Opening, *Foster Swift*, May 27, 2020

Responding to Workplace Violence: Harassment or Bullying, *Foster Swift*, October 17, 2018



National Labor Relations Board Updates, *Foster Swift: Developing Labor Law Update*, May 9, 2018

National Labor Relations Board Updates, *Foster Swift: Developing Labor Law Update*, February 7, 2018

My Employee Did What in Off Hours, *American Society of Employers*, August 17, 2017

Social Networking and Human Resources Hot Topics, *Michigan Municipal Treasurers Association*, April 27, 2017

Basics of determining termination of employees that lawfully use medical marijuana, *Stop Before You Crash: Workers' Compensation and Employment Law*, March 22, 2017

Can an employee be fired while away on FMLA?, *Stop Before You Crash: Workers' Compensation and Employment Law*, March 22, 2017

Federal and State Law Applicable to Municipal Employees, *Foster Swift: Legal Essentials for Municipal Officials*, January 18, 2017

I'm Non-union and the NLRB is Knocking on My Door. What the....?, *ASE Employment Law Workshop*, September 21, 2016

It's Not Just What You Say, But How You Say It; HR Do's and Don'ts, *Michigan Chamber of Commerce*, August 30, 2016

WEBINAR SERIES: HR Discipline & Communication Do's and Dont's, *Michigan Chamber of Commerce*, July 28, 2016

Effective Human Resource Record Keeping, *Michigan Chamber of Commerce*, January 21, 2016

When an Employee Dies: HR & Accounting Essentials, *Michigan Chamber of Commerce*, April 2015

Public Employment and Labor Law – The Basics, *Foster Swift Webinar Series for New Municipal Officials*

WEBINAR | Public Sector Employment Law - The Basics, *Foster Swift Webinar Series for New Municipal Officials*, April 18, 2013

Update on Labor Laws, *Michigan Association of Municipal Clerks*, June 21, 2012

WEBINAR | An Update on the 2011 Labor Law Changes and the Impact on Michigan Municipalities, June 6, 2012

Problem Patrons: Addressing and Responding to Patron Behavior, *2012 Loleta Fyan Small & Rural Libraries Conference*, May 2, 2012

Ask the Library and Labor Lawyer, *Michigan Library Association Annual Conference*, October 26, 2011

What Would You Do? A Discussion of Common Employment Issues, *Michigan Library Association Annual Conference*, October 26, 2011

Employers Guide to Social Media, *Walsh College BusinessLIVE*, October 20, 2011

Ask a Lawyer, *Michigan Townships Association*, January 26, 2011

Employment Law Training, *City of Pottersville*, April 28, 2010

Workshop on Workplace Privacy Policies - Hot Topics Workshop, *Walsh College*, March 17, 2009

Winds of Change in 2009: Preparing Your Company for the Changes Under the FMLA and the ADA, *Walsh College*, January 15, 2009



Current Trends and Developments in Labor Law, *Industrial Relations Research Association, Mid-Michigan Chapter*, 2004

Harassment: How to Recognize and Respond, *Metropolitan Detroit Bureau of School Studies*, 2003

Providing Reasonable Accommodations under the Latest EEOC Guidance and Court Opinions Cost-Efficiently, *Council on Education in Management - ADA Update*, 2000

Changes in Employment Law that Affect your Business, *Perrinn, Fordree & Company, P.C.*, January 2000

E-mail - New Uses and Prohibitions, *The Bernard Gottfried Memorial Labor Law Symposium*, 2000

Invoking your Statutory Rights to Control the Use of Intermittent and Reduced Schedule Leave, *Council on Education Management - FMLA Update*, 1999

Knowing your Employer Rights when Employees are Ready to Return to Work, *Council on Education in Management - FMLA Update*, 1999

Leaves of Absence and the Reasonable Accommodation Requirements, *Abbott, Nicholson, Quilter, Esshaki & Youngblood, P.C. Employment Law Update*, 1995

Pre-Employment Inquiries, *Abbot, Nicholson, Quilter, Esshaki & Youngblood, P.C. Employment Law Update*, 1993

The Family and Medical Leave Act of 1993 (FMLA), *Abbot, Nicholson, Quilter, Esshaki & Youngblood, P.C. Employment Law Update*, 1993

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), *Abbott, Nicholson, Quilter, Esshaki & Youngblood, P.C. Employment Law Update*, 1995

PUBLICATIONS

Federal Trade Commission Prohibits Noncompete Agreements for Almost All U.S. Workers, Legal Challenges Expected, *Foster Swift Labor & Employment Law News E-blast*, April 24, 2024

Independent Contractor Final Rule Could Have Major Impact on Select Industries, *Labor & Employment Law News E-blast*, January 30, 2024

Whitmer Proposes Universal FMLA: Legislature Likely to Decide by Year-End, *Foster Swift Labor & Employment Law News E-blast*, September 7, 2023

U.S. Supreme Court Sides with USPS Worker on Religious Accommodation, *Foster Swift Labor & Employment Law News E-blast*, July 6, 2023

NLRB General Counsel Targets Non-Compete Agreements, *Labor & Employment Law News E-blast*, June 6, 2023

Court of Appeals Ruling Halts Pending Minimum Wage Increase and New Earned Sick Time Act – For Now, *Labor & Employment Law News E-blast*, January 27, 2023

Don't Forget! Michigan's Minimum Wage Increases on January 1, Additional Hike Expected, *Foster Swift Labor & Employment Law News E-blast*, December 28, 2022

DOL Proposes New Rule Related to Employee Classification, *Foster Swift Labor & Employment Law News E-blast*, October 17, 2022



Michigan Court of Claims Invalidates Paid Medical Leave Act, *Foster Swift Labor & Employment Law News E-blast*, July 25, 2022

Supreme Court Blocks Mandate, Upholds for Health Care Workers, *Foster Swift Labor & Employment Law News E-blast*, January 13, 2022

Stay on Vaccine Mandate Dissolved by Sixth Circuit, *Foster Swift Labor & Employment Law News E-blast*, December 21, 2021

Fifth Circuit Court Blocks Vaccine Mandate for Employers, *Labor & Employment Law E-blast*, November 15, 2021

Update MIOSHA Emergency Rules in the Workplace, *Foster Swift Labor & Employment Law News E-blast*, May 25, 2021

Michigan Employers Permitted to Resume In-Person Work May 24, *Foster Swift Labor & Employment Law News E-blast*, May 11, 2021

MIOSHA COVID-19 Emergency Rules for Employers Extended for Six Months, *Foster Swift Labor & Employment Law News E-blast*, April 14, 2021

Governor Whitmer Signs Extension of Unemployment Benefits into Law and Other COVID-19-Related Legislation, *Foster Swift Labor & Employment Law News E-blast*, October 23, 2020

How Do Recent Michigan Supreme Court and MDHHS Orders Regarding COVID-19 Impact Employers?, *Foster Swift Legal Update E-blast*, October 6, 2020

Guide to Bringing Back Workers and Resuming Operations for Michigan Municipalities, July 29, 2020

New DOL Guidance Excludes Workers from Federal Emergency Paid Sick Leave, *Foster Swift Legal Update E-blast*, March 29, 2020

Update to the Families First Coronavirus Response Act, *Foster Swift Legal Update E-blast*, March 20, 2020

Michigan Employers-FAQs on Coronavirus and Your Employees, *Foster Swift Labor & Employment Law News E-blast*, March 16, 2020

Michigan's Paid Medical Leave Act, *Foster Swift Employment, Labor & Benefits Law News E-blast*, March 1, 2019

U.S. Supreme Court Rules Employers can Prohibit Employees from Filing Class Action Lawsuits, *Foster Swift Employment Labor & Benefits Law News E-Blast*, May 24, 2018

Can Michigan Employers Terminate Employees Who Lawfully Use Medical Marijuana?, *Foster Swift Employment Labor & Benefits News*, January 25, 2018

Fact or Fiction: Can an Employee be Fired while on FMLA?, *Foster Swift Employment Labor & Benefits Newsletter*, October 25, 2017

The Risks of Social Media Use by Employees, and How Public Employers Can Create Strong Social Media Policies, *Foster Swift Municipal Law News*, July 27, 2017

Overtime Costs May Soon Increase Significantly, *Foster Swift Employment, Labor & Benefits News*, March 11, 2016



When Does Off-Duty Use of Smartphones Result in Compensable Overtime?, *Foster Swift Municipal Law News*, January 26, 2016

EEOC Issues Wellness Plan Proposed Regulations as it Steps Up Scrutiny of Employer-Sponsored Plans, *Foster Swift Employment, Labor & Benefits E-News*, June 8, 2015

U.S. Supreme Court Establishes Framework for Pregnancy Discrimination Lawsuits, *Foster Swift Employment, Labor & Benefits News*, April 7, 2015

When is Whistleblowing Not a Protected Activity?, *Foster Swift Municipal Law News*, January 27, 2015

College Football Players as University Employees: What are the Implications?, *Foster Swift Business & Corporate Law Report*, April 15, 2014

Social Media Pitfalls for Employers, *Foster Swift Business & Corporate Law Report*, February 25, 2014

Social Media Perils for Public Employers, *Foster Swift Municipal Law News*, January 30, 2014

Understanding the Employer-Employee Relationship, *The Carrier, Michigan Movers Association*, Summer 2013

Hiring and Firing Employees in an At-Will Employment World, *Foster Swift Automotive Management News*, February 2013

How Michigan's New Right-To-Work Legislation Will Affect Municipalities, *Foster Swift Municipal Law News*, January 2013

Labor Corner: 2011 Labor Law Changes Impact Municipalities, *Foster Swift Municipal Law News*, January 2012

Governor Snyder Has Signed Legislation Changing the Process for Arbitration of Public Safety Labor Disputes, *Foster Swift Municipal Law News*, August 2011

Governor Snyder Has Signed Legislation Changing the Process for Arbitration of Public Safety Labor Disputes, *Foster Swift Employment, Labor & Benefits E-News*, July 26, 2011

GINA Recordkeeping Requirements are Coming, *Foster Swift Employment, Labor & Benefits Quarterly*, Summer 2011

Municipality May Require Employees to Disclose Medical Information When Returning From Sick Leave, *Foster Swift Municipal Law News*, March 2011

Remember Federal Requirements Before Reinstating Drunk Employees to Perform Safety-Sensitive Job Duties, *Foster Swift Municipal Law News*, February 2011

Michigan Public Sector Labor Law 101, *Foster Swift Municipal Law News: MTA Edition*, January 2011

Employer's "Honest Belief" Defeats Military Reservists' USERRA Claim, *Foster Swift Employment, Labor & Benefits Quarterly*, Fall 2010

Employer's Thorough Investigation Defeats Military Member's Discrimination Claim, *Foster Swift Municipal Law News*, September 2010

The Trend for Increased Regulation of Employers Under the Current Administration, *Inside the Minds: Complying with Employment Regulations, 2010 Edition*, August 2010

FMLA Update, *Employment Law Briefing*, Summer 2008



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- Bullying: It's Not Just A Child's Problem Any More**, *Employment Law Briefing*, Winter 2008
- Elder Care And The FMLA**, *Employment Law Briefing*, Winter 2008
- Harassment Claims And Teenage Employment**, *Employment Law Briefing*, Summer 2007
- An Employee's Discriminatory Conduct Towards Customers Can Result In Liability**, *Employment Law Briefing*, Summer 2007
- Family Responsibilities Discrimination – The New Battleground in Employment Lawsuits?**, *Employment Law Briefing*, Winter 2007
- A Merger or Transfer of Assets is not Necessary for Imposition of Successor Liability in Labor Cases**, *Employment Law Briefing*, Fall 2006
- Work Verification Requirements May Be Changing**, *Employment Law Briefing*, Summer 2006
- Blogging: What Is It and Why Should I Care?**, *Employment Law Briefing*, Winter 2006
- Michigan Employers Must Protect Social Security Numbers**, *Employment Law Briefing*, Summer 2005
- Conducting Investigatory Interviews – Must Management Permit An Employee To Have A Representative Present?**, *Employment Law Briefing*, Summer 2004
- The Fair Labor Standards Act – Revised "White Collar" Exemptions Finally Issued**, *Employment Law Briefing*, Summer 2004
- Supervisors May No Longer Be Held Individually Liable Under Michigan Law**, *Employment Law Briefing*, Spring 2003
- Non-Compliance With Federal And State Employment Laws**, *Employment Law Briefing*, Summer 2002
- Compliance With Federal And State Employment Laws**, *CLA Advantage*, 1997
- Recent Legislation Favors Michigan Employers**, *CLA Advantage*, 1996
- HR Question: Legalities Of Compensatory Time**, *American Society of Employers Bulletin*, 1996
- HR Dilemma: Drafting An Effective E-Mail Policy**, *American Society of Employers Bulletin*, 1996
- Compensatory Time Vs. Overtime**, *CLA Advantage*, 1996
- HR Question: On-Call Duty: When Is An Employer Required To Compensate Its Employees?**, *American Society of Employers Bulletin*, 1996
- HR Question: Reference Checking: How Does The New Law Affect Employers?**, *American Society of Employers Bulletin*, 1996
- Your Employee Tells You She's Pregnant--Now What?**, *American Society of Employers Bulletin*, 1994
- Downsizing: The Legal Perils**, *American Society of Employers Bulletin*, 1993
- Permanently Replaced Strikers May Still Be Ineligible For Unemployment Benefits**, *American Society of Employers Bulletin*, 1993
- Cafeteria Plans: The Employee Benefit Program That Benefits Employers, Too**, *American Society of Employers Bulletin*, 1993
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MEMBERSHIPS & AFFILIATIONS

Legal Affiliations:

- Michigan State Bar Association, fellow
- Macomb County Bar Association
- Oakland County Bar Association
- Labor/Employment Case Evaluator, Macomb County Circuit Court

Industry & Professional Associations:

- American Arbitration Association
 - Employment Panel, arbitrator
 - Roster of Mediators, member
- National Labor Relations Board, Practice and Procedures Committee
- Labor and Employment Relations Association (LERA)
- Society of Human Resource Management (SHRM)

Community Involvement:

- Chamber of Commerce, Macomb Chapter
- St. Clair Shores Hockey Association, Board of Governors
- Harrison Township Planning Commission

RECENT BLOG POSTS

Health Care Law Blog

FTC Prohibits Most Noncompete Agreements Between Employers and Workers

Michigan Labor & Employment Law Blog

Federal Trade Commission Issues Sweeping Proposed Rule to Prohibit Noncompete Agreements

Non-Competition Agreements: What They Are And How You can Align Yours With Best Practices

President Biden Issues Executive Order Urging FTC to Limit or Ban Non-Compete Agreements

The Pro-Union PRO Act passes the U.S. House of Representatives

Supreme Court to Determine Whether Employees in Michigan can Secretly Record Conversations

Part Two: What You Need to Know Before Conducting a Workplace Investigation in Michigan

Part Two: Stay on the Right Side of the Law When Conducting Job Candidate Background Checks

Part One: What You Need to Know Before Conducting a Workplace Investigation in Michigan

Part One: Stay on the Right Side of the Law When Conducting Job Candidate Background Checks