



## 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 Actions

### 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
- “Off-the-clock” work
- Meal and rest breaks
- Commission and bonus plans
- Joint employment
- Enforceability of arbitration agreements

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 advises clients on all aspects of wage and hour law, including Colorado’s new COMPS Order, Equal Pay for Equal Work Act, and COVID-specific regulations. She relishes finding practical solutions for the complex compliance challenges posed by these state statutes, especially for multijurisdictional employers, and has advised over 100

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. She is currently challenging the constitutionality of the Colorado Equal Pay for Equal Work Act's job posting requirements in federal court in Colorado.

## 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

**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**

**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

**Federal Employment Law Update**

2019 Rocky Mountain Employer Conference Denver, CO

October 4, 2019

**Colorado 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