



Denise M. Visconti

Shareholder

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Focus Areas

Class Actions
Wage and Hour
Discrimination and Harassment
Policies, Procedures and Handbooks
Pay Equity Compliance
Littler Big Data Initiative

Overview

Denise M. Visconti handles a broad variety of employment litigation matters, most often stemming from claims arising under the California Labor Code and the Fair Labor Standards Act, alleging overtime misclassification and other wage and hour violations. She also has experience with single-plaintiff claims involving:

- Wrongful termination
- Sexual harassment
- Employment discrimination
- Accommodation

A large portion of her practice involves the defense of clients in class action litigation, particularly in wage and hour matters, along with representative actions and private attorney general matters.

Denise also has extensive experience conducting pay equity audits for all types of employers, from start-ups to Fortune 50 companies, and helped develop the Littler Pay Equity Assessment™, including counseling employers on a broad range of state and federal issues related to pay equity, from compliance, to updating policies and job descriptions, to training managers and recruiters, and more.

She appears in state and federal courts and has handled arbitrations in various forums, including the Financial Industry Regulatory Authority, the American Arbitration Association, and JAMS. She is particularly familiar with the Employment Non-Discrimination Act and federal, state and local laws and regulations pertaining to gender identity and expression.

Denise regularly provides advice and counseling to clients regarding gender identity and gender expression-related issues, gender transitions in the workplace, and various issues relating to domestic partnerships and same-sex couples. She also has given a number of presentations to human resource professionals, managers, and employees on valuing diversity and creating and maintaining a diverse workplace.

Denise works with a diverse group of clients, including:

- Bioscience companies
- Computer technology companies
- Healthcare organizations
- Retail establishments
- Airlines

Denise previously served as the San Diego Office Managing Shareholder. Prior to that, she served as the San Diego Office representative of the Associates Committee.

Prior to joining Littler Mendelson in January 2004, Denise served as a judicial clerk to the Honorable Louisa S. Porter, Presiding Magistrate Judge, Southern District of California and also served as a judicial clerk to the Honorable Peter A. Nowinski, Eastern District of California. She spent her third year of law school working in the Immigration and Human Rights Legal Clinic helping newly-arriving immigrants obtain political asylum. She also was student director for the *Legislative Journal*.

Professional and Community Affiliations

- Member, Equal Access and Fairness Committee, State Bar of California
- Member, Law Practice Management Section, Women Rainmakers Group, American Bar Association
- Member, Labor and Employment Section, San Diego County Bar Association
- Co-President, Board of Directors, Tom Homann LGBT Law Association

Education

J.D., Seton Hall University School of Law, 2000, *magna cum laude*

M.S., Carnegie Mellon University, 1991

B.S., Carnegie Mellon University, 1989

Bar Admissions

California

Courts

U.S. Supreme Court
U.S. Court of Appeals, 9th Circuit
U.S. District Court, Southern District of California
U.S. District Court, Central District of California
U.S. District Court, Eastern District of California
U.S. District Court, Northern District of California

Publications & Press

California Provides Additional Guidance on Employee Pay Data Reporting

Littler ASAP

November 25, 2020

California Offers Limited Guidance on New Pay Data Reporting Requirements; Further Guidance Expected

Littler ASAP

November 3, 2020

California Poised to Enact Law Requiring Compensation Data Collection

Littler ASAP

August 31, 2020

High Court Declines to Resolve Circuit Split on Whether Prior Salary is “A Factor Other Than Sex” that Can Justify a Pay Disparity Under the Federal Equal Pay Act

Littler Insight

July 10, 2020

Annual Report on EEOC Developments – Fiscal Year 2019

Littler Report

March 5, 2020

Secretary Scalia

Politico

September 27, 2019

EEOC Explains How to Report Nonbinary Individuals on EEO-1 Form

SHRM Online

August 27, 2019

Keeping Compliant with Expanding State and Local Equal Pay Laws

Littler ASAP

August 19, 2019

EEOC Provides Guidance on EEO-1 Filing for Non-Binary Employees

Littler ASAP

August 15, 2019

Minding the Pay Gap: What Employers Need to Know as Pay Equity Protections Widen

Littler Report

August 1, 2019

HHS Proposed Regulations Remove Protections from the Affordable Care Act for Transgender Patients

Littler Insight

July 11, 2019

Pay Equity Shines Spotlight on Compensation Alignment

SHRM Online

July 10, 2019

Fair Pay Audits Can Help in the Event of Litigation

Today's General Counsel

July 4, 2019

Pay Equity Laws: What's the Risk of Non-Compliance?

ACC Docket

July 3, 2019

How to Comply with New State and Local Laws

May 31, 2019

Littler Survey Finds Employers Responding to Robust Federal Enforcement, Active State Legislatures and Ongoing #MeToo Movement

Littler Press Release

May 8, 2019

EEO-1 Pay Data Due Sept. 30

HR Dive

April 25, 2019

Littler Shareholder Mishell Parreno Taylor Appointed San Diego Office Managing Shareholder

Littler Press Release

April 1, 2019

The 'paycheck fairness' bill would ban companies from asking about salary history

Market Watch

March 28, 2019

Dear Littler: Can We Add New Categories to Our Employment Self-Identification Forms for Sex and Race?

Dear Littler

March 5, 2019

What Employers Need to Know About Pay Gap Laws

Employee Benefit News

October 26, 2018

Dear Littler: Will Recent Equal Pay Legislation Affect Our Annual Comp Reviews?

Dear Littler

October 16, 2018

How Companies Are Grappling With Pay-Data Disclosures, Audits

Corporate Counsel

October 1, 2018

'They' Are on the Way: What Employers Should Know About Non-Binary Gender Markers

Daily Journal

July 18, 2018

Visconti to Lead NSD Business Chamber Board

The San Diego Union Tribune

June 22, 2018

Masterpiece Cakeshop: Workplaces Will be Healthier if Employers Fully Understand the Decision, the Law and the Complexities of the Issues

Bloomberg Law

June 22, 2018

Important Considerations in Pay Equity Audits

Today's General Counsel

June 18, 2018

Three Tips For Businesses Looking To Root Out Pay Gaps

Law360

June 13, 2018

Denise Visconti Named Board Chair of the North San Diego Business Chamber

Littler Press Release

June 4, 2018

Littler Survey: Employers Reeling from Regulatory Shifts, New Forces Impacting Workplace

General Counsel News

May 18, 2018

Harassment, Pay Equity Top the Minds of Employer Concerns

Employee Benefit News

May 16, 2018

Bloomberg Law's VIDEO Coverage of the 2018 Littler Executive Employer Conference

Bloomberg Law

May 4, 2018

Littler Survey Finds Employers Reeling from Regulatory Shifts and New Forces Impacting the Workplace

Littler Press Release

May 2, 2018

Employers Vexed as States Shift On Equal Pay, Leave

Law360

May 2, 2018

Companies Are Warned About Compliance 'Minefields' for Pay Equity

The National Law Journal

April 5, 2018

Federal Appeals Court Finds Title VII Precludes Discrimination Based On Transgender Status

Littler Insight

March 14, 2018

EEOC's Trans Bias Win Exposes Shakiness of RFRA Defense

Law360

March 8, 2018

Littler Expands Pay Equity Audit Capabilities with New Offering

Littler Press Release

February 14, 2018

Dear Littler: How Should I Handle Customer Concerns about a Transgender Employee?

Dear Littler

March 21, 2017

OSHA Transgender Restroom Guidance in Doubt

Bloomberg BNA Occupational Safety and Health Reporter

February 23, 2017

Telework Under The ADA & Other Nondiscrimination Laws

Littler Report

October 20, 2016

HHS Final Rule Finds Categorical Exclusions for Health Services Related to Gender Transition Are Generally Unlawful

Littler Insight

June 21, 2016

What Does North Carolina's New Public Facilities Law Mean for Employers?

Littler ASAP

March 28, 2016

Don't be Fooled: Significant New Anti-Discrimination and Harassment Policy Requirements Start April 1 for California Employers

Littler Insight

March 4, 2016

How to Address Transgender Employment Issues in the Workplace

Workforce

February 18, 2016

EEOC's data collection proposal could spike litigation against employers

Business Insurance

February 2, 2016

Annual Report on EEOC Developments – Fiscal Year 2015

Littler Report

January 12, 2016

California Employers Need To Comply With New Fair Pay Act

Inside Counsel

January 6, 2016

The Controversy Behind California's Fair Pay Act

Inside Counsel

October 22, 2015

Accommodating Attorneys in the Process of Transitioning Their Gender

Law Practice Today

October 14, 2015

California Passes Law Aimed to Bridge the Gender Wage Inequality Gap

Littler Insight

October 6, 2015

From Pronouns to Restrooms – Accommodating Transgender Employees in the Workplace

Association of Corporate Counsel North Florida Chapter, Fourth Quarter Newsletter 2015

EEOC: Bias based on sexual orientation is illegal

Business Management Daily

July 21, 2015

EEOC Rules Discrimination Based on Employee's Sexual Orientation Is Sex Discrimination Under Title VII

Littler Insight

July 20, 2015

What Do Employers Need to Know About Providing Restroom Access To Transgender Employees?

Bloomberg BNA Occupational Safety & Health Reporter

July 9, 2015

Marriage with a Capital "M": What Employers Need to Know About the Supreme Court's Decision in Obergefell v. Hodges

Littler Insight

June 26, 2015

OSHA Issues Guidelines for Providing Restroom Access to Transgender Employees

Littler ASAP

June 2, 2015

Supreme Court provides no indication of ruling during same-sex marriage arguments

InsideCounsel

April 29, 2015

"Utah Compromise" Prohibits Employment Discrimination Based on Sexual Orientation and Gender Identity

Littler ASAP

March 15, 2015

Supreme Court gives hint how it may rule later this year on gay marriage case

Inside Counsel

February 10, 2015

Transitioning to Better Treatment of Transgender Workers

Corporate Counsel

January 20, 2015

Attorney General Holder moves to protect transgendered under Civil Rights Act

Business Insurance

December 19, 2014

A Difficult Transition

Human Resource Executive Online

October 16, 2014

Legal Tide Favors EEOC Stance On Transgender Bias

Law360.com

September 29, 2014

Presidential executive order solidifies rights for LGBT individuals

InsideCounsel

July 23, 2014

Executive Order Gives LGBT Workers New Protections

Corporate Counsel

July 22, 2014

Supreme Court Rules in Favor of Hobby Lobby, Opens Door to Religious Objections to Statutes Covering Employers

Littler Insight

July 7, 2014

Making an Inclusive Workplace for the LGBT Workforce

Corporate Counsel

March 12, 2014

Legal record clashes with warning on U.S. gay job-discrimination ban

Reuters

November 6, 2013

ENDA's Chances of Passage Better Than Ever, Lawyers Say

Law360.com

September 26, 2013

Ninth Circuit Makes It Easier for Employers to Remove State Court Class Actions to Federal Court

Littler ASAP

September 24, 2013

Supreme Court Narrowly Defines 'Supervisor' In Discrimination Case

Thomson Reuters Westlaw Journal Employment

July 10, 2013

The Supreme Court Clarifies Who Is a Supervisor Under Title VII

Littler Insight

June 25, 2013

Attys Weigh In On Justices' Ruling In Harassment Suit

Law360.com

June 24, 2013

The 2012 Global Employer: Highlights of Littler's Fifth Annual Global Employer Institute

Littler Report

February 21, 2013

Supervisors on the line: The case of Vance v. Ball State

Thomson Reuters Westlaw Journal Employment

December 26, 2012

The IC Top 20: The most important news stories of 2012

InsideCounsel

November 28, 2012

Littler's Denise M. Visconti Named Office Managing Shareholder in San Diego

Littler Press Release

October 2, 2012

Transgender employees protected under Title VII

InsideCounsel

July 1, 2012

Littler attorney named co-president of LGBT law group

San Diego Source

May 24, 2012

Discrimination: EEOC Decision That Title VII Protects Transgender Workers Could Have Big Impact

Bloomberg BNA Human Resources Report

May 2012

The EEOC Opens the Door to Title VII Protection for Transgender Employees

Littler Insight

April 25, 2012

The Littler Ten: Employment, Labor and Benefit Law Trends for Navigating the New Decade

Littler Report

September 30, 2010

Littler Mendelson Announces Twenty-Seven Newly Elevated Shareholders

Littler Press Release

January 8, 2009

Gender Identity And Expression: The Next Frontier

Employment Law 360

September 2007

Littler Mendelson Attorney Appointed to CA Bar's Committee on Sexual Orientation & Gender Identity Discrimination

Littler Press Release

July 11, 2006

Speaking Engagements

California Mandates Employee Pay Reporting by March 31

February 12, 2021

2020 Virtual California Employer

November 19, 2020

Pay Equity: EEO-1s, the EEOC and the States - Where Do We Go From Here?

November 22, 2019

2019 Southern California Employer Conference

Hyatt Regency Long Beach 200 S. Pine Ave. Long Beach, CA 90802

October 23, 2019

Is Your Plan Affected by the Proposed Changes to Section 1557's Nondiscrimination Rules?

July 11, 2019

Pay Equity Goes Global: How U.S. employers can tackle EMEA gender pay laws

May 29, 2019

Tech Talk – Minding the Pay Gap: A Technological Solution for Pay Equity Compliance

2019 ACC Xchange

April 30, 2019

2018 Canada Conference

Toronto, ON

November 16, 2018

Pay Equity as a Legal and Business Imperative | Compensation Auditing

November 8, 2018

Toward Equal Pay: A Guide for Federal Contractors Dealing with Federal, State, and Local Requirements

September 24, 2018

ACC Exclusive Webinar – Pay Equity as a Legal and Business Imperative

August 15, 2018

Pay Equity

Littler Executive Employer, Phoenix, AZ

May 4, 2018

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

Littler Executive Employer, Phoenix, AZ

May 3, 2018

Balancing LGBTQ Issues in an Ever-Evolving Workplace

Littler Executive Employer, Phoenix, AZ

May 3, 2018

Pay Equity as a Legal and Business Imperative

April 4, 2018

Moving Through the Fog: Handling Complex Issues in Workplace Accommodations Involving "Invisible" Disabilities, Gender Identity and Religious Preferences

May 12, 2017

LGBT Issues in the Workplace: What to Expect from the Trump Administration

March 23, 2017

Don't Be Fooled: Significant New Anti-Discrimination and Harassment Policy Requirements Start April 1 for California Employers

May 11, 2016

Same-Sex Marriage, Religion and the Workplace: Accommodating Constitutionally Protected (and Potentially Competing) Rights

The 2016 Executive Employer® Conference, Scottsdale, AZ

May 5, 2016

Closing the Gender Pay Gap: The Role of State Fair Pay Laws

The 2016 Executive Employer® Conference

May 5, 2016

Don't Be Fooled: Significant New Anti-Discrimination and Harassment Policy Requirements Start April 1 for California Employers

March 25, 2016

Food and Beverage Industry Employers: Four Current Employment Law Challenges

October 27, 2015

California Passes Sweeping New Law Aimed to Bridge the Gender Wage Inequality Gap

October 19, 2015

Obergefell: What Does Same-Sex Marriage Mean for Employers?

July 21, 2015

A Primer on the OFCCP's Final Rule Prohibiting Discrimination Based on Sexual Orientation and Gender Identity

February 19, 2015

Building a Diverse Workplace: Best Practices for Making Your Workplace LGBT Inclusive

March 4, 2014

Out & About: LGBT Issues and the Globally Mobile Workforce

Littler Mendelson, Washington D.C.

November 9, 2012

Diversity in the Workforce: Thinking Beyond Locally and Acting Globally

Workplace Summit - Out & Equal

November 1, 2012

Transgender Issues in the Workplace

August 21, 2012

Creating a LGBT-Diverse Global Workforce: Overcoming Internal and External Challenges to Creating An Inclusive Workplace

Global LGBT Workplace Summit - Out & Equal

July 2012

It Gets Better: Breaking Down Barriers To Advancement for LGBT Professionals

Catalyst and Littler Mendelson

June 2012

Transgender 101: Keys To An Open and Inclusive Workplace

Diversity Presentation

August 2011

Best Practices for Building a GLBT Inclusive Workplace: Perspectives from Outside and In-House Counsel

National LGBT Bar Association

August 2010

Gender Identity and Expression: Legal Implications In the Workplace in 2010 and Beyond

Contra Costa County Bar Association

July 2010

New Sexual Orientation & Gender Identity Protections in 2010? Managing the Impact on Your Workplace

ELT

February 2010

Valuing Diversity: Keys to Creating an Open, Respectful and Inclusive Workplace

Diversity presentation

December 2009

Diversity 101: Creating an Open and Inclusive Workplace

Diversity presentation

May 2009