

## S. Libby Henninger

Shareholder

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### Focus Areas

Wage and Hour

Audit Services

Discrimination and Harassment

Class Action

Leaves of Absence and Disability Accommodation

### Overview

Libby Henninger has a wide-ranging employment law practice with a primary focus on litigation, compliance, and consulting on all aspects of federal and state wage and hour law. She represents and partners with clients across the country to strategically maintain legal compliance with ever-changing employment laws.

She is a founding member of Littler's Compliance Audit Services Practice Group, a core member of Littler's Wage and Hour Practice Group and an architect of Littler's unique web-based audit tool, AuditQB. She counsels and trains clients across the country on the preventive measures that should be taken to reduce potential liability. In this capacity, she develops and manages complex wage and hour compliance reviews, particularly in the areas of pay practice and classification reviews. She works closely with clients to develop compliant compensation programs, create practical and manageable policies and practices, revise payroll practices and calculation methods, review position classifications, and coordinate messaging and training to communicate changes to the workforce.

Libby also has substantial experience advising, managing and litigating wage and hour class and collective actions for clients in a variety of industries and develops creative and efficient strategies for early resolution and dismissal of collective actions. She has extensive experience with all stages of wage and hour litigation involving a range of allegations, including:

- Misclassification

- Improper calculation of overtime compensation
- Misapplication of the tip credit for tipped workers
- “Off-the-clock” work
- Joint employment liability with respect to wage and hour claims

She routinely practices in federal and state court and in arbitration proceedings, as well as represents clients in investigations conducted by the Department of Labor and other federal and state agencies. In addition to her wage and hour practice, Libby represents clients in traditional discrimination suits and agency charges under both federal and state laws. She advises clients on all aspects of day-to-day personnel matters, including leave and disability issues, employee discipline, and termination.

Libby is also a member of Littler’s COVID-19 Task Force, and has guided clients with respect to issues unique to the pandemic including compensable time, expense reimbursement and new developments related to leave requirements under federal and state laws.

Libby is a frequent speaker and author on a range of employment law topics including those involving wage and hour issues and local employment law developments in the Washington Metropolitan region. She also has drafted comments on behalf of clients and on behalf of Littler’s Workplace Policy Institute on recent regulatory proposals such as regular rate and the “white collar” overtime exemptions to ensure that these final rules provide clarity and flexibility for employers.

## Professional and Community Affiliations

- Member, American Bar Association
- Member, District of Columbia Bar Association
- Member, Maryland State Bar Association
- Member, Restaurant Association of Metropolitan Washington

## Recognition

- Named, The Best Lawyers in America®, 2020-2025

## Education

J.D., Georgetown University Law Center, 2004

B.A., American University, 2001

## Bar Admissions

District of Columbia

Maryland

Nevada

## Courts

U.S. Supreme Court

U.S. Court of Appeals, D.C. Circuit

U.S. Court of Appeals, 4th Circuit

U.S. Court of Appeals, 9th Circuit

## Publications & Press

### **Updates to DC Tipped Wage Workers Amendment Act**

*Littler ASAP*

April 30, 2024

### **Pay Transparency Arrives at the Nation's Capital**

*SHRM Online*

January 25, 2024

### **Pay Transparency Arrives at the Nation's Capital**

*Littler ASAP*

January 16, 2024

### **Punching In: Biden's DOL Overtime Proposal Draws Business Gripes**

*Bloomberg Law*

November 13, 2023

### **Time Out: Navigating Potential Wage and Hour Effects of a Possible 2023 Government Shutdown**

*Littler ASAP*

September 29, 2023

### **10 Questions About Furloughed Employees Answered**

*SHRM Online*

September 28, 2023

### **Littler's Workplace Policy Institute Releases 2023 Labor Day Report**

*Littler Press Release*

September 5, 2023

### **Proposed Overtime Rule Likely to Face Court Challenge, but Positions Should Be Audited Anyway**

*SHRM Online*

September 5, 2023

**WPI Labor Day Report 2023**

*Littler WPI Report*

September 5, 2023

**Washington, DC Legislative Roundup**

*Littler Insight*

May 5, 2023

**Fed. Bills To Kill Subminimum Wage Strike Balance, Attys Say**

*Law360 Employment Authority*

March 3, 2023

**D.C. Voters Pass Initiative 82, Phasing Out Tipped Minimum Wage by 2027**

*Littler ASAP*

November 18, 2022

**On the Ballot – Tip Credit, Marijuana, Union Membership, and More**

*Littler Insight*

November 4, 2022

**What You Need to Know About Reporting and Training Requirements in the DC Tipped Wage Worker Fairness Amendment Act**

*Littler Insight*

September 30, 2022

**Littler’s Workplace Policy Institute Releases 2022 Labor Day Report**

*Littler Press Release*

September 6, 2022

**WPI Labor Day Report 2022**

*Littler WPI Report*

September 5, 2022

**DC Workers Will Soon Receive More Paid Leave**

*SHRM Online*

June 22, 2022

**DC Workers Will Soon Receive More Paid Leave, Employers to Obtain Tax Cut**

*Littler ASAP*

June 14, 2022

**Maryland Enacts a Paid Family and Medical Leave Program**

*Littler ASAP*

April 19, 2022

**VaxDC Coming to a Theater (and a Restaurant and a Gym...) Near You!**

*Littler ASAP*

January 14, 2022

**4 Tips For Employers Paying Disabled Workers Lower Wages**

*Law360 Employment Authority*

September 21, 2021

**Best Lawyers in America® 2022 Edition Honors More Than 240 Littler Lawyers**

*Littler Press Release*

August 19, 2021

**4 W&H Bills to Watch for in the Second Half of 2021**

*Law360 Employment Authority*

July 2, 2021

**District of Columbia Hits “Pause” and Continues Expansive COVID-19 Protection Measures**

*Littler ASAP*

December 23, 2020

**District of Columbia Imposes Significant Restrictions on the Hospitality Industry**

*Littler Insight*

December 23, 2020

**Minimum Wage, Tipped and Exempt Employee Pay in 2021: A Rates-Only Update**

*Littler Insight*

November 18, 2020

**Littler WPI’s Election Report: How Voters Have Shaped Workplace Policy**

*Littler WPI Report*

November 6, 2020

**Maryland Enters Stage Three of the “Maryland Strong: Road to Recovery” Plan**

*Littler ASAP*

September 9, 2020

**WPI Labor Day Report 2020**

*Littler WPI Report*

September 8, 2020

**Best Lawyers in America© 2021 Edition Honors More Than 250 Littler Lawyers**

*Littler Press Release*

August 20, 2020

**Washington, D.C. and Maryland Expand Their Reopening Efforts**

*Littler ASAP*

June 30, 2020

**WPI Wage Watch: Minimum Wage, Tip, and Overtime Developments (COVID-19 Catch-Up / Midyear Rate Edition)**

*Littler WPI Report*

June 9, 2020

**D.C. Amends Emergency Paid Leave Amendments**

*Littler ASAP*

June 8, 2020

**Washington, D.C. Activates its Reopening Plan, While Maryland Permits Additional Activities Under its Roadmap to Recovery**

*Littler Insight*

June 3, 2020

**Maryland Initiates its Reopening Plan While Washington, D.C. Extends its Stay-at-Home Order and Implements Face Covering Requirement**

*Littler Insight*

May 19, 2020

**DC Council Adopts Expanded Sick Leave, Unemployment Amendments**

*Littler ASAP*

April 8, 2020

**A COVID-19 Guide for Employers in the DMV (DC, Maryland, Virginia)**

*Littler Insight*

March 26, 2020

**Immigration Compliance for Employers with H-1B Workers During COVID-19 Work-From-Home Initiatives**

*Littler Insight*

March 21, 2020

**District of Columbia Passes Emergency Legislation Expanding Coverage Under the DCFMLA and Unemployment Insurance**

*Littler ASAP*

March 19, 2020

**WPI Wage Watch: Minimum Wage, Tip, and Overtime Developments (February Edition)**

*Littler WPI Report*

March 6, 2020

**WPI Wage Watch: Minimum Wage, Tip, and Overtime Developments (January Edition)**

*Littler WPI Report*

February 4, 2020

**WPI Wage Watch: Minimum Wage, Tip, and Overtime Developments (December Edition)**

*Littler WPI Report*

December 31, 2019

**WPI Wage Watch: Minimum Wage, Tip, and Overtime Developments (November Edition)**

*Littler WPI Report*

December 4, 2019

**Minimum Wage, Tipped and Exempt Employee Pay in 2020: A Rates-Only Update**

*Littler Insight*

November 13, 2019

**WPI Wage Watch: Minimum Wage, Tip, and Overtime Developments (October Edition)**

*Littler WPI Report*

October 31, 2019

**WPI Wage Watch: Minimum Wage, Tip, and Overtime Developments (September Edition)**

*Littler WPI Report*

October 2, 2019

**WPI Wage Watch: Minimum Wage, Tip, and Overtime Developments (August Edition)**

*Littler WPI Report*

September 11, 2019

**WPI Labor Day Report 2019**

*Littler WPI Report*

September 3, 2019

**Best Lawyers in America© 2020 Edition Honors More Than 200 Littler Lawyers; 14 Named Lawyer of the Year**

*Littler Press Release*

August 15, 2019

**WPI Wage Watch: Minimum Wage, Tip, and Overtime Developments (July Edition)**

*Littler WPI Report*

August 1, 2019

**WPI Wage Watch: Minimum Wage, Tip, and Overtime Developments (June Edition)**

*Littler WPI Report*

July 2, 2019

**What ELSE is going on in Washington, DC? Legislative Update for Employers that Operate in the District of Columbia**

*Littler Insight*

June 26, 2019

**WPI Wage Watch: Minimum Wage, Tip, and Overtime Developments (May Edition)**

*Littler WPI Report*

June 4, 2019

**WPI Wage Watch: Minimum Wage, Tip, and Overtime Developments (April Edition)**

*Littler WPI Report*

May 2, 2019

**WPI Wage Watch: Minimum Wage, Tip, and Overtime Developments (March Edition)**

*Littler WPI Report*

April 1, 2019

**WPI Wage Watch: Minimum Wage, Tip, and Overtime Developments (February Edition)**

*Littler WPI Report*

February 28, 2019

**WPI Wage Watch: Minimum Wage, Tip, and Overtime Developments (January Edition)**

*Littler WPI Report*

January 31, 2019

**WPI Wage Watch: Minimum Wage, Tip and Overtime Developments (December Edition)**

*Littler WPI Report*

December 31, 2018



**WPI Wage Watch: Minimum Wage, Tip and Overtime Developments (November Edition)**

*Littler WPI Report*

November 30, 2018

**Minimum Wage, Tipped and Exempt Employee Pay in 2019: A Rates-Only Update**

*Littler Insight*

November 19, 2018

**WPI Wage Watch: Minimum Wage & Overtime Developments (October Edition)**

*Littler WPI Report*

October 31, 2018

**WPI Wage Watch: Minimum Wage & Overtime Developments (September Edition)**

*Littler WPI Report*

October 3, 2018

**Littler's WPI Labor Day Report 2018**

*Littler WPI Report*

August 30, 2018

**WPI Wage Watch: Minimum Wage & Overtime Developments (August Edition)**

*Littler WPI Report*

August 31, 2018

**WPI Wage Watch: Minimum Wage & Overtime Developments (July Edition)**

*Littler WPI Report*

July 31, 2018

**Paid Leave Laws Making PTO Banks a Compliance Pain**

*Bloomberg Law*

July 2, 2018

**WPI Wage Watch: Minimum Wage & Overtime Developments (June Edition)**

*Littler WPI Report*

June 29, 2018

**WPI Wage Watch: Minimum Wage & Overtime Updates (May Edition)**

*Littler WPI Report*

May 31, 2018

**Dear Littler: Do We Have to Pay Our Summer Interns?**

*Dear Littler*

May 15, 2018

**WPI Wage Watch: Minimum Wage & Overtime Updates (April Edition)**

*Littler WPI Report*

April 30, 2018

**Can Employers Pay Tipped Workers Less Than Minimum Wage?**

*SHRM Online*

April 23, 2018

**Know the Law Before Paying Students Less Than Minimum Wage**

*SHRM Online*

April 19, 2018

**Lawmakers Work to End Subminimum Wages for Workers with Disabilities**

*SHRM Online*

April 6, 2018

**WPI Wage Watch: Minimum Wage & Overtime Updates (March Edition)**

*Littler WPI Report*

March 30, 2018

**WPI Wage Watch: Minimum Wage & Overtime Updates (February Edition)**

*Littler WPI Report*

March 1, 2018

**WPI Wage Watch: Minimum Wage & Overtime Updates (January Edition)**

*Littler WPI Report*

January 31, 2018

**Maryland Becomes the Latest State to Require Paid Sick and Safe Leave**

*Littler Insight*

January 17, 2018

**WPI Wage Watch: Minimum Wage and Overtime Updates (December Edition)**

*Littler WPI Report*

December 29, 2017

**WPI Wage Watch: Minimum Wage and Overtime Updates (November Edition)**

*Littler WPI Report*

November 30, 2017

**WPI Wage Watch: Minimum Wage and Overtime Updates (October Edition)**

*Littler WPI Report*

October 31, 2017

**WPI Wage Watch: Minimum Wage and Overtime Updates (September Edition)**

*Littler WPI Report*

September 29, 2017

**WPI Wage Watch: Minimum Wage and Overtime Updates (August Edition)**

*Littler WPI Report*

August 30, 2017

**WPI Wage Watch: Minimum Wage and Overtime Updates (July Edition)**

*Littler WPI Report*

July 31, 2017

**WPI Wage Watch: Minimum Wage & Overtime Updates (June Edition)**

*Littler WPI Report*

June 30, 2017

**WPI Wage Watch: Minimum Wage and Overtime Updates (May Edition)**

*Littler WPI Report*

May 31, 2017

**WPI Wage Watch: Minimum Wage & Overtime Updates (April Edition)**

*Littler WPI Report*

April 28, 2017

**District of Columbia Enacts the Universal Paid Leave Act**

*Littler Insight*

April 24, 2017

**WPI Wage Watch: Minimum Wage & Overtime Updates (March Edition)**

*Littler WPI Report*

March 30, 2017

**WPI Wage Watch: Minimum Wage & Overtime Updates (February Edition)**

*Littler WPI Report*

February 28, 2017

**WPI Wage Watch: Minimum Wage & Overtime Updates (January Edition)**

*Littler WPI Report*

January 31, 2017

**District of Columbia Passes Expansive Paid Leave Law**

*Littler Insight*

December 22, 2016

**Montgomery County, Maryland Sick and Safe Leave Law Amended to Permit Use for Birth, Adoption, Foster Care, and Bonding**

*Littler ASAP*

November 7, 2016

**New Department of Labor Regulations Significantly Impact Compensation Requirements for Salaried Employees**

*Restaurant Association Metropolitan Washington*

July 11, 2016

**Legal Landmines for Restaurant Owners**

*Food & Beverage Magazine*

July 1, 2016

**What are the Most Significant Changes the DOL Made to the FLSA's White Collar Overtime Regulations?**

*Littler Insight*

May 31, 2016

**What To Know About The DOL's New Overtime Regulations**

*Law360*

May 26, 2016

**Department of Labor Stepping Up Enforcement Efforts**

*Restaurant Hospitality*

April 4, 2016

**Managing the Employment Relationship in District of Columbia**

*Lexology*

March 29, 2016

**Employers Adjust to Implementation of Paid-Sick-Leave Laws**

*SHRM Online*

January 22, 2016

**The OFCCP's Pay Secrecy Final Rule for Federal Contractors and Subcontractors is Now Effective**

*Littler Insight*

January 19, 2016

**DC Bill Would Provide Most Generous Paid Leave Benefits in the Nation**

*Littler Insight*

October 14, 2015

**Montgomery County, Maryland Joins the Jurisdictions Requiring Paid Sick Leave, Alters the Employer Tip Credit**

*Littler Insight*

July 7, 2015

**DOL Publishes the Proposed Revisions to the White Collar Regulations and Sets a Deadline to Submit Comments**

*Littler ASAP*

July 7, 2015

**Preventing Wage Secrecy in DC: Another Layer to the Regulatory Onion**

*Littler Insight*

April 28, 2015

**District of Columbia Increases Inspections Following Wage Theft Law Implementation**

*Littler ASAP*

April 17, 2015

**D.C.: Template for 'Wage Theft Prevention Amendment Act' Notices Issued**

*Society for Human Resource Management (SHRM)*

March 6, 2015

**District of Columbia Issues Template "Wage Theft Prevention Amendment Act" Notices**

*Littler Insight*

March 5, 2015

**New Protections for Pregnant Employees Set to Take Effect in the District of Columbia**

*Littler Insight*

February 27, 2015

**Maryland Court Signals the State's Wage Payment and Collection Law is a "Strong" Public Policy and an Out-of-State Employer's Choice of Law Provision Will Not Likely Be Enforceable**

*Littler ASAP*

February 17, 2015

**DC's Amended Wage Theft Prevention Act Expands Employer Penalties and Imposes New Notice Requirements**

*Littler Insight*

January 19, 2015

**Littler Elevates 16 Attorneys to Shareholder**

*Littler Press Release*

January 5, 2015

**D.C.: Sick and Safe Leave Act Amendments Take Effect**

*Society for Human Resource Management (SHRM)*

September 29, 2014

**DC Sick and Safe Leave Act Amendments Take Effect; DC Issues Revised Poster**

*Littler Insight*

September 25, 2014

**President Obama Directs the Department of Labor to Revise Federal Overtime Regulations**

*Littler Insight*

March 18, 2014

**District of Columbia Greatly Expands Paid Sick Leave Coverage, Enforcement, and Penalties with Amendments to the Accrued Sick and Safe Leave Act**

*Littler Insight*

February 14, 2014

**Christopher V. SmithKline: Impact On Pharma — And Beyond**

*Law360.com*

June 29, 2012

**U.S. Supreme Court Holds Pharmaceutical Sales Representatives Are Exempt Outside Sales Employees and Rebukes DOL's Efforts to Regulate Via Amicus Filings**

*Littler Insight*

June 20, 2012

**U.S. Supreme Court Holds Pharmaceutical Sales Reps Are Exempt Outside Sales Employees**

*Littler ASAP*

June 18, 2012

**The Supreme Court Weighs Overtime for Pharmaceutical Representatives**

*Littler ASAP*

April 16, 2012

**D.C. Passes the Accrued Sick and Safe Leave Act of 2008**

*Littler Insight*

May 30, 2008

## **Speaking Engagements**

**2024 Mid-Atlantic Regional Employer Conference**

Washington, DC

June 21, 2024

**Navigating New Pay Transparency Policies: A Look Across the U.S.**

March 28, 2024

**Understanding the DOL's Proposed Update to Overtime Regulations**

September 13, 2023

**2023 Mid-Atlantic Regional Employer Conference**

Washington, DC

June 16, 2023

**The DC Tipped Wage Worker Fairness Amendment Act (TWWF): Employer Obligations and Training Requirements**

February 23, 2023

**The New Normal: Continuing Considerations of Hybrid and Remote Work**

January 17, 2023

**Where in the USA is Erin Winnebago... Causing Your Next Wage and Hour Compliance Challenge?**

September 28, 2022

**Where in the U.S.A. Is Erin Winnebago... Causing Your Next Wage and Hour Compliance Challenge?**

Littler Executive Employer Conference

May 5, 2022

**HR Overtime Essentials**

March 15, 2022

**The Biden Labor Agenda: What Lies Ahead**

September 16, 2021

**2021 Mid-Atlantic Virtual Employer Conference**

September 9, 2021

**Women's Leadership Initiative Open Forum: Maintaining Leadership Presence in a Virtual Workplace**

October 8, 2020

**Littler's Women's Leadership Initiative Open Forum**

August 6, 2020

**The Wage and Hour Update: Federal Deregulation Efforts Contrast With State, Local, and Private Enforcement Expansion**

2019 Mid-Atlantic Employer Conference, Bethesda, MD

June 7, 2019

**Predicting the Future of Predictive Scheduling: What Employers Need to Know Now**

October 9, 2018

**Hot Topics in Working Hard and Hardly Working: Paid Leave Laws, USDOL PAID Program, and Wage Payment and Collection Act Enforcement**

2018 Mid-Atlantic Employer Conference, Washington, D.C.

June 5, 2018

**Misclassification**

Littler Executive Employer, Phoenix, AZ

May 4, 2018

**Immigration Compliance Updates Under the Trump Administration**

2017 Mid-Atlantic Employer Conference, Washington, D.C.

June 6, 2017

**Capital Briefing - What Labor and Employment Policy Changes Lie Ahead?**

2017 Mid-Atlantic Employer Conference, Washington, D.C.

June 6, 2017

**The Department of Labor: A Look Ahead**

May 11, 2017



**What's New in Sick Leave: Your Annual Check-Up**

Tysons Corner, VA  
October 19, 2016

**Working on Overtime: Preparing for DOL's Changes to the FLSA Overtime Regulations**

Accounting Principals  
July 27, 2016

**2016 Mid-Atlantic Employer Conference**

Washington, DC  
June 7, 2016

**DOL Issues Final Overtime Rule - May 31**

May 31, 2016

**DOL Issues Final Overtime Rule - May 23**

May 23, 2016

**DOL Issues Final Overtime Rule - May 20**

May 20, 2016

**DOL Issues Final Overtime Rule - May 19**

May 19, 2016

**Preparing for Change: Revisions to the FLSA Overtime Regulations**

The 2016 Executive Employer® Conference, Scottsdale, AZ  
May 5, 2016

**The Limits of Work Time: What is Compensable Time?**

May 5, 2016

**Anticipating Immigration-Related Audits: How to Navigate an Unpredictable DOL**

April 5, 2016

**Keep Your Hands Clean...Learn About the Top Employment Laws Impacting Restaurant Owners**

Washington, DC  
September 17, 2015

**Proposed Changes to the Overtime Regulations**

July 6, 2015

**Running the Federal and State Gauntlet: Surviving Expanding ADA, FML A, and Paid Sick Obligations**

Littler Mendelson, Washington D.C.

June 25, 2015

**Wage and Hour Compliance**

Las Vegas, NV

April 19, 2012

**Books & Book Chapters**

- The Fair Labor Standards Act, *Section of Labor and Employment Law - American Bar Association*, 2008 Cumulative Supplement, Co-Author: Amy P. Maloney, 2008