

123 South Broad Street,  
Avenue of the Arts  
Philadelphia, PA 19109  
215-772-1500  
215-772-7620 fax

1235 Westlakes  
Drive, Suite 200  
Berwyn, PA 19312  
610-889-2210  
610-889-2220 fax

Liberty View  
457 Haddonfield Road,  
Suite 600  
Cherry Hill, NJ 08002  
856-488-7700  
856-488-7720 fax

1105 North Market St.,  
15th Floor  
Wilmington, DE 19801  
302-504-7800  
302-504-7820 fax

Cornerstone Commerce Center  
1201 New Road, Suite 100  
Linwood, NJ 08221  
609-601-3010  
609-601-3011 fax

## Employment Statutes — Damages

### FEDERAL

| Statute                                                                        | Damages Available                                                                                                                                                                      | Applicable Damages Caps                                                                                                                                                                                                                                                                                                                             |
|--------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Title VII; Pregnancy Discrimination Act; Americans with Disabilities Act (ADA) | <ul style="list-style-type: none"> <li>• Back Pay</li> <li>• Front Pay</li> <li>• Compensatory Damages</li> <li>• Punitive Damages</li> <li>• Attorney's Fees</li> </ul>               | Back pay is capped at two years prior to date of filing complaint<br>The maximum total amount of compensatory and punitive damages is capped at: <ul style="list-style-type: none"> <li>• 1-100 employees: \$50,000</li> <li>• 101-200 employees: \$100,000</li> <li>• 201-500 employees: \$200,000</li> <li>• 500+ employees: \$300,000</li> </ul> |
| Age Discrimination in Employment Act (ADEA)                                    | <ul style="list-style-type: none"> <li>• Back Pay</li> <li>• Front Pay</li> <li>• Liquidated Damages</li> <li>• Attorney's Fees</li> </ul>                                             | N/A                                                                                                                                                                                                                                                                                                                                                 |
| Fair Labor Standards Act (FLSA)                                                | <ul style="list-style-type: none"> <li>• Back Pay</li> <li>• Liquidated Damages</li> <li>• Attorney's Fees</li> <li>• Fines</li> <li>• Criminal Sanctions</li> </ul>                   | Fines are capped at \$10,000<br>Imprisonment up to six months                                                                                                                                                                                                                                                                                       |
| Equal Pay Act (EPA)                                                            | <ul style="list-style-type: none"> <li>• Back Pay</li> <li>• Front Pay</li> <li>• Liquidated Damages</li> <li>• Attorney's Fees</li> </ul>                                             | N/A                                                                                                                                                                                                                                                                                                                                                 |
| Family and Medical Leave Act (FMLA)                                            | <ul style="list-style-type: none"> <li>• Back Pay</li> <li>• Actual Monetary Losses (i.e., cost of providing care)</li> <li>• Liquidated Damages</li> <li>• Attorney's Fees</li> </ul> | Actual monetary losses are capped at twelve weeks worth of salary/wages                                                                                                                                                                                                                                                                             |
| Uniformed Services Employment and Reemployment Act (USERRA)                    | <ul style="list-style-type: none"> <li>• Back Pay</li> <li>• Front Pay</li> <li>• Liquidated Damages</li> <li>• Attorney's Fees</li> </ul>                                             | N/A                                                                                                                                                                                                                                                                                                                                                 |
| Section 1981                                                                   | <ul style="list-style-type: none"> <li>• Back Pay</li> <li>• Front Pay</li> <li>• Compensatory Damages</li> <li>• Punitive Damages</li> <li>• Attorney's Fees</li> </ul>               | N/A                                                                                                                                                                                                                                                                                                                                                 |
| Genetic Information Nondiscrimination Act (GINA)                               | <ul style="list-style-type: none"> <li>• Back Pay</li> <li>• Front Pay</li> <li>• Compensatory Damages</li> <li>• Punitive Damages</li> <li>• Attorney's Fees</li> </ul>               | Back pay is capped at two years prior to date of filing complaint<br>The maximum total amount of compensatory and punitive damages is capped at: <ul style="list-style-type: none"> <li>• 1-100 employees: \$50,000</li> <li>• 101-200 employees: \$100,000</li> <li>• 201-500 employees: \$200,000</li> <li>• 500+ employees: \$300,000</li> </ul> |

## PENNSYLVANIA

| Statute                                 | Damages Available                                                                                                                            | Applicable Damages Caps                                             |
|-----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| Pennsylvania Human Relations Act (PHRA) | <ul style="list-style-type: none"> <li>• Back Pay</li> <li>• Front Pay</li> <li>• Compensatory Damages</li> <li>• Attorney's Fees</li> </ul> | Back pay is capped at three years prior to date of filing complaint |

## NEW JERSEY

| Statute                                      | Damages Available                                                                                                                                                        | Applicable Damages Caps |
|----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| Law Against Discrimination (LAD)             | <ul style="list-style-type: none"> <li>• Back Pay</li> <li>• Front Pay</li> <li>• Compensatory Damages</li> <li>• Punitive Damages</li> <li>• Attorney's Fees</li> </ul> | N/A                     |
| Conscientious Employee Protection Act (CEPA) | <ul style="list-style-type: none"> <li>• Back Pay</li> <li>• Front Pay</li> <li>• Compensatory Damages</li> <li>• Punitive Damages</li> <li>• Attorney's Fees</li> </ul> | N/A                     |

## DELAWARE

| Statute                                | Damages Available                                                                                                                                                        | Applicable Damages Caps                                                                                                                                                                                                                                                        |
|----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Discrimination in Employment Act (DEA) | <ul style="list-style-type: none"> <li>• Back Pay</li> <li>• Front Pay</li> <li>• Compensatory Damages</li> <li>• Punitive Damages</li> <li>• Attorney's Fees</li> </ul> | The maximum total amount of compensatory and punitive damages is capped at: <ul style="list-style-type: none"> <li>• 1-100 employees: \$50,000</li> <li>• 101-200 employees: \$100,000</li> <li>• 201-500 employees: \$200,000</li> <li>• 500+ employees: \$300,000</li> </ul> |

### Labor and Employment Law Practice Group

*Daniel P. O'Meara*†, Chair — 215-772-7647 / domeara@mmwr.com

*Janice G. Dubler*\*, Vice Chair — 856-488-7723 / jdubler@mmwr.com

| <u>Attorneys</u>          | <u>E-Mail</u>           | <u>Telephone</u> |
|---------------------------|-------------------------|------------------|
| Georgette Fries*.....     | gfries@mmwr.com.....    | 856-488-7794     |
| Carmon M. Harvey†.....    | charvey@mmwr.com.....   | 215-772-7698     |
| R. Monica Hennessy*.....  | mhennessy@mmwr.com..... | 856-488-7769     |
| Joyce B. Link†.....       | jlink@mmwr.com.....     | 215-772-7692     |
| Richard H. Martin†.....   | rmartin@mmwr.com.....   | 215-772-7270     |
| Louis R. Moffa, Jr.◇..... | lmoffa@mmwr.com.....    | 856-488-7740     |
| John M. Myers†.....       | jmyers@mmwr.com.....    | 215-772-7535     |

† Admitted to practice in Pennsylvania.

\* Admitted to practice in Pennsylvania and New Jersey.

◇ Admitted to practice in Pennsylvania, New Jersey, District of Columbia.

Louis A. Petroni — Responsible Partner, Cherry Hill, NJ



**Montgomery, McCracken, Walker & Rhoads, LLP**

*A Limited Liability Partnership Formed in Pennsylvania*

*Information current  
as of May 2010*