

## Denise M. Visconti

Shareholder

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## Practice Areas

Inclusion, Equity and Diversity  
Discrimination and Harassment  
Handbooks and Policies

## Overview

Denise M. Visconti has litigated hundreds of matters – from class action litigation, representative actions, and private attorney general matters, to single-plaintiff actions – over the last 20 years. Currently, Denise spends the bulk of her time advising organizations and their human resources teams in all aspects of the employment relationship. Denise 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™. She regularly provides counseling to 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.

Denise also 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 serves on Littler's firm-wide Management Committee. She previously served as the San Diego Office Managing Shareholder and, prior to that, served as the San Diego Office representative of the Associates Committee.

Prior to joining Littler Mendelson in January 2004, Denise was a judicial clerk to the Honorable Louisa S. Porter, Presiding Magistrate Judge, Southern District of California and 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, Labor and Employment Section, San Diego County Bar Association
- Past Co-President, Board of Directors, Tom Homann LGBT Law Association
- Board Member and Past Chair, North San Diego Business Chamber

## Recognition

- Named, The Best Lawyers in America®, 2022-2025
- Named, Women of Influence, *SD Metro*, 2023-2024

## 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

### **Supreme Court's Transgender Case May Affect Travel Benefits**

*SHRM*

January 2, 2025

### **The Littler Annual Employer Survey 2024**

*Littler Report*

May 8, 2024

### **Employers Expect Increased Regulatory Enforcement Amid Legislative Slowdown in Election Year, Littler Survey Finds**

*Press Release*

May 8, 2024

**Gov't Enforcement Concerns Employers, Littler Report Finds**

*Law360*

May 8, 2024

**Guiding Companies Toward Pay Equity Compliance**

*Directors & Boards*

March 1, 2024

**California Civil Rights Department Issues Clarifications on California Pay Data Reports**

*Littler ASAP*

February 23, 2024

**Progressive Legislative W&H Push Set To Continue In 2024**

*Law360 Employment Authority*

December 8, 2023

**Nonbinary Employees: Invisible on Many EEO-1 Forms**

*SHRM Online*

November 29, 2023

**Massachusetts Poised to Become Next State to Pass Pay Transparency Legislation**

*WorldatWork*

October 11, 2023

**Transparency in Sales Compensation**

*Workspan Magazine*

September 1, 2023

**Women's World Cup 2023 – Equal Pay for Women in and Out of Sports**

*Littler ASAP*

August 4, 2023

**Hawaii Enacts Pay Transparency Law and Broadens Equal Pay Law**

*Littler ASAP*

July 21, 2023

**The Littler Annual Employer Survey 2023**

*Littler Report*

May 10, 2023

**Littler Survey: Economic Volatility, AI Adoption and Heightened Regulatory Activity Pose New Challenges for Employers**

*Press Release*

May 10, 2023

**Pay Transparency Goes Primetime: Sweeping New Federal Legislation Proposed in Congress**

*Littler ASAP*

April 13, 2023

**Pay transparency and salary history rules aim to close gender wage gap for women**

*Financial Times*

March 7, 2023

**California Releases Guidance on Pay Transparency Law**

*SHRM Online*

January 3, 2023

**California Labor Commissioner Releases Limited Guidance on Pay Transparency Law**

*Littler ASAP*

December 28, 2022

**Show Me the Money: California Enacts New Pay Disclosure Requirements**

*Littler ASAP*

October 5, 2022

**4 Ways To Prepare For New Calif. Pay Transparency Duties**

*Law360 Employment Authority*

September 14, 2022

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

*Littler Report*

September 2, 2022

**Misgendering Nonbinary Employees on EEO-1 Form Is Common**

*SHRM Online*

May 27, 2022

**Labor of Law: 'Equal Pay for Equal Work' Doesn't Fix All Pay Disparities**

*Law.com*

April 21, 2022

**Wage Transparency: How Can Multi-State Employers Manage the Compliance Minefield of Wage Disclosure Laws Nationwide?**

*Littler ASAP*

January 26, 2022

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

*Press Release*

August 19, 2021

**4 Tips to Help Employers Attack the Wage Gap**

*Law360 Employment Authority*

June 8, 2021

**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 ASAP*

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 ASAP*

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**

*In the News*

May 31, 2019

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

*Press Release*

May 8, 2019

**EEO-1 Pay Data Due Sept. 30**

*HR Dive*

April 25, 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

**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

**Visconti to Lead NSD Business Chamber Board**

*The San Diego Union Tribune*

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**

*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

**Employers Vexed as States Shift On Equal Pay, Leave**

*Law360*

May 2, 2018

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

*Press Release*

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 ASAP*

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**

*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 ASAP*

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 ASAP*

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 ASAP*

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 ASAP*

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 ASAP*

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 ASAP*

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 ASAP*

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**

*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 ASAP*

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**

*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**

*Press Release*

July 11, 2006

**Events & Speaking Engagements**

**2024 Southern California Regional Employer Conference**

November 7, 2024

**Littler Hawaii Breakfast Briefing**

Honolulu, HI

June 21, 2024

**Boards, HR, and Legal: Developing and Organizational Approach to Equal Pay**

Littler Executive Employer Conference, Phoenix, AZ

May 9, 2024

**My Rights Versus Yours: Human Rights Protection in Tension with Religious Freedoms**

Littler Executive Employer Conference, Phoenix, AZ

May 8, 2024

**2024 Southern California Breakfast Briefing Series - San Diego**

San Diego, CA

January 11, 2024

**Transgender Healthcare Benefits and Exclusions: Is Your Benefits Plan Compliant?**

June 7, 2023

**Show and Tell: Pay Transparency and Disclosure Requirements Go Primetime**

Littler Executive Employer Conference, Phoenix, AZ

May 11, 2023

**Inclusion, Equity & Diversity 2.0 – A Panoramic View and Update of IE&D's Hot Issues**

Littler Executive Employer Conference, Phoenix, AZ

May 10, 2023

**California Pay Data Reporting: What You Need to Get Your Workforce Data Submitted**

February 13, 2023

**New California Law Will Set Groundbreaking Pay Transparency & Reporting Requirements**

December 6, 2022

**A Practical Primer on Inclusion, Equity & Diversity Programs**

Littler Executive Employer Conference

May 4, 2022

**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**

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

## **Balancing LGBTQ Issues in an Ever-Evolving Workplace**

Littler Executive Employer, Phoenix, AZ

May 3, 2018

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

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

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

The 2016 Executive Employer® Conference

May 5, 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

**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