



## Steven Gutierrez

Partner

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**Steve advises employers how to attract, incentivize, and retain talent and helps his clients effectively handle the varied challenges of the modern employment relationship.**

Steve understands that in today's competitive landscape employees are one of a company's greatest assets. He helps companies protect trade-secrets, enforce restrictive covenants and meet with Unions to navigate the complex environment of traditional labor. Steve is also an effective advocate in court, has tried numerous cases before judges and juries, and on appeal, in complex labor and employment matters and other tort litigation.

Steve's focus is to be practical and cost-effective. Steve has also developed proven solutions that help clients maintain compliance with federal and state laws. Steve's day-to-day counseling and world-class training for managers, supervisors, and HR professionals on policies and best practices is essential to manage risk in the modern workplace.

Steve's extensive experience providing strategic and tactical counsel in pre-litigation negotiations and resolutions; at hearings for and against emergency injunctive relief; at mediations; and before other administrative bodies, including the NLRB, EEOC, and Colorado Civil Rights Division has saved his clients substantially.

Steve frequently blogs at [www.coloradoemploymentlawblog.com](http://www.coloradoemploymentlawblog.com).

### PRACTICES

Labor and Employment  
 Labor and Management Relations  
 Employment Litigation and Class Actions  
 HR Counseling, Compliance, and Risk Management  
 Wage and Hour  
 Accommodations, Disabilities, Leaves  
 Discrimination, Harassment, Retaliation, and Litigation

### EDUCATION

University of Northern Colorado, B.A., 1990

University of Denver College of Law, J.D., 1993

### BAR ADMISSIONS

Colorado

### COURT ADMISSIONS

U.S. District Court for the District of Colorado  
 U.S. District Court for the District of Montana  
 U.S. District Court for the District of Utah  
 U.S. Court of Appeals for the Ninth Circuit  
 U.S. Court of Appeals for the Tenth Circuit

### EXPERIENCE

#### Discrimination Defense

#### Employment Litigation & Class Actions

- Administrative proceedings (EEOC and state civil rights commissions)
- Breach of Contract
- Defamation and Free Speech
- Non-Compete and Trade Secrets
- Wrongful Discharge
- Employment-related Torts

#### HR Counseling, Compliance, and Risk Management

- Employment and Personnel Policies, Procedures, Handbooks

- Investigations and Audits
- Non-Competes, Trade Secrets, and Unfair Competition
- Training for employees, supervisors, managers, executives, Board of Directors
- Workplace Violence

### **Union Campaigns, Collective Bargaining, and Labor Arbitrations**

- Elections
- Negotiating Collective Bargaining Agreements
- Grievances
- Unfair labor practice charges
- Strikes and Picketing
- Unit Determinations

### **Wage and Hour**

- Wage and Hour, Equal Pay, Compensation, and Benefits

## **CLIENT RESULTS**

Steve represented major regional company in Washington state court in defense of commercial claim for breach of contract, breach of the implied covenant of good faith and fair dealing, unfair competition, and trade secret misappropriation. Steve's client also asserted counterclaims. Plaintiff sought to void an executed non-compete agreement. Steve's client successfully defended this declaratory judgment action and prosecuted its own counterclaim for breach of contract.

Steve represented a large world-wide company navigate its labor relations by handling numerous grievances to arbitration, contract negotiations, and defense of unfair labor practice.

Steve tried to a complete defense verdict in Montana a gender discrimination company in favor of his world-wide transportation company client.

Steve has handled a multi-million dollar collective action brought by the EEOC on behalf of numerous Hispanic employees who alleged discrimination in firing and discipline.

Steve successfully defended a very contentious and complex race discrimination and retaliation case in Utah federal court. This very important matter for the client involved a significant number of witnesses, substantial investigation, preparatory work by Steve and his client. After targeted discovery, a carefully crafted and detailed motion for summary judgment was filed in the main case. The Court granted summary judgment in favor of client dismissing all claims.

Steve has successfully handled several "quickie elections" that have resulted in the defeat of formation of unions throughout the United States.

We assisted our healthcare client with labor negotiations for their 500-employee hospital group. We also have handled several Unfair Labor Practice Charges in Region 28 involving the National Union of Hospital and Healthcare Employees. All negotiations and charges have been favorably resolved.

## PUBLICATIONS

"Center of Our Discontent: Past and Future of NLRB 'Quickie Election' Rules," *Colorado Employment Law Letter*, March 2019

"Interrogatories," *Discovery in Colorado, CLE in Colo., Inc.*, Co-Author, 2018 Ed.

"SCOTUS Employment Cases and Petitions for The Upcoming Term," *Employers' Lawyers Blog*, September 26, 2018

"Mark Gaston Pearce Nominated for Another NLRB Term," *Employers' Lawyers Blog*, August 30, 2018

"NLRB Revisiting Use of Employer E-Mail Systems," *Employers' Lawyers Blog*, August 2, 2018

"SCOTUS Deals Huge Blow to Government Unions," *Holland & Hart News Update*, 06/27/2018

"Settlement Deal Leaves Status Quo On Joint-Employer Test," 04/03/2018

"McDonald's Deal Leaves Status Quo On Joint-Employer Test," *Law360*, March 30, 2018

"Settlements Reached in Joint-Employer Case That Could Have Affected Franchisors Nationwide," *Employers' Lawyers Blog*, March 20, 2018

"Confidential Sexual Harassment Settlements No Longer Tax Deductible," *Holland & Hart News Update*, 01/09/2018

"Miscellaneous Torts," *The Practitioner's Guide to Colorado Employment Law, 2018 Supplement - CBA-CLE*, January 2018

"NLRB Overturns Controversial Standards on Joint-Employer Status and Neutral Employment Policies; Questions Quickie Election Rule," *Holland & Hart News Update*, 12/14/2017

"5 Ongoing Collective Bargaining And Organizing Challenges," *Law360*, October 30, 2017

"Top Five Ongoing Challenges For Collective Bargaining and Organizing," *Employers' Lawyers Blog*, October 12, 2017

"Only Certain Types of Speech Are Protected In The Workplace," *Employers' Lawyers Blog*, August 14, 2017

"Discovery in Colorado," *2017 Edition, Co-Author, Continuing Legal*

*Education in Colorado, Inc.*, 2017

"No-Recording Policies: May Employers Ban All Worker Recordings?," *Employers' Lawyers Blog*, June 20, 2017

"Employer's Dispute Resolution Program Did Not Prevent Employee Termination," *Employers' Lawyers Blog*, May 17, 2017

"Supreme Court Rules That NLRB Acting GC Became Ineligible To Serve After Nomination To Permanent Role," *Employers' Lawyers Blog*, March 21, 2017

"Union Organizing At Boeing, Yale University, and Elsewhere Show Need For Swift Response," *Employers' Lawyers Blog*, February 27, 2017

"Practitioner's Guide to Colorado Employment Law," *Third Edition*, Co-Author, 2016

"Employer Takeaways From Abbott's \$4.25M Age-Bias Verdict," *Law360*, November 2016

"\$4.25M Age Discrimination Verdict Tough Pill For Abbott Laboratories to Swallow," *Employers' Lawyers Blog*, November 2016

"Colorado Hospital Targeted For Alleged Age Discrimination of Nurses," *Employers' Lawyers Blog*, 9/13/16

"Federal Contractors Face Significant Challenges Under Fair Pay and Safe Workplaces Final Rule," *Holland & Hart News Update*, Co-Author, 09/01/2016

"NLRB Reverses Position on Grad Student Assistants, Allowing Them to Unionize," August 2016

"Union Remains Active in Health Care Industry Despite Withdrawing Initiative to Cap California Health Care Executive Salaries," *Employers' Lawyers Blog*, July 2016

"Court Upholds NLRB Ruling on Overly Broad Employment Policies," *Employers' Lawyers Blog*, December 2015

"NLRB to Revisit Whether Graduate Teaching Assistants May Collectively Bargain," *Employers' Lawyers Blog*, October 2015

"Broader Joint-Employer Test Leads to Teamsters Win at Browning-Ferris," *Employers' Lawyers Blog*, September 2015

"NLRB Unanimously Declines Jurisdiction Over Northwestern University Football Player Union Petition," *Employers' Lawyers Blog*, September 2015

"Employers Must Raise Defense of Unverified EEOC Charge or It Is Waived," June 2015

"National Labor Relations Board Continues Down a Controversial Path!," *Employers' Lawyers Blog*, December 2014

"The Human Limits of Human Capital: An Overview of Noncompete Agreements and Best Practices for Protecting Trade Secrets from Unlawful Misappropriation," *36 Employee Relations Law Journal* 59, Co-Author, Summer 2010

## **SPEAKING ENGAGEMENTS**

"Breakfast Briefing: Workplace Investigations," 04/03/2019

"In a Rapidly-Changing Culture, When Does Appearance Become a Protected Trait?," *Colorado Bar Association, Employment Law Conference*, September 20-22, 2018

"Sexual Harassment and Discrimination: #MeToo and More," *2018 Holland & Hart Employment Law Update*, September 13, 2018

"Hot Topics in Federal, Immigration, and Colorado Employment Law," *Panelist, 2018 Holland & Hart Employment Law Update*, September 13, 2018

"Confidentiality Provisions in Settlement Agreements," *Panelist, Denver University Sturm College of Law*, April 3, 2018

"Sexual Harassment Roundtable: New Perspectives and Preventative Strategies," *Holland & Hart Breakfast Briefing*, 02/22/2018

"NLRB Changes It's Course: What You Need To Do," 02/06/2018

"Workplace Violence: How to Prepare for and Respond to the Unthinkable," 09/21/2017

"Building Your Case Through Written Discovery—Five Things You Need to Know about Interrogatories, Requests for Production of Documents, and Requests for Admission," *Co-Presenter, CBA-CLE*, July 28, 2017

"Stay Out of Hot Water: Managing Leaves and Accommodations," *Co-presented with Megan Holstein, Reed Group, Holland & Hart Webinar*, January 2017

"The Changing Landscape of Talent Management," *Co-presenter, Holland & Hart Breakfast Briefing*, December 2016

"Liking, Sharing and Posting: How to Keep Public and Private Sector Employers out of Trouble in Governing Employees' Use of Social Media," *CDLA*, November 2016

"The Defend Trade Secrets Act: New Rights and Obligations for U.S. Employers," *Employment Law Update Webinar*, June 2016

"Trial Tactics: Handling Tricky Marijuana Issues," *DRI Marijuana Seminar*, June 2016

"Tough Employment Decisions – You Be the Judge," *Panelist, Holland & Hart Employment Law Update*, May 2016

"Essential HR Training - Legal Issues," *Northwest Regional Primary Care Association*, April 2016

## RECOGNITION

- *Chambers USA: America's Leading Lawyers for Business*, Labor & Employment, 2009-2019
- *LawDragon*, Top 20 Lawyers in Traditional Labor & Employment Law, 2016-2019
- *LawDragon*, Employment Law, 2011-2013
- *The Best Lawyers in America*® Litigation – Labor and Employment, Employment Law – Individuals, 2013-2019
- *Human Resource Executive*, Most Powerful Employment Attorneys, 2016
- *Human Resource Executive*, The Nation's Most Powerful Attorneys–Up-and-Comers, 2011-2014
- Colorado Super Lawyers®, Employment & Labor, 2009-2019
- Martindale-Hubbell®, AV Preeminent™ Peer Review Rated
- American Lawyer Media and Martindale-Hubbell®, Top Rated Lawyer™ in Labor & Employment, 2013
- Corporate Counsel Black Book, Employment Litigation, 2008

## PROFESSIONAL AND CIVIC AFFILIATIONS

- Workplace Violence Prevention & Intervention Committee, Member
- American Bar Association, Member  
Employment Law & Litigation Committee  
Tort Trial & Insurance Practice Section
- Colorado Bar Association, Member
- Colorado Hispanic Bar Association, Member
- Defense Research Institute, Member  
Employment Law Section  
Trial Tactics Committee  
Steering Committee
- Colorado Defense Lawyers Association  
Labor & Employment Committee
- Justice Information Center, Board Member, 1996-2004
- Clinica Tepeyac, Board Member, 2003-2008
- American Diabetes Association, Board Member, 2008-2010
- Firefly Autism, Board of Trustees, Current Board Chair, 2011-present