

MICHELLE B. FERGUSON

Attorney at Law

mferguson@irelandstapleton.com
303-628-3658 Direct
303-623-2062 Fax

Biography

Ms. Ferguson leads the firm's employment law practice group. In her practice, she focuses on finding ways to keep employers out of court by being proactive in identifying and solving employment issues before a claim is filed. Ms. Ferguson counsels employers, governmental entities and charter schools on all matters of employment law and day-to-day personnel issues and represents her clients in all types of administrative claims and litigation before federal and state courts.

Further, she conducts anti-discrimination training, drafts employment agreements, non-disclosure and other employment-related contracts and also drafts and counsels employers on appropriate personnel policies, disciplinary actions and forms. She also provides legal advice on collective bargaining and volunteer firefighter pension issues. Ms. Ferguson also conducts independent investigations regarding claims of discrimination, harassment, retaliation and violations of the Fair Labor Standards Act. Ms. Ferguson has presented numerous seminars to professionals in the Denver Metro Area on topics such as investigations of employee misconduct and implementation of disciplinary action, workplace violence, the Fair Labor Standards Act, the Family and Medical Leave Act, family responsibilities discrimination, hiring and termination processes and overviews of federal and state anti-discrimination laws.

Ms. Ferguson also serves as general counsel to special districts and charter schools throughout the state of Colorado, providing legal advice on issues regarding Board governance, open meetings laws, open records, elections, TABOR and contracts.

Legal Experience

- Successfully represented numerous Colorado businesses, special districts, and charter schools in federal and state lawsuits dealing with employment discrimination, wage and hour claims, and enforcement of non-compete agreements
- Serves as general counsel and special employment counsel to dozens of special districts and charter schools
- Provides on-going employment advice to special districts, charter schools, technology companies, science engineering companies, doctors and other medical professionals, nonprofits, construction companies, consulting firms and various businesses
- Served as independent investigator on claims of harassment, discrimination and retaliation for various local companies and the federal government
- Successfully defended the City of New York in federal and state lawsuits dealing with employment discrimination, labor disputes and abuse of process



Practice Areas

Employment
Special Districts

Education

American University Washington
College of Law, Washington, D.C.
J.D., 1998, magna cum laude

Washington University, St. Louis
B.A., psychology major/music minor
1995

Honors & Awards

MICHELLE FERGUSON 2019

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Best Lawyers



Selected to *Colorado Super Lawyers* for employment and labor law, 2009-2013, 2015-2019

Selected as participant of the 2008 Colorado Bar Association's Leadership Training (COBALT) Program

Selected as the Denver Bar Association's 2006 Young Lawyer of the Year

Admissions

- Admitted to practice in Colorado
- Admitted to practice in New York

Legal Experience

- Provided counseling to dozens of New York City agencies concerning compliance with federal, state and local anti-discrimination statutes, and collective bargaining agreements
- Successfully represented employees in multi-plaintiff lawsuits against major corporations in cases involving company-wide violations of the Fair Labor Standards Act and Title VII of the Civil Rights Act
- Served as a law clerk to former EEOC Commissioner Paul Steven Miller

Admissions

- U.S. District Court for the Eastern District of New York
- U.S. District Court for the District of Colorado
- U.S. District Court for the Southern District of New York
- U.S. Supreme Court

Presentations & Publications

- Author, "Recommended Employee Trainings for the New School Year," *Charter Focus*, Summer 2016
- Author, "Writing a Proper Job Description," *Charter Focus*, Spring 2016
- Co-Author, "Recognizing and Addressing Unlawful Harassment by Third-Parties Within Your School," *Charter Focus*, Winter 2015
- Author, "Employees vs. Independent Contractors: Can You Identify the Legal Differences," *Colorado Chiropractic Association Newsletter*
- Co-Author, "Recognizing and Addressing Unlawful Harassment by Third-Parties Within Your School," *Byline*, Spring 2015
- Author, "Paying a Salary to a Non-Exempt Employee: It Makes Employees Happy, but is it Permissible Under the FLSA," *Charter Focus*, Winter 2014
- Author, "Hiring Mistakes to Avoid," *Charter Focus*, Spring 2013
- Co-Author, "Mandatory Immunization Policies are Legal, but are They a Best Practice?" *Colorado Parks and Recreation Association Byline*, April 2014
- Author, "Medical Marijuana: What Does it Mean for Your Workplace?" *SDA Newsletter*, April 2010
- Author, "Managing Through a Pandemic: Implications of the Swine Flu (H1N1) on Your Business," *Byline*, June 2009
- Author, "The New Year Brings Lots of Legal Changes and Challenges for Employers – Are you Prepared?" *The Advisor*, March 2009
- Author, "Employer Alert! Amendments to ADA take Effect January 1, 2009," *SDA Newsletter*, January 2009
- Co-Author, "When the Yellow Ribbons Come Down: An Overview of the Employment Rights of the Uniformed Services under the Uniformed Services Employment Rights Act of 1994 (USERRA) and Colorado Law," 53 *TRIAL TALK* 4 (2004)

Presentations & Publications

- Co-Author, "A Guide To Consent," Chapter 7, *American Association on Mental Retardation*, 1999
- Co-Author, "Legal Forum" a column in *Byline*, the Colorado Parks and Recreation Association's quarterly publication
- Speaker at various trade and association groups, including:
 - ✓ Colorado League of Charter Schools



- ✓ Special District Association
- ✓ Colorado State Fire Chiefs
- ✓ Colorado CLE
- ✓ Colorado Parks and Recreation Association
- ✓ CU Bard Center for Entrepreneurship
- ✓ Colorado Dude and Guest Ranch Association

Memberships

- Member, Colorado League of Charter School's Attorney Network
- Vice President, First District, Colorado Bar Association (2015 - 2016)
- Co-Chair, Colorado Bar Association's Labor & Employment Law Section (2012 - 2014)
- Society of Human Resource Management
- Trustee, Board of Trustees of the Denver Bar Association (2009 - 2012)
- Denver Bar Association representative to the Colorado Bar Association Board of Governors
- Co-Chair, Denver Bar Association's 2013 Barrister's Ball Committee
- Ombudsman Employer Support of Guard and Reserve (ESGR)
- Special District Association
- Colorado State Fire Chiefs
- Colorado Parks and Recreation Association
- Former Co-Chair, Denver Bar Association's Community Action Network
- Steering Committee, 2009 COBALT Program
- Colorado Bar Association
- Denver Bar Association

Community Involvement

- Park Hill U.C.C.
- Park Hill Elementary PTSA
- Habitat for Humanity
- Rocky Mountain MS Center
- Carson J. Spencer Foundation

Media

- Featured in "Making Their Mark: Shining Light on Employment Law", *Denver Business Journal*, February 14, 2014

Personal Interests

Ms. Ferguson enjoys spending time with her family, singing, community service, travel and going to the theatre.

