



MICHELLE B. FERGUSON

DIRECTOR ▪ DENVER, CO

IRELAND
STAPLETON

OFFICE (303) 628-3658

EMAIL mferguson@irelandstapleton.com

EXPERTISE Employment · Special Districts · Alternative Dispute Resolution

Michelle B. Ferguson leads Ireland Stapleton’s Employment Law Practice Group and takes a preventative approach to employment law. Her practice is focused on helping employers avoid litigation by proactively identifying and resolving employment issues before claims arise. Michelle counsels employers and governmental entities on all aspects of employment law and day to day personnel matters, and she represents clients in administrative proceedings while working closely with the firm’s litigators on employment related court actions.

Michelle works with employers throughout Colorado of all sizes. Her services include conducting anti discrimination training, drafting employment agreements and workplace policies, preparing nondisclosure and other employment related contracts, and advising employers on personnel policies, disciplinary actions, and internal processes. She provides guidance on collective bargaining matters and volunteer firefighter pension issues. Michelle also regularly conducts independent investigations into allegations of discrimination, harassment, retaliation, and violations of the Fair Labor Standards Act.

In addition, Michelle serves as general counsel to Colorado special districts, advising on employment law, contracts, board governance, open meetings laws, open records requirements, elections, and TABOR compliance.

Michelle also acts as a neutral third party mediator in employment law disputes, both where legal claims have been filed and in internal workplace matters where human resources professionals or management seek assistance resolving conflicts between employees. Having represented both plaintiffs and employers during her career, Michelle brings a balanced and practical perspective to dispute resolution. Her ability to engage effectively with individuals, combined with more than 25 years of employment law experience, allows her to quickly assess issues and help parties reach productive resolutions.

A highly sought after speaker, Michelle regularly presents seminars and workshops throughout Colorado on topics including workplace investigations and discipline, workplace violence, wage and hour compliance, family and medical leave, family responsibilities discrimination, hiring and termination practices, federal and state anti discrimination laws, and COVID 19 related legislation, including the Families First Coronavirus Response Act.

EDUCATION & ADMISSIONS

Education

- J.D., American University Washington College of Law, Washington, D.C., 1998, magna cum laude
- B.A., Washington University, St. Louis, 1995, psychology major/music minor

Admissions

- Colorado
- New York
- U.S. District Court for the District of Colorado
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Southern District of New York

HONORS & AWARDS

- Selected to The Best Lawyers in America® for Employment Law (Individuals and Management), 2018-2025
- Selected to Colorado Super Lawyers® for Employment and Labor Law, 2009-2023
- Selected as a participant of the 2008 Colorado Bar Association’s Leadership Training (COBALT) Program
- Selected as the Denver Bar Association’s 2006 Young Lawyer of the Year

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LOC 1660 Lincoln Street, Suite 3000, Denver, CO 80264

TEL (303) 623-2700

FAX (303) 623-2062

LEGAL EXPERIENCE

- Successfully represented numerous Colorado businesses and special districts in federal and state lawsuits dealing with employment discrimination, wage and hour claims, and enforcement of non-compete agreements
 - Serves as general counsel and special employment counsel to dozens of special districts
 - Provides on-going employment advice to special districts, technology companies, science engineering companies, doctors and other medical professionals, nonprofits, construction companies, consulting firms, and various businesses
 - Served as an independent investigator on claims of harassment, discrimination, and retaliation for various local companies and the federal government
 - Successfully defended the City of New York in federal and state lawsuits dealing with employment discrimination, labor disputes and abuse of process
 - Provided counseling to dozens of New York City agencies concerning compliance with federal, state and local anti-discrimination statutes, and collective bargaining agreements
 - Successfully represented employees in multi-plaintiff lawsuits against major corporations in cases involving company-wide violations of the Fair Labor Standards Act and Title VII of the Civil Rights Act
 - Served as a law clerk to former EEOC Commissioner Paul Steven Miller
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INVOLVEMENT & PUBLICATIONS

Involvement

- Vice President, First District, Colorado Bar Association (2015 – 2016)
- Colorado Bar Association, Labor & Employment Law Section, Co-Chair 2012-2014, Co-Chair, 2009 COBALT Program Steering Committee
- Colorado State Fire Chiefs
- Colorado Parks and Recreation Association
- Denver Bar Association, Board of Trustees, Trustee 2009-2012, Representative to the Colorado Bar Association Board of Governors, 2013 Barrister's Ball Committee, Former Co-Chair Denver Bar Association's Community Action Network
- Ombudsman Employer Support of Guard and Reserve (ESGR)
- Society of Human Resource Management
- Special District Association
- Carson J. Spencer Foundation
- Habitat for Humanity
- Park Hill U.C.C.
- Park Hill Elementary PTSA
- Rocky Mountain MS Center

Publications

- "Equal Pay for Equal Work Act," February 11, 2021
- "COVID-19 Update: Paid Leave and Vaccinations," presentation for the Colorado Parks & Recreation Association, February 8, 2021, and for the Special District Association and Colorado Special Districts Property & Liability Insurance Pool, February 3, 2021
- "Healthy Families and Workplaces Act," presentation for the Grand Junction Chamber of Commerce, January 14, 2021
- "Business Unusual: Navigating Unique Employment Issues in 2020," Presentation for the Special Districts Association Annual Conference, September 2020
- "Fair Labor Standards Act Protections Apply to Employees of Marijuana Companies," November 27, 2019
- "Recommended Employee Trainings for the New School Year," Charter Focus, Summer 2016
- "Writing a Proper Job Description," Charter Focus, Spring 2016
- "Recognizing and Addressing Unlawful Harassment by Third-Parties Within Your School," Charter Focus, Winter 2015
- "Employees vs. Independent Contractors: Can You Identify the Legal Differences," Colorado Chiropractic Association Newsletter
- "Recognizing and Addressing Unlawful Harassment by Third-Parties Within Your School," Byline, Spring 2015
- "Paying a Salary to a Non-Exempt Employee: It Makes Employees Happy, but is it Permissible Under the FLSA," Charter Focus, Winter 2014
- "Hiring Mistakes to Avoid," Charter Focus, Spring 2013
- "Mandatory Immunization Policies are Legal, but are They a Best Practice?" Colorado Parks and Recreation Association Byline, April 2014
- "Medical Marijuana: What Does it Mean for Your Workplace?" SDA Newsletter, April 2010

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Publications (continued)

- “Managing Through a Pandemic: Implications of the Swine Flu (H1N1) on Your Business,” Byline, June 2009
- “The New Year Brings Lots of Legal Changes and Challenges for Employers – Are you Prepared?” The Advisor, March 2009
- “Employer Alert! Amendments to ADA take Effect January 1, 2009,” SDA Newsletter, January 2009
- “When the Yellow Ribbons Come Down: An Overview of the Employment Rights of the Uniformed Services Employment Rights Act of 1994 (USERRA) and Colorado Law,” 53 TRIAL TALK 4 (2004)
- “A Guide To Consent,” Chapter 7, American Association on Mental Retardation, 1999
- “Legal Forum” a column in Byline, the Colorado Parks and Recreation Association’s quarterly publication
- Speaker at various trade and association groups, including:
 - Special District Association
 - Colorado State Fire Chiefs
 - Colorado CLE
 - Colorado Parks and Recreation Association
 - CU Bard Center for Entrepreneurship
 - Colorado Dude and Guest Ranch Association