Holland & Hart

PRACTICES

Employment and Labor
Trade Secrets and Non-Competes
Disabilities and Leaves
Employment Litigation
Wage and Hour
Discrimination and Harassment

INDUSTRIES

Healthcare

EDUCATION

University of Colorado Law School, J.D., 1997

Northern Arizona University, B.A., 1993 *cum laude*

BAR ADMISSIONS

Colorado

COURT ADMISSIONS

U.S. Court of Appeals for the Tenth Circuit
U.S. Court of Appeals for the Eighth Circuit
U.S. Court of Appeals for the Fourth Circuit
U.S. District Court for the District of Colorado
U.S. Supreme Court

Mark Wiletsky

Partner

1800 Broadway, Suite 300, Boulder, CO 80302

P 303.473.2864

mbwiletsky@hollandhart.com

Mark Wiletsky partners with clients to provide timely, practical solutions to difficult business challenges, from employment-related issues to unfair competition and other business disputes, so that clients can stay focused on achieving their business objectives.

Businesses today face a variety of challenges, from compliance issues in the highly regulated health care industry to competitors trying to steal trade secrets. Mark helps companies in these areas by developing a thorough understanding of the business and finding creative solutions, whether that comes in the form of aggressively prosecuting or defending claims in court, preparing written agreements, or negotiating a resolution to meet his clients' needs. Mark has extensive experience with employment and labor law, health care issues, and business litigation, handling complex disputes involving real estate developments, ownership rights, and defamation, among others.

When disputes arise, escalate, and require litigation, Mark draws on over 25 years of experience representing businesses in state and federal courts, administrative hearings, and arbitrations. Mark is also an effective appellate advocate, handling cases in state and federal appellate courts around the country.

Mark regularly blogs at www.employerslawyersblog.com. He is actively involved in the Employment Law Alliance (ELA), one of the world's largest labor and employment lawyer networks, that provides multi-state and multinational companies with seamless, cost-effective services worldwide.

Mark previously served as the Practice Group Leader for Holland & Hart's Labor and Employment Group and as an Administrative Partner for the Boulder office.

EXPERIENCE

Accommodations, Disabilities, Leaves

Discrimination, Harassment, Retaliation and Litigation

Employment Litigation and Class Actions

Health Care

HR Counseling, Compliance, and Risk Management

- Employment Policies, Handbooks, and Manuals
- Executive Compensation and Employment Contracts

- Hiring, Discipline, Performance Evaluations, and Terminations
- Non-Competes, Trade Secrets and Unfair Competition
- Pay Practices and Independent Contractors
- Workplace Privacy and Data Security
- Severance Agreements
- Investigations

Labor Management Relations

Commercial Litigation

- Appeals
- Business Torts
- Real Estate Disputes

CLIENT RESULTS

Representative Matters

Mark works with clients in various industries, including healthcare, aerospace, retail, software design, engineering, architecture, airline, and real estate:

Lead trial counsel in FLSA collective action brought by truck drivers involving issues of joint employment and independent contractor status; prevailed on all claims after nearly two-week bench trial, including counterclaims, and orally argued case at the 10th Circuit Court of Appeals, which affirmed the decision.

Co-lead trial counsel in federal court action defending claim by union alleging breach of collective bargaining agreement; after six-day bench trial, the court agreed with defense position that the claims were subject to arbitration.

Lead trial counsel in AIR21 whistleblower claim before Department of Labor; reached favorable resolution after trial.

Lead counsel prosecuting an unfair competition case against a competitor providing health care without appropriate licensure under state law, which resulted in competitor shutting down its unlawful operation.

Lead counsel prosecuting former employees and minority shareholders for starting competing businesses while they were employed by client, resulting in shut-down of such businesses.

Successfully resolved state and federal False Claims Act cases filed against health care clients.

Lead counsel in obtaining preliminary injunction in federal court against former owners and executives of business who started competing business, in violation of non-compete agreements, after leaving company.

Successfully defended client on appeal against a claim involving the

enforceability of a noncompetition agreement in *Reed Mill & Lumber Co. v. Jensen*, 165 P.3d 733 (Colo. Ct. App. 2006).

Successfully defended airline in jury trial involving discrimination and retaliation claims.

Prevailed on all claims after multi-day arbitration involving complex real estate development dispute and awarded attorneys' fees in excess of one million dollars.

PUBLICATIONS

"The FTC's Noncompete Ban Is Dead—For Now," *Employment Law Update*, August 21, 2024

"FTC's Noncompete Ban On Hold…For Parties Involved in Lawsuit," *Employment Law Update*, July 8, 2024

"SEC Settlement A Reminder for Employers: Review Your Separation Agreements," *Employers' Lawyers Blog*, October 2, 2023

"Worship in the Workplace and Reasonable Accommodations," *Employers' Lawyers Blog*, September 28, 2023

"Shifting Landscape: New Laws Significantly Impact Colorado Employers," *Employers' Lawyers Blog*, June 7, 2023

"CDLE Issues New Guidance on Vacation, PTO, and Payroll Deductions," *Employers' Lawyers Blog*, May 2, 2022

"EEOC Issues Expanded Guidance on Religious Objections to COVID-19 Vaccine Mandates," *Holland & Hart News Update*, October 27, 2021

BLOG POSTS

"A Shoddy Investigation Is Not Retaliatory," *Employers' Lawyers Blog*, April 23, 2025

"Q&A: Paying Out PTO At Termination," *Employers' Lawyers Blog*, April 22, 2025

"The FTC's Noncompete Ban Is Dead—For Now," *Employers' Lawyers Blog*, August 21, 2024

"Residence or Incorporation – A Look at Where Guidelines Matter When Drafting Severance Agreements," *Employers' Lawyers Blog*, April 30, 2024

"Supreme Court Lowers Bar for Adverse Actions," *Employers' Lawyers Blog*, April 26, 2024

"A Reminder for Employers: Review Your Separation Agreements," *Employers' Lawyers Blog*, December 01, 2023

"Worship in the Workplace and Reasonable Accommodations," *Employers'*

Lawyers Blog, September 28, 2023

"Shifting Landscape: New Laws Significantly Impact Colorado Employers," *Employers' Lawyers Blog*, June 08, 2023

SPEAKING ENGAGEMENTS

"Menopause: What It Is, How It Impacts the Workplace, and Best Practices to Attract and Retain Talent," *Employment Law Alliance (ELA) Webinar*, September 17, 2025

"ELA Business Development," *2025 Employment Law Alliance (ELA) North America Regional Summit*, May 9, 2025

"Executive Orders," Presenter, *Holland & Hart 2025 Employment Law Update*, April 9, 2025

"FAMLI, FMLA, ADA, and Other Leaves," Co-Presenter, *Holland & Hart 2025 Employment Law Update*, April 9, 2025

"Noncompete Update: Changes to Federal and State Laws Impacting Restrictive Covenants," *Colorado Bar Association CLE 2024 Employment Law Conference*, September 25, 2024

"Federal Trade Commission Bans Noncompete Agreements: Implications for Healthcare Providers," *Holland & Hart Health Law Webinar*, May 9, 2024

"Keeping Up With Colorado and Federal Employment Law Changes, POWR Act Changes to Harassment Law, Paid Sick Leave/FAMLI Leave, and Other Hot Employment Topics," *Holland & Hart In-House Counsel CLE Event*, November 8, 2023

"Noncompete Agreements," *Holland & Hart Colorado Employment Law Update*, October 12, 2022

RECOGNITION

- *Chambers USA*, Labor & Employment, 2018-2026
- *The Best Lawyers in America*® Litigation - Labor and Employment, 2013-2027
- Colorado Super Lawyers®, Employment & Labor, 2019-2026
- Colorado Super Lawyers® Rising Stars, 2011

PROFESSIONAL AND CIVIC AFFILIATIONS

- Boulder County Bar Association, Employment Law and In House Counsel Sections, Past Co-Chair
- American, Colorado, and Boulder Bar Associations, Member
- Faculty of Federal Advocates, Member