

S. Libby Henninger

Shareholder

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Practice Areas

Wage and Hour
Audit Services
Discrimination and Harassment
Class Action
Leave and 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

WPI Labor Day Report 2023

Littler Report

September 5, 2023

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

SHRM Online

September 5, 2023

Littler's Workplace Policy Institute Releases 2023 Labor Day Report

Press Release

September 5, 2023

Washington, DC Legislative Roundup

Littler ASAP

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 ASAP

November 4, 2022

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

Littler ASAP

September 30, 2022

Littler’s Workplace Policy Institute Releases 2022 Labor Day Report

Press Release

September 6, 2022

WPI Labor Day Report 2022

Littler 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

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 Imposes Significant Restrictions on the Hospitality Industry

Littler ASAP

December 23, 2020

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

Littler ASAP

December 23, 2020

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

Littler ASAP

November 18, 2020

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

Littler 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 Report

September 8, 2020

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

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 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 ASAP

June 3, 2020

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

Littler ASAP

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 ASAP

March 26, 2020

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

Littler ASAP

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 Report

March 6, 2020

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

Littler Report

February 4, 2020

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

Littler Report

December 31, 2019

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

Littler Report

December 4, 2019

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

Littler ASAP

November 13, 2019

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

Littler Report

October 31, 2019

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

Littler Report

October 2, 2019

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

Littler Report

September 11, 2019

WPI Labor Day Report 2019

Littler Report

September 3, 2019

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

Press Release

August 15, 2019

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

Littler Report

August 1, 2019

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

Littler Report

July 2, 2019

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

Littler ASAP

June 26, 2019

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

Littler Report

June 4, 2019

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

Littler Report

May 2, 2019

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

Littler Report

April 1, 2019

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

Littler Report

February 28, 2019

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

Littler Report

January 31, 2019

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

Littler Report

December 31, 2018

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

Littler Report

November 30, 2018

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

Littler ASAP

November 19, 2018

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

Littler Report

October 31, 2018

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

Littler Report

October 3, 2018

Littler's WPI Labor Day Report 2018

Littler Report

August 30, 2018

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

Littler Report

August 31, 2018

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

Littler 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 Report

June 29, 2018

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

Littler 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 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 Report

March 30, 2018

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

Littler Report

March 1, 2018

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

Littler Report

January 31, 2018

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

Littler ASAP

January 17, 2018

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

Littler Report

December 29, 2017

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

Littler Report

November 30, 2017

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

Littler Report

October 31, 2017

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

Littler Report

September 29, 2017

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

Littler Report

August 30, 2017

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

Littler Report

July 31, 2017

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

Littler Report

June 30, 2017

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

Littler Report

May 31, 2017

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

Littler Report

April 28, 2017

District of Columbia Enacts the Universal Paid Leave Act

Littler ASAP

April 24, 2017

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

Littler Report

March 30, 2017

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

Littler Report

February 28, 2017

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

Littler Report

January 31, 2017

District of Columbia Passes Expansive Paid Leave Law

Littler ASAP

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 ASAP

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 ASAP

January 19, 2016

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

Littler ASAP

October 14, 2015

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

Littler ASAP

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 ASAP

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 ASAP

March 5, 2015

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

Littler ASAP

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 ASAP

January 19, 2015

Littler Elevates 16 Attorneys to Shareholder

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 ASAP

September 25, 2014

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

Littler ASAP

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 ASAP

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 ASAP

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 ASAP

May 30, 2008

Events & Speaking Engagements

2025 Mid-Atlantic Regional Employer Conference

Washington, DC

June 13, 2025

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

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

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

June 6, 2017

Immigration Compliance Updates Under the Trump Administration

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, FMLA, 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