



CURRICULUM VITAE

Denise Kay, Esq., SPHR, SHRM-SCP
Senior Consultant/Shareholder

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EDUCATION

J.D., cum laude, Georgia State University College of Law, Atlanta, GA

Activities/Accomplishments:

- **Georgia State University Law Review**
Managing Editor 1998-99 academic year
Student-written note: *Toward Normalization: Recent Interpretation of the Americans with Disabilities Act's Integration Clause*
Published article: *Georgia's Charter Schools Act of 1998*
- **Phi Delta Phi Legal Fraternity**
Magister 1989-99 academic year; Member 1997-99
Responsible for reviving the fraternity at Georgia State and transitioning to an Honors/Academic Fraternal Chapter
- **Certified Mediator**
Qualified as a registered neutral in the State of Georgia
- **Transnational Comparative Dispute Resolution Program**
Studied at Johannes Kepler University in Linz, Austria for the 1997 summer term
- **CALI Award** (Book Award) for excellent achievement in the study of Alternative Dispute Resolution

La Roche College, Pittsburgh, PA

Activities/Accomplishments:

- Coursework towards a Master's of Science Degree in Human Resource Management
- GPA 4.0/4.0 (completed one-third of degree requirements before relocating to Atlanta)

B.A., Penn State University, State College, PA

Bachelor of Arts in General Arts and Sciences with a minor in Psychology

- Emphasis: Industrial Psychology and Organizational Communication

PROFESSIONAL EXPERIENCE

Consulting

Employment Practices Solutions, Inc., Coppel, TX

Independent Contractor/Senior Consultant (2000 – present), *Shareholder* (2008 – present), *President* (2008 – May 2010)

- Employment consulting firm assisting employers in preventing and correcting employment practices complaints while maintaining positive employee relations.
- Conduct: (1) group training on a wide variety of employment related issues; (2) independent investigations of harassment, discrimination, and other employee complaints; (3) expert witness consulting and testimony; (4) one-on-one sensitivity counseling; (5) policy and procedure manual review and development; (6) compliance audits; and (7) mediation/ADR services.

Colorado Bar Association, Denver, CO

Presenter/Trainer (2003 – 2014)

- Colorado Bar Association ***Domestic Violence: Make It Your Business campaign***, a project of the Colorado Bar Association, funded by a grant from the Colorado Attorney General's Office

Instructor

DeVry University, Keller Graduate School of Management, Denver, CO

Instructor (2003 – 2007)

- Course instructor for graduate-level courses: Employment Law; Legal, Political & Ethical Issues in Business; and Negotiation Skills courses

Legal

Littler Mendelson, P.C., Denver, CO

Associate Attorney (1999 – 2000)

- Nation's largest labor and employment firm; Specialized in management defense litigation of all forms of employment and labor disputes including federal Title VII, ADA, and FMLA cases, as well as employment contract, affirmative action, workplace violence, employment policies, and dispute resolution issues.

Clerk for the Honorable Judge Marvin Shoob, Atlanta, GA

Law Clerk/Extern in the Federal District Court for the Northern District of Georgia (1999)

Troutman Sanders LLP, Atlanta, GA

Summer Associate/Clerk (May – July 1998)

- Clerked in multiple practice areas focusing on employment law, labor law, litigation, and ADR.

Ogletree, Deakins, Nash, Smoak & Stewart, P.C., Atlanta, GA

Summer Clerk (July – Sept 1998)

- Clerked for specialized labor and employment law firm.

Georgia Advocacy Office, Atlanta, GA

Legal Extern (1997)

- A private, non-profit organization, designated by the Governor of Georgia as the agency to implement protection and advocacy legislation and services for individuals with developmental disabilities and mental illness. Participated in litigation and other administrative, legislative, and advocacy matters affecting individuals with disabilities in the areas of education, mental health, elder law, housing, benefits, insurance, employment, and civil rights.

Human Resources

Coopers & Lybrand L.L.P. (now known as "PricewaterhouseCoopers")

Human Resource Regional Manager / Human Resource Client Consultant, Human Resource Advisory Practice, Atlanta, GA (1994 – 1997)

- **Consultant** to client organizations on human resource policy/procedure development, regulatory/compliance issues, process redesign, risk/control analysis, succession planning, and performance management;
- **Regional Human Resource Manager** for HRA's east coast internal human resource function including oversight for compensation, operational/financial analysis, employee relations, professional development, performance management, and recruiting for 8 offices;
- **Project Manager** for human resource consulting projects with responsibilities for project planning, budgeting, client relationship management, staff supervision, engagement billing, and new business development. Led the consulting practice's **National Quality Initiative** and managed the Client Satisfaction/Surveying program;
- **Strategic Planner** reporting directly to the National Chief Operating Partner on Partner/Principal matters, strategic planning, and firm-wide management/policy issues.

Senior Personnel Associate (1991 – 1994), Personnel Associate (1990 – 1991), Pittsburgh, PA

- Responsible for staff management; training and development, operational analysis, recruiting, and performance management.

LICENSE/CERTIFICATIONS

License - Licensed attorney in the State of Colorado, 1999; Registered in the Federal District Court for the District of Colorado

Certification - Senior Professional in Human Resources (SPHR) since 1996 - Awarded from the Human Resource Certification Institute affiliated with the Society for Human Resource Management; Society for Human Resource Management Senior Certified Professional (SHRM-SCP)

Mediator - Qualified in principles of mediation through The Consortium on Negotiation and Conflict Resolution in conjunction with the Georgia State University College of Law

BOARD EXPERIENCE

Employment Practices Solutions, Inc. – Board Member (January 2015 – present)

Horizons at Colorado Academy – Ex-Officio Board Member (2017 – 2018 school year)

Colorado SHRM State Council Board Member – Professional Development Chairperson (2004 – 2007); Legislative Affairs Director (2008 – 2011)

The Renewable Energy Initiative – Advisory Board Member (2010 – 2012)

VOLUNTEER AND COMMUNITY SERVICE

Colorado Department of Human Services, Domestic Violence Program

State Funding Recommendation Committee (2010 – 2016)

ASIS International/SHRM

Workplace Violence Prevention and Intervention National Standards Committee (2009 – 2011)

SHRM Colorado State Council

Conference Chair for the *2005 Colorado State SHRM Conference*

Program Chairperson for the *2003 Colorado State SHRM Conference*

Colorado Academy Parent Association – President-Elect (2017-18 school year)

Horizons at Colorado Academy – Co-Chair Annual Auction Event (2013 – 2016)

Volunteers of America Guild

JeffCo PTA – Dennison Elementary Membership Chair (2009 – 2011); Vice President (2011 – 2012)

Junior Great Books – Volunteer Student Instructor

Past Volunteer – National Sports Center for the Disabled – Ski instructor for the developmentally disabled

MEMBERSHIPS

National Society for Human Resource Management (SHRM)

Colorado Human Resource Association (CHRA)

American Bar Association

Colorado Bar Association

PUBLICATIONS & CITATIONS

Author, *Progress and Pitfalls: Women's Equality in the Workplace, Do Your Policies and Practices Stand Up to the Test?*, Employment Practices Solutions Newsletter, August 2017

Author, *Between a Rock and a Hard Place: Balancing Workplace Safety and the Hiring and Retention of Employees with Criminal Backgrounds*, Employment Practices Solutions Newsletter, September 2015

Author, *Not Whether, but When to Coach your Executives: Exploring Individual Educational Opportunities in the Workplace*, published in Employment Practices Solutions Newsletter, October 2014

Author, *Workplace Violence Prevention: What's Your Workplace Actually Doing About It? A Candid Discussion*, published in Employment Practices Solutions Newsletter, October 2012

Cited in *Don't Take It Personally! Under some state and federal laws, HR professionals can be held individually liable*, by Joanne Deschenaux, HR Magazine, July 2012

Author, *Are You Prepared? The New National Standards for Workplace Violence Prevention & Intervention*, published in Employment Practices Solutions Newsletter, April 2012

Co-Author, *American National Standard: Workplace Violence Prevention & Intervention*, ASIS International, SHRM/ASIS publication, 2011

Author, *Workplace Bullying: U.S. Employers' Progress on This Epidemic Problem*, Employment Practices Solutions Newsletter, January 2011

Author, *Plethora of Bills Impacting Employee Leave Rights Hitting Congress*, Employment Practices Solutions Newsletter, June 2009

Author, *Pro-Labor Initiatives: Preparing for the Resurgence of Unionization*, Employment Practices Solutions Newsletter, May 2009

Author, *Colorado SHRM State Council Legal & Legislative Snippets*, published monthly or quarterly since 2008, republished in Colorado SHRM Chapter newsletters and on websites

Author, *Preserving and Protecting Business Communications: A Practical Guide for Protecting Privilege, Maintaining Confidential Information, and Properly Preserving Communications in the Workplace*, Employment Practices Solutions Newsletter, July 2007

Author, *Ann E. Employee v. You: Personal Liability and the HR Professional*, cover article in the premier edition of Colorado HR Success Magazine, a publication of the SHRM Colorado State Council, Sept. 2005

Author, *Ann E. Employee v. You: Personal Liability and the HR Professional*, Employment Practices Solutions Newsletter, April 2005 and HR.com website - feature article on the Labor Relations site in May 2005

Co-Author, *Cutting Costs: Should Personnel Be the First To Go?*, Employment Practices Solutions Newsletter, February 2003

Co-Author, *Musings of HR Experts*, Laurie Jones, Esq., SPHR and Stephanie Davis, Esq., SPHR, Employment Practices Solutions Newsletter, December 2003

Co-Author, *Employer's Guide: Workforce Strategies in a Down Economy, Special Supplement*, EPS Attorneys, Aspen Publishing, 2003

Co-Author, *Call Your Next Witness: The HR Professional on the Witness Stand – Part 2*, Stephanie Davis, Esq., HR.com - feature article on the Labor Relations site in August 2003

Co-Author, *Call Your Next Witness: The HR Professional on the Witness Stand – Part 2*, Stephanie Davis, Esq., Employment Practices Solutions Newsletter, May 2003

Author, *Don't Get Left Behind. Has Your Organization Introduced Arbitration of Employment-Related Disputes?*, Employment Practices Solutions Newsletter, May 2001

Author, *Don't Get Left Behind. Has Your Organization Introduced Arbitration of Employment-Related Disputes?*, HR.com - feature article on the Labor Relations site in October 2001

Author, Cited in *OSHA's New Ergonomic Regulations...15 Minutes of Fame*, by Mark J. McAndrew and Alison J Lezak, DCBA Brief Online, Journal of the DuPage County Bar Association, April 2001

Author, *OSHA's Final Ergonomics Standard: A Heavy Load for Employers*, Employment Practices Solutions Newsletter, Dec. 2000

Co-Author, *Employment Law: Punitive-Damages Awards for Intentional Discrimination by Employers Can Be Many Times the Compensatory Award*, Franklin A. Nachman and Michael L. Salamon of Littler Mendelson, P.C., Colorado Journal, p. 10, December 1999

PRESENTATIONS

Co-Presenter, *Workplace Complaint Investigations - Stay Impartial, Avoid Litigation and Preserve Morale*, RealSolutions® Podcast, October 2015

Co-Presenter, *Everything You Need to Consider in Planning Your Next Training Initiative: Maximum Impact Training Initiatives*, RealSolutions® Podcast, May 2015

Co-Presenter with Maya Raghu, Senior Attorney, Futures Without Violence, Pacific Coast Labor & Employment Conference, *Domestic Violence in the Workplace: Legal, Ethical, and Organizational Responsibilities*, Seattle, WA, May 2015

Presenter, Colorado Association of Legal Support Services Conference, *Workplace Safety and Security*, May 2013

Presenter, Habitat for Humanity of Colorado, ReStore Conference, *The Architecture of an Employment Relationship*, May 2013

Presenter, Colorado Human Resource Association Leadership Conference, *By and By, We'll Abide by the By-Laws*, July 2012

Presenter, Habitat for Humanity of Colorado, Camp Colorado Annual Conference, *"The Architecture of an Employment Relationship,"* May 2012

Presenter, Habitat for Humanity of Colorado, *On the Board: Responsibilities, Implications, and Limitations*, March 2012

Co-Presenter, SHRM Colorado State Conference, *Powerful Innovation: How Employers Can Implement a Sustainable, Clean Energy Future*, September 2011

Presenter, Habitat for Humanity of Colorado, Camp Colorado, *Effective Succession Planning: Leadership Continuity and Identifying Talent*, May 2011

Presenter, Habitat for Humanity of Colorado, Camp Colorado, *2011 Hot Topics in Employment Law for Non-Profits*, May 2011

Presenter, Northern Colorado Human Resource Association, *Strategizing Your Social Media Philosophy: Planning and Policy Implementation for Your Organization*, April 2011.

Presenter, 2010 SHRM Employment Law & Legislative Conference, HR's Essential Voice in Washington, *Legal and Ethical Complexities of Workplace Misconduct Investigations*, March 2010

Presenter, Colorado Annual Statewide ADR Conference, *IDR in Employment: Why are Employers So Slow on the Uptake?* October 2009

Presenter, Safehouse Progressive Alliance for Nonviolence, University of Colorado Law School, and Denver University Sturm College of Law, *The Legal System's Response to Domestic Violence: Emerging Challenges and New Perspectives*, March 2009

Moderator, Best Companies to Work for in Colorado Annual Awards Gala, *The Business of Being Great*, July 2007, 2008, and 2009

Presenter, Colorado SHRM Chapters – Colorado Springs, Northern Colorado, High Country, and Western, *Let it HRIPP: HR Impacting Public Policy*, various dates in 2008-2009

Co-Presenter, Colorado Human Resource Association's Annual Conference, *Corporate Social Responsibility: What's HR Got To Do With It?* Presented with Laura Hazen, Esq., January 2009

Co-Presenter, Colorado Human Resource Association's Annual Conference, *Developing Sound, Strategic HR Policies in a Legal Minefield*, Presented with Laura Hazen, Esq., January 2009

Presenter, 60th Annual SHRM Conference and Exhibition, *Ann E. Employee v. YOU: Personal Liability and the HR Professional*, June 2008

Presenter, New Mexico SHRM Conference, *The Tumultuous Times of Employee Leave Laws: Managing Your Employee Leave Policies in spite of the Law*, April 2008

Presenter, Northern Colorado Human Resource Association – monthly Chapter meeting, *Let it HRIPP: HR Impacting Public Policy*, May and July 2008

Presenter, H4B, Inc./People Checkers, special webcast, *Legal Trends in Employee Screening and Monitoring*, November 2007

Presenter, SHRM Colorado State Conference, bi-annual state-wide conference on the topics of *Liability for the HR Professional and Domestic Violence: Make It Your Business*, September 2007

Presenter, High Country Human Resource Association, monthly chapter meeting on the topic of *Domestic Violence in the Workplace*, May 2007

Presenter, National Human Resource Association – Colorado Chapter, monthly chapter meeting on the topic of *Hot Employment Law and Legislative Topics*, April 2007

Presenter, Colorado Springs Society for Human Resource Management (CSSHRM), monthly chapter meeting on the topic of *Domestic Violence in the Workplace*, February 2007

Keynote Presenter, New Mexico State SHRM Conference, Albuquerque, New Mexico, 1st Annual State Conference, Keynote presenter, *2006 Legal and Legislative Briefing: The Court's Winning Hand and the Legislature's Bluff*, September 2006

Presenter, New Mexico State SHRM Conference, Albuquerque, New Mexico, 1st Annual State Conference, on the topic of *How to Stay Legal in the Tangled Web of Employee Leave Laws*, September 2006

Co-Presenter, Lorman Education Services, *Personal Liability and the HR Professional*, January 26, 2006

Presenter, Northern Colorado Human Resource Association, monthly chapter meeting on the topic of *Liability for the HR Professional*, June 2005

Presenter, Boulder Area Human Resource Association, monthly chapter meeting, on the topic of *Liability for the HR Professional*, November 2004

Presenter, American Corporate Council Association – Colorado Chapter, monthly meeting, on the topic of *Legal, Ethical, and Organizational Responsibilities Regarding Domestic Violence in the Workplace*, November 2004

Presenter, National Human Resource Association – Denver Chapter, bi-monthly employment law updates

Presenter, Colorado University at Denver's SHRM Student Chapter Meeting, on the topic of *Seven Costly Sins That Can Cost Your Company It's Assets*, April 2003

Presenter, Colorado Safety Association, Rocky Mountain Health and Safety Conference, on the topic of *Managing Difficult Employee Situations: Does Your Workplace Violence Prevention Program Stand Up to the Test?*, Denver, Colorado, April 2003

Facilitator/Presenter, University of Iowa, Center for Disabilities and Development's Employment Policy Group's National Employer Conference, No Risk, No Reward: Moving Outside Your Comfort Zone to the Outer Limits, on the topic of *Caught in the Act: Employment Rights – Who Has Them?*, Des Moines, Iowa, June 2002

Presenter & Developer, Employment Practices Solutions, Inc.'s, Best Practices in Employee Relations Series on the topic of *Conducting Effective, Legal Workplace Investigations*, Denver, Colorado, April 2002

Presenter, Employment Practices Solutions, Inc.'s, Best Practices in Employee Relations Series on the topics of *Preventing Workplace Discrimination and Harassment and Managing Employee Complaints and Workplace Conflict*, Denver and Boulder, Colorado, Aug. 2001

Presenter, Littler Mendelson, P.C.'s, annual "Employer Seminar," Denver, Colorado; *How to Employ Foreign Talent and Comply with Federal Immigration Law*, Anton F. Mertens, Esq., Oct. 1999; and *Discrimination Law: Practical Guideposts for Successful Entry into the New Century of Business*, with Franklin A. Nachman, Esq., Oct. 1999; and *Employee Leaves: Untangling the Complex Web of Leave Laws*, Franklin A. Nachman, Esq., Oct. 1999

Presenter, American Society of Women Accountants – International Management Association's 1999 Rocky Mountain Area Conference on the topic of *Violence in the Workplace: Legal Perspectives Concerning Evaluation of Employees*, Dennis J. Baarlaer, Esq., September 1999

Developer, Littler Mendelson's presentation on the EEOC's ADA Guidelines on the Interactive Process Relevant to the Determination of Reasonable Accommodation, Sept. 2000

EXPERT QUALIFICATIONS

As an attorney and human resources consultant, I have received extensive exposure to employment-related complaints and litigation on a nationwide basis. I have counseled companies on numerous harassment, discrimination, wrongful discharge, and employee relations complaints and labor charges and have developed and conducted employment law and employment relations training courses nationwide for companies of all sizes and industries.

I graduated with a B.A. degree from Penn State University in 1989 with emphasis in Organizational Communications and Industrial Psychology. The degree allowed me to focus my career in the employee relations aspect of human resource management. I joined Coopers & Lybrand, LLP, as a Personnel Associate and spent over seven years developing my credentials in all aspects of employee relations and human resource management. In addition to serving as the Human Resource Regional Manager for eight offices of the Human Resource Advisory division of Coopers & Lybrand, I also broadened my experience by functioning as a Human Resource Consultant for external clients. My consulting work focused in the areas of performance management, compensation and benefits, human resource policy/procedure development, regulatory/compliance issues, process redesign, risk/control analysis, and succession planning.

In 1996, I received my certification as a Senior Professional in Human Resources (SPHR) from the Human Resource Certification Institute associated with the Society for Human Resource Management. In addition, I am a qualified mediator and have been trained through the Consortium on Negotiation and Conflict Resolution in conjunction with Georgia State University College of Law in Atlanta, Georgia.

I then received my license to practice law from the State of Colorado in October 1999, after graduating, with honors, from the Georgia State University College of Law. From August 1999 through September 2000, I practiced exclusively in the area of Labor and Employment law with the preeminent labor and employment firm of Littler Mendelson, PC. As an employment attorney, I counseled clients on how to manage their workforce in compliance with applicable equal opportunity, wage and hour, immigration, and labor laws. More specifically, I counseled companies based throughout the country on Title VII and state anti-discrimination laws. During that time, I represented clients in discrimination and constructive discharge complaints before federal and state courts, federal and state agencies, and in internal company complaints. I also worked closely with in-house counsel and human resources departments in counseling employees for policy violations. Finally, I conducted courses on the subject of anti-discrimination and harassment in the workforce.

From December 2000 until present, I have been employed as a human resources consultant utilizing my legal and human resources background to aid companies in proactively addressing employee relations issues. I have spent the majority of my time providing training on employment relations matters. As a consultant, I personally provide discrimination and diversity courses to employees, management, human resources departments, and executives. I am also a frequent speaker on the topic of managing employee complaints and investigation procedures. On a daily basis I work with human resources personnel in creating training classes, policies and the appropriate implementation of those policies. I also conduct workplace investigations and provide counseling and facilitation services for employee matters. I am a former instructor at the Keller Graduate School of Business and teach graduate courses in the human resources and Business law areas. I am a frequent contributor to a monthly e-newsletter published by EPS, which covers employment law topics and updates.

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Expert Reports, Depositions and Testimony from January 1, 1997 to present

Client	Consulting/ Report	Deposition	Testimony	Fee Basis
Cameron Todd Castner v. Audubon Park Company, Inc. <i>Civil Action No. 01-N-334</i> <i>United States District Court</i> <i>District of Colorado</i> <i>(Plaintiff)</i>		X		Hourly
Green, et al. v. Swire Pacific Holdings, Inc. <i>Civil Action No. 00-S-1299</i> <i>United States District Court</i> <i>District of Colorado</i> <i>(Defendant)</i>	X	X		Hourly
Goitom, et al. v. Allright Holdings Inc. <i>Civil Action No. 01-WM-1353</i> <i>United States District Court</i> <i>District of Colorado</i> <i>(Consulting expert for Defendant)</i>				Hourly
Dolan, et al. v. West Metro Fire Protection District <i>Civil Action No. 02-D-0545</i> <i>United States District Court</i> <i>District of Colorado</i> <i>(Defendant)</i>	X	X	X	Hourly
Vargas-McGill v. Arrow Electronics, Inc. <i>(Consulting expert for Plaintiff)</i>	X			Hourly
Afshar v. Circuit City Stores, Inc. <i>Civil Action No. 04-22218-CIV-MARTINEZ</i> <i>United States District Court</i> <i>Southern District of Florida</i> <i>Miami Division</i> <i>(Consulting Expert for Defendant)</i>	X (Affidavit)			
Rodriguez v. Safelite Glass Corp., et al <i>Civil Action No. 03-D-1258 (OES)</i> <i>United States District Court</i> <i>District of Colorado</i> <i>(Plaintiff)</i>	X	X		Hourly

<p>Baker v. EchoStar Communications Corp.</p> <p><i>Civil Action No. 06-cv-01103-PSF-BNB</i></p> <p><i>United States District Court</i></p> <p><i>District of Colorado</i></p> <p><i>(Plaintiff)</i></p>	X	X		Hourly
<p>Gregory J. Kamer, Ltd. d/b/a Kamer, Zucker & Abbott adv. U-Haul</p> <p><i>United States District Court</i></p> <p><i>District of Nevada</i></p> <p><i>Civil Action 2:06-cv-00618-BES-PAL</i></p> <p><i>(Defendant)</i></p>	X	X		Hourly
<p>Thomas Stroup v. Imagine!</p> <p><i>Civil Action No. 11-CV-02866 – RPM - BNB</i></p> <p><i>United States District Court</i></p> <p><i>District of Colorado</i></p> <p><i>(Defendant)</i></p>	X			Hourly
<p>Thompson, et al. v. Steven Crantz, et al.</p> <p><i>Case No.: 1316-CV26826</i></p> <p><i>Circuit Court of Jackson County at</i></p> <p><i>Independence, MO</i></p> <p><i>(Defendant, The Scott Fetzer Company)</i></p>	X	X		Hourly
<p>Amaya, et al. v. Strike LLC, et al.</p> <p><i>Cause Number 12-12-51771-CV</i></p> <p><i>79th Judicial District, Jim Well County, TX</i></p> <p><i>(Plaintiff)</i></p>	X (Affidavit)			Hourly
<p>Pesqueda, et al. v. Utility Lines Constructions Services, Inc., et al.</p> <p><i>Cause Number _____</i></p> <p><i>District Court , Bexar County, TX</i></p> <p><i>(Plaintiff)</i></p>	X			Hourly
<p>Melinda J. Brown v. Regional West Medical Center</p> <p><i>Case No. CI 13-54</i></p> <p><i>District Court of Scotts Bluff County, NE</i></p> <p><i>(Defendant)</i></p>	X	X		Hourly