

COOPER STERLING FACT PATTERN

Peggy Olson has been employed by Cooper Sterling, an advertising agency on posh Madison Avenue in Morristown, New Jersey, since 1991. Wanting to get her foot in the door, Peggy took the only job offered to her -- secretary for Don Draper, the Creative Director of and a Partner at Cooper Sterling. Peggy performed really well in that position, received merit increases every year, and eventually was permitted to spend 50 percent of her time working as a copywriter, as part of the Creative Department, in 1996. She was (and continues to be) the only woman employed by Cooper Sterling in a non-secretarial job, other than the office manager.

Peggy often found the atmosphere at Cooper Sterling to be exhausting and demeaning.

After taking on some copywriting duties, she continued to working at her secretarial station even though (1) all the other copywriters (all of whom were men) had their own offices, and (2) there were at least four empty offices into which she could have moved. Also, Peggy was the only copywriter without a secretary. Further, she was routinely expected to do things such as take and keep minutes of meetings, coordinate and maintain employees' performance evaluations, deal with performance and/or disciplinary issues of the secretaries, and organize and maintain the secretaries' personnel files even though the office manager was more than capable of handling much of this work.

The other full time (male) copywriters were earning significantly more than Peggy.

On February 1, 2010, an Account Executive position became available.

On March 12, 2010, Peggy finally got up the nerve to complain and scheduled a meeting with Don Draper.

The next day, March 13, 2010, Peggy submitted her resignation. In her resignation letter, she cited the various horrific incidents that she had suffered at Cooper Sterling – without any relief or remediation – as the reasons for her resignation.

At the time of Peggy's resignation, she was making approximately \$115,000/year (including all bonuses). Pete Campbell (who was awarded the Account Executive position instead of Peggy) was making \$175,000/per year, with the opportunity to earn a bonus equal to 10% of his annual salary