



# Michelle B. Ferguson

DIRECTOR

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OFFICE Denver



## A preventative approach to Employment Law.

Michelle B. Ferguson leads Ireland Stapleton'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. Michelle counsels employers and governmental entities on all matters of employment law and day-to-day personnel issues and represents her clients in all types of administrative claims and works with the firm's litigators on any employment litigation that is filed in court.

Working with employers across Colorado with varying numbers of employees, Michelle conducts anti-discrimination training, drafts employment agreements and policies, drafts non-disclosure and other employment-related contracts, and counsels employers on appropriate personnel policies, disciplinary actions, and processes. She provides legal advice on collective bargaining and volunteer firefighter pension issues. Michelle regularly conducts independent investigations regarding claims of discrimination, harassment, retaliation, and violations of the Fair Labor Standards Act. Michelle also serves as general counsel to Colorado special districts, providing legal advice on issues regarding employment law, contracts, Board governance, open meetings laws, open records, elections, and TABOR.

Michelle also serves as a neutral third-party mediator to parties seeking to resolve employment law disputes, whether other legal counsel is involved due to a claim being filed or there is an internal personnel matter where Human Resources or managers could use assistance in resolving conflicts or disagreements between employees. Michelle has a unique perspective having served as both plaintiff's and defense counsel in various employment law matters. This insight, coupled with Michelle's ability to easily engage with individuals, and her 25 years of employment law experience, allows her to quickly understand the issues, and assist the parties or co-workers to find a resolution.

Michelle, a much sought after speaker, has presented numerous seminars and workshops to professionals throughout Colorado 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, federal and state anti-discrimination laws, and COVID-19 related topics including Families First Coronavirus Response Act.

## Legal Experience

- Successfully represented numerous Colorado businesses and special districts 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
- Provides on-going employment advice to special districts, technology companies, science engineering companies, doctors and other medical professionals, nonprofits, construction companies, consulting firms, and various businesses
- Served as an independent investigator on claims of harassment, discrimination, and retaliation for various local companies and the federal government

## Practice Areas

Employment  
Special Districts  
Alternative Dispute Resolution

## Bar Admissions

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

## Education

J.D., American University  
Washington College of Law,  
Washington, D.C., 1998, magna cum laude  
B.A., Washington University, St. Louis, 1995, psychology major/music minor

## Honors & Awards

Selected to The Best Lawyers in America® for Employment Law (Individuals and Management), 2018-2024  
Selected to Colorado Super Lawyers® for Employment and Labor Law, 2009-2023  
Selected as a participant of the 2008 Colorado Bar Association's Leadership Training (COBALT)



- Successfully defended the City of New York in federal and state lawsuits dealing with employment discrimination, labor disputes and abuse of process
- 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

Program

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

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## Presentations & Publications

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- "Equal Pay for Equal Work Act," February 11, 2021
- "COVID-19 Update: Paid Leave and Vaccinations," presentation for the Colorado Parks & Recreation Association, February 8, 2021, and for the Special District Association and Colorado Special Districts Property & Liability Insurance Pool, February 3, 2021
- "Healthy Families and Workplaces Act," presentation for the Grand Junction Chamber of Commerce, January 14, 2021
- "Business Unusual: Navigating Unique Employment Issues in 2020," Presentation for the Special Districts Association Annual Conference, September 2020
- "Fair Labor Standards Act Protections Apply to Employees of Marijuana Companies," November 27, 2019
- "Recommended Employee Trainings for the New School Year," *Charter Focus*, Summer 2016
- "Writing a Proper Job Description," *Charter Focus*, Spring 2016
- "Recognizing and Addressing Unlawful Harassment by Third-Parties Within Your School," *Charter Focus*, Winter 2015
- "Employees vs. Independent Contractors: Can You Identify the Legal Differences," *Colorado Chiropractic Association Newsletter*
- "Recognizing and Addressing Unlawful Harassment by Third-Parties Within Your School," *Byline*, Spring 2015
- "Paying a Salary to a Non-Exempt Employee: It Makes Employees Happy, but is it Permissible Under the FLSA," *Charter Focus*, Winter 2014
- "Hiring Mistakes to Avoid," *Charter Focus*, Spring 2013
- "Mandatory Immunization Policies are Legal, but are They a Best Practice?" Colorado Parks and Recreation Association *Byline*, April 2014
- "Medical Marijuana: What Does it Mean for Your Workplace?" *SDA Newsletter*, April 2010
- "Managing Through a Pandemic: Implications of the Swine Flu (H1N1) on Your Business," *Byline*, June 2009
- "The New Year Brings Lots of Legal Changes and Challenges for Employers – Are you Prepared?" *The Advisor*, March 2009
- "Employer Alert! Amendments to ADA take Effect January 1, 2009," *SDA Newsletter*, January 2009
- "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)
- "A Guide To Consent," Chapter 7, *American Association on Mental Retardation*, 1999
- "Legal Forum" a column in *Byline*, the Colorado Parks and Recreation Association's quarterly publication
- Speaker at various trade and association groups, including:
  - 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
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## Memberships

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- Vice President, First District, Colorado Bar Association (2015 – 2016)
  - Colorado Bar Association, Labor & Employment Law Section, Co-Chair 2012-2014, Co-Chair, 2009 COBALT Program Steering Committee
  - Colorado State Fire Chiefs
  - Colorado Parks and Recreation Association
  - Denver Bar Association, Board of Trustees, Trustee 2009-2012, Representative to the Colorado Bar Association Board of Governors, 2013 Barrister's Ball Committee, Former Co-Chair Denver Bar Association's Community Action Network
  - Ombudsman Employer Support of Guard and Reserve (ESGR)
  - Society of Human Resource Management
  - Special District Association
  - Carson J. Spencer Foundation
  - Habitat for Humanity
  - Park Hill U.C.C.
  - Park Hill Elementary PTSA
  - Rocky Mountain MS Center
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