

S. Elaine Baker

Shareholder

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Focus Areas

Unfair Competition and Trade Secrets
Discrimination and Harassment
Hiring, Performance Management and Termination
Leaves of Absence and Disability Accommodation
Policies, Procedures and Handbooks

Overview

S. Elaine Baker advises clients concerning employment-related matters and represents clients in federal and state courts. She provides employment advice and counseling to several industries including retail, transportation/busing/railway, nonprofits, higher education, environmental solutions/waste, and credit unions. She counsels employers on every aspect of employee-related issues, including advising clients concerning:

- Disciplinary issues
- Requests for accommodations and leave
- Workplace investigations
- Preparing and revising employee policies and handbooks
- Employee and supervisor training
- Advice related to expanding business and start-up businesses
- Terminations and layoffs
- Severances
- Union avoidance
- Unemployment compensation
- Compliance with the Americans with Disabilities Act, Family Medical Leave Act and employment laws

Elaine also has extensive litigation experience which includes the following:

- Successfully obtaining defense verdict as lead trial counsel for the employer in jury trial in the Court of Common Pleas of Delaware County, Pennsylvania, on employee's claims for violation of the Pennsylvania Criminal History Record Information Act
- Favorably resolving multimillion dollar commercial claims after presenting her first defense witness 2 weeks into a jury trial in the United States District Court for the Western District of Pennsylvania
- Successfully defeating claims for misappropriation of trade secrets against departing executive as lead trial counsel in the Court of Common Pleas of Allegheny County, Pennsylvania
- Successfully winning TRO in the Court of Common Pleas of Lucas County, Ohio, on claims for misappropriation of trade secrets and unfair competition against former chief executive officer who created competing business after departing company
- Successfully winning complex commercial claims as trial counsel for plaintiff manufacturer brought the United States District Court for the Western District of Pennsylvania
- Successfully defending Fortune 500 manufacturer on claims brought under CERCLA after lengthy bench trial in the United States District Court for the Southern District of Texas, gaining a very favorable result for her client

Elaine's litigation work also includes representation of employers in administrative proceedings, before the Equal Employment Opportunity Commission (EEOC) and state administrative bodies.

Elaine also assists clients with wage and hour issues, such as classifying workers as exempt or nonexempt and as employees or independent contractors, to avoid future issues on classification of workers, as well as in response to audits by state and federal agencies.

Elaine focuses a significant portion of her practice on advising human resources and executives on day-to-day employee issues and measures they can take to reduce employment-related litigation and issues. She trains supervisors on best practices related to handling workplace issues, properly addressing matters that may give rise to discrimination claims, documenting discipline, conducting workplace investigations, preparing annual reviews, providing offer letters, employment agreements, and confidentiality agreements for new and current employees.

Professional and Community Affiliations

- Member, Allegheny County Bar Association

Recognition

- Named, Rising Star, Pennsylvania, *Super Lawyers*, 2007 and 2008

Education

J.D., University of Pittsburgh, 1999, *cum laude*

B.A., Miami University, 1995

Bar Admissions

Pennsylvania

Courts

U.S. Court of Appeals, 3rd Circuit

U.S. Court of Appeals, 8th Circuit

U.S. District Court, Middle District of Pennsylvania

U.S. District Court, Western District of Pennsylvania

Publications & Press

8 Things to Consider When Updating Employee Handbooks for 2017

SHRM Online

February 15, 2017

Littler's Pittsburgh Office Adds Experienced Employment Litigator S. Elaine Diedrich

Littler Press Release

May 20, 2014

Speaking Engagements

How Can Your Employee Handbook Evolve to Protect Your Organization While Meeting the Needs of a Remote Workforce?

Littler Executive Employer Conference, Phoenix, AZ

May 11, 2023

Littler's Second Annual Employee Handbook Update

November 12, 2021

The Littler Pennsylvania Report: Important Updates for Pennsylvania Employers in 2020

Pittsburgh, PA

February 6, 2020

Handbooks

Littler Executive Employer, Phoenix, AZ

May 4, 2018

Advanced ADA: The Interactive Process and "Hidden" Disabilities

Pittsburgh, PA

May 25, 2017

Workplace Investigations: The Social Media Impact, Millennials, and the Status of Requiring Confidentiality

Pittsburgh, PA

January 27, 2015