

Jennifer S. Harpole

Shareholder

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Focus Areas

Wage and Hour
Discrimination and Harassment
Policies, Procedures and Handbooks
Hiring, Performance Management and Termination
Class Action

Overview

Jennifer S. Harpole represents and advises employers on Colorado and federal wage and hour laws, with a particular emphasis on high stakes class, collective, and multiplaintiff actions. She is frequently lead counsel on claims regarding misclassification, minimum wage and overtime matters including regular rate and “off-the-clock” work, meal and rest breaks, commission and bonus plans, joint employment, and the enforceability of arbitration agreements.

Jennifer’s recent representative experience includes successfully moving to dismiss a putative class action based on a novel regular rate theory under Colorado law, which she recently argued before the Tenth Circuit Court of Appeals, as well as negotiating favorable resolutions in Colorado meal and rest period and Motor Carrier Act claims.

Jennifer regularly handles oppositions to conditional certification, class member, company and manager depositions, and complex discovery issues, and has successfully defeated these types of claims on summary judgment. She is also adept at favorably resolving these matters, which often result in multimillion dollar settlements, including shepherding them through the court approval process.

Jennifer also defends companies in connection with federal, state, and local agency wage and hour audits and complaints (including with respect to regular rate issues) and advises clients on all aspects of wage and hour law, including Colorado’s COMPS Order and Equal Pay for Equal Work Act. She relishes finding practical solutions for the complex

compliance challenges posed by these state statutes, especially for multijurisdictional employers, and has advised hundreds of employers to date on Colorado's new job posting requirements. She regularly conducts compliance audits for companies to assess risk of worker misclassification. In addition, Jennifer advises and litigates on the full spectrum of discrimination claims and defends companies in unemployment and workers' compensation matters.

Jennifer also serves as a liaison for Littler's Workplace Policy Institute (WPI). She focuses on Colorado state legislative and regulatory developments in employment and labor law, as well as municipal ordinances and regulation of the workplace. Jennifer assists the employer community in understanding and impacting Colorado legislation before it becomes law, submitting comments to regularly agencies to influence the rulemaking process and, where necessary, filing legal challenges to unworkable statutes.

Professional and Community Affiliations

- Member, Colorado Bar Association

Recognition

- Named, Rising Star, *Super Lawyers*, 2012-2019

Education

J.D., Duke University School of Law, 2005, *With Honors*

B.A., University of Virginia, 2002, *With Honors*

Bar Admissions

Colorado

Virginia

District of Columbia

Courts

U.S. Court of Appeals, 10th Circuit

U.S. District Court, District of Colorado

Publications & Press

Colorado Pay Transparency Amendments Go Live January 1, 2024, Requiring Application Deadlines and Post-Selection Notices

Littler Insight

December 22, 2023

New Edgewater, Colorado Minimum Wage Ordinance Highlights Compliance Challenge

Littler ASAP

August 8, 2023

Colorado Amends Equal Pay Transparency Posting Requirements, Extends Recovery for Wage Discrimination Claims to Six Years

Littler ASAP

June 7, 2023

New Gig Worker Act May Raise Prices, Reduce Earnings, Damage Competition

Law Week Colorado

March 16, 2023

3 Things To Know About Washington's Pay Transparency Law

Law360 Employment Authority

January 23, 2023

Washington State Issues Final Policy on Pay Transparency in Job Postings

SHRM Online

January 17, 2023

Washington law requiring salary range on job postings takes effect

The Seattle Times

January 3, 2023

Washington Pay Transparency Law Takes Effect

Law360 Employment Authority

January 3, 2023

Washington State Issues Final Policy on Pay Transparency in Job Postings, Setting Most Stringent Requirements in the Country

Littler Insight

December 16, 2022

Colorado Enacts Wage Theft Amendments, Increasing Employer Penalties and Permitting Classwide Demands

Littler ASAP

July 26, 2022

Colorado Updates Notice Requirements for Employees Upon Discharge

SHRM Online

June 22, 2022

Colorado Updates Notice Requirements for Employees Upon Discharge

Littler ASAP

June 15, 2022

Mailbag: How do I handle salary ranges in job postings across state lines?

HR Dive

November 19, 2021

Colorado Proposes Expanded Definition of Vacation Pay, New Highly Compensated Employee Exemption, Modifications to Paid Sick Time Calculations, and Other Revisions to Wage Regulations

Littler Insight

October 27, 2021

Colorado Supreme Court Finds Policies Requiring Forfeiture of Earned Vacation Unlawful

Littler ASAP

June 17, 2021

Bill Proposes Sweeping Expansion of Colorado Anti-Discrimination Statute

Littler ASAP

March 15, 2021

Dear Littler: Are Holiday Parties and Travel Canceled this Year?

Dear Littler

December 4, 2020

Colorado Issues Final Rules on Equal Pay for Equal Work Act with Significant Job Posting Requirements for All Employers with Colorado Workers

Littler Insight

November 13, 2020

Colorado Department of Labor Makes a U-Turn on Motor Carrier Exemption

Littler ASAP

November 13, 2020

Questions and Answers About Proposition 118, Which Enacts Paid Family and Medical Leave in Colorado

Littler Insight

November 12, 2020

Colorado Proposal Would Mandate Salary and Benefit Details in Job Ads

SHRM Online

October 5, 2020

Proposed Regulations Would Require All Employers with Colorado Presence to Post Salary Range and Benefits for Virtually All Job Openings

Littler Insight

October 1, 2020

Colorado Amends its Safer at Home Order to Permit Employees to Self-Check for COVID-19 Symptoms and to Expand the Categories of Businesses Permitted to Open

Littler ASAP

May 6, 2020

Colorado Makes Minor Revisions to COMPS Order 36 and Provides One-Month Grace Period for Posting and Notice Requirements

Littler ASAP

March 19, 2020

Significant Changes to Colorado Regulations on Wages and Working Conditions for Private Employers Take Effect March 16

Littler Insight

March 11, 2020

Colorado's Revised Tip Pool Notice Requirements Take Effect August 2

Littler ASAP

August 1, 2019

Colorado Court of Appeals Finds Vacation Forfeiture Policy Lawful

Littler ASAP

July 11, 2019

Colorado Legislature Passes Significant Equal Pay Bill

SHRM Online

May 16, 2019

Colorado Legislature Passes Significant Equal Pay Bill, Including Salary History Ban and Job Posting Requirements

Littler ASAP

May 8, 2019

Annual Report on EEOC Developments – Fiscal Year 2016

Littler Report

February 27, 2017

Littler Elevates 24 Attorneys

Littler Press Release

January 3, 2017

Reducing Redundancy: Colorado Repeals its State-Specific Employment Verification Requirement

Littler ASAP

August 17, 2016

Annual Report on EEOC Developments – Fiscal Year 2015

Littler Report

January 12, 2016

Colorado Division of Labor Issues New Guidance on "Use-It-Or-Lose-It" Vacation Policies, But Questions Remain

Littler ASAP

October 20, 2015

Annual Report on EEOC Developments - Fiscal Year 2014

Littler Report

January 5, 2015

States and Cities Take Initiative in 2014 to Enact Minimum Wage Hikes

Bloomberg BNA Daily Labor Report

December 23, 2014

Ninth Circuit Rules Assignee Health Care Providers May Sue Health Plans Under ERISA for Payment of Benefits

Littler Insight

December 3, 2014

Wage Protection Act Makes Significant Changes to Colorado Wage and Hour Law

Littler Insight

October 24, 2014

Annual Report on EEOC Developments - Fiscal Year 2013

Littler Report

January 22, 2014

Speaking Engagements

2023 Rocky Mountain Regional Employer Conference

Denver, CO

October 27, 2023

Show and Tell: Pay Transparency and Disclosure Requirements Go Primetime

Littler Executive Employer Conference, Phoenix, AZ
May 11, 2023

Colorado Wage and Hour Laws and Regulations Compliance

Colorado Chamber of Commerce
January 19, 2023

Colorado's New Wage Theft Rules

December 7, 2022

Equal Pay Law Employer Training Workshop

Colorado Chamber of Commerce, Denver, CO
November 2, 2022

Ethics Obligations for In-house Counsel in the Digital World

15th Annual Ethics Day for In-house Counsel, Colorado ACC
December 1, 2021

2021 Rocky Mountain Virtual Regional Employer Conference

Denver, CO
October 6, 2021

Compliance Coffee Talk: Colorado's New Equal Pay Transparency Job Posting and Internal Promotion Notice Requirements

Denver, CO
March 3, 2021

2020 Rocky Mountain Virtual Employer

November 18, 2020

COMPS Order 36 Meets Covid-19: Wage and Hour Traps for the Unwary

June 25, 2020

Colorado Employment Law Update

2019 Rocky Mountain Employer Conference, Denver, CO
October 4, 2019

Federal Employment Law Update

2019 Rocky Mountain Employer Conference Denver, CO
October 4, 2019

The Pay Equity Wave Continues: What You Need to Know to Stay Afloat

Rocky Mountain Employer Conference
September 21, 2018

Wage and Hour Class Action Avoidance: Lessons from Litigators

2017 Littler Rocky Mountain Employer Conference
October 3, 2017

Preparing for Change: Revisions to the FLSA Overtime Regulations

Rocky Mountain Employer Conference
September 21, 2016

DOL Changes Force Increased Focus on Wage and Hour Compliance

2015 Rocky Mountain Employer Conference, Denver, CO
October 7, 2015

The 2014 Rocky Mountain Employer Conference

Denver, CO
October 30, 2014

Books & Book Chapters

- A Guide for Colorado Nonprofit Organizations, *Colorado Bar Association*, Employment Law, Co-Author: Charles Weese, 2009-present