



SpencerFane®

Helen Holden

Partner

Contact

Phoenix

P 602.333.5485 | **F** 602.333.5431 | **M** 602.510.2001

hholden@spencerfane.com



Overview

Helen Holden is dedicated to providing practical solutions for employers, helping them navigate the complexities of federal and state employment laws. With more than 30 years of experience in management-side employment law, she offers valuable advice and training on human resource issues. Helen is a strategic partner to her clients in a variety of industries, and is known for her ability to address and resolve workplace challenges effectively. Her approach ensures that businesses of all sizes can maintain a positive and compliant company culture.

When disputes arise, Helen is a strong advocate for the employer's interests, without losing sight of the larger issues impacting the business. She regularly represents employers in agency proceedings involving allegations of discrimination or harassment, and has successfully defended employers in lawsuits brought in both state and federal courts.

Education

- Arizona State University – Sandra Day O'Connor College of Law, 1990 (J.D.), *Order of the Coif*
- Bryn Mawr College, 1983 (A.B.), *with honors*

Bar Admissions

- Arizona, 1990
- New Mexico, 2020

Court Admissions

- U.S. Court of Appeals for the Ninth Circuit, 1994
- U.S. District Court for the District of Arizona, 1990
- U.S. District Court for the District of Colorado

Community Involvement

- Raising Special Kids, Member; Board of Directors, 2015–2018
- University of Advancing Technology Foundation, Advisory Board
- Temple Chai, Past President

Distinctions

- *Best Lawyers in America*
 - Employment Law – Management, 2017–2026
 - Litigation – Labor and Employment, 2017–2026
- College of Labor & Employment Lawyers, Fellow
- Martindale-Hubbell, AV Preeminent Rating
- *AZ Business Magazine*, Arizona's Top Lawyers, Employee Benefits & Insurance, 2014

Memberships

- Defense Research Institute (DRI), Employment and Labor Law Committee
 - Chair, 2024–Present
 - Vice Chair, 2022–2024
- State Bar of Arizona, Civil Practice & Procedure Committee, 2010–2016; Labor and Employment Law Section; Appellate Practice Section
- Federation of Defense & Corporate Counsel, Employment Practices and Workplace Liability Section, Former Chair
- Claims & Litigation Management Alliance
- Employee Misclassification Compliance Assistance Program (EMCAP) Working Group

Presentations and Publications

Presentations

- "You Picked a Fine Time to Leave Me: Keeping Up with Best Practices for Paid and Unpaid Leave," DRI Employment and Labor Law Seminar, May 2025
- "Legal Update," HR Executive Summit and Retreat, February 2025
- "Pay it Forward: What Employers Need to Know in 2025 about Wage and Hour Law," 2025 Legislative Conference, SHRM Arizona Chapter, February 2025
- "Labor and Employment Law Update," Arizona Association of Corporate Counsel, February 2025
- "Employment Law Update," Marsh McLennan Agency seminar, November 2024
- "Navigating FMLA/ADA/Workers' Comp/Sick Pay," AZ HR Hub's 2024 Employment Law Update, October 2024
- "Separation Anxiety, AZSHRM Conference, August 2024
- "Legal Update," HR Executive Summit & Retreat, February 2024
- "Employment Law/Legislative Update," SHRM of Greater Phoenix Seminar, October 2023
- "Help Me Help You: Optimizing the Mediation Process," State Bar of Arizona CLE, April 2023
- "Workplace Investigations: How to be the Sherlock Holmes of the HR World," Lovitt & Touché Learning Academy, April 2023
- "Separation Anxiety: Steps for Proactive Management of Employee Departures," Lovitt & Touché Learning Academy, March 2023

- "Severance Agreements and Other Employment Policies in the NLRB's Crosshairs: What Can Employers Do?" Spencer Fane WorkSmarts Webinar, March 2023
- "New Year, New Laws: Compliance and Legal Update for Arizona Human Resources Teams," Lovitt & Touché Learning Academy, February 2023
- "Employee or Independent Contractor...and Other Wage and Hour Developments," Arizona Society for Human Resource Management Employment Law & Legislative Conference, February 2023
- "Employment Law Update and Executive Risk Insurance Trends for 2023," WtW Seminar, February 2023
- "2022: From the Great Resignation to Quiet Quitting, Plus Other Employment Law and Employee Benefits Developments," Spencer Fane WorkSmarts Seminar, November 2022
- "We Need to Talk About it in the Workplace: Addressing Mental Health Issues at Work," Arizona Association of Corporate Counsel, November 2022
- "We Need to Talk About it in the Workplace: Mental Health in the Construction Industry," ABA Forum on Construction Law, October 2022
- "I'll Take Compliance 101 for \$200!" Spencer Fane WorkSmarts Seminar, September 2022
- "The Great Resignation: Dangling Carrots and Other Legal Strategies to Attract and Retain Top Talent," Spencer Fane WorkSmarts Seminar, May 2022
- "Confessions of an Outside Counsel: Internal Investigations," Colorado Association of Corporate Counsel, March 2022
- "We're Still Standing: Managing COVID in the Workplace for 2022," Lovitt & Touché Learning Academy, February 2022
- "Navigating COVID-19 and Post-Pandemic Employment Law Considerations," Federation of Defense and Corporate Counsel Corporate Counsel Symposium, Winter Meeting 2022, February 2022
- "COVID Compliance 2022 – A Workshop for HR," Business Management Daily Webinar, January 2022
- "The New Federal Workplace Vaccination and Testing Requirements Have Arrived–Are You Ready?" Spencer Fane WorkSmarts Webinar, November 2021
- "Vaccines, And Masks And COVID – Oh My!" Financial Executives International Arizona Chapter Meeting, October 2021
- "Pandemic Response Team: Lessons Learned from COVID-19," Spencer Fane WorkSmarts Seminar, September 2021
- "Vaccines and Masks: Legal and Practical Solutions for Employers and HR," Business Management Daily Webinar, September 2021
- "Employment Law for Everyone: The Basics of Employment Law for Businesses and Non-Employment Lawyers," FDCC, June 2021
- "Return to Work Update: New Vaccine Guidance from the EEOC and Other Challenges," Spencer Fane WorkSmarts Webinar, June 2021
- "2021 Employment and Labor Law Virtual Seminar," DRI Seminar, May 2021
- "HR Benefits Forum," Children's Hospital Association Webinar, May 2021
- "You are Not an Employment Lawyer...But You May Have to Play One at Your Company," FDCC Webinar, April 2021
- "COVID-19...20...21," Spencer Fane Health Care Summit, April 2021
- "The COVID Vaccine: Legal & Practical Solutions for Employers and HR," Business Management Daily Webinar, April 2021
- "A Shot in the Arm for Your Business: Successfully Meeting Ongoing Pandemic Challenges for Employers," Lovitt & Touché Learning Academy, March 2021
- "Life In the Paint: Coaching Strategies for Workplace Investigations," Spencer Fane WorkSmarts Seminar, February 2021
- "AADC CLE: COVID 19 – Vaccines and Other Workplace Challenges," AADC Webinar, January 2021
- "The Latest COVID Challenges: Vaccinating the Workplace," DRI Seminar, May 2021
- "Threading the Needle: Balancing Safety and Other Issues Involving COVID-19 and Vaccines in the Workplace," Lovitt & Touché Webinar, January 2021
- "ADA in the Time of COVID-19," DRI Employment and Labor Law Virtual Seminar, November 2020
- "Is the Nightmare of COVID and the ADA Making You Scream?" Lovitt & Touché Webinar, October 2020
- "Preventative Legal Strategies: Countdown to Success," Spencer Fane WorkSmarts Seminar, October 2020

- "Beyond the Pandemic: Update on Recent Activity at the Department of Labor and Guidance on Moving Forward for Construction Companies," Association of the Wall and Ceiling Industry, September 2020
- "Practitioner Contracting," Spencer Fane Health Care Summit, March 2020
- "Supreme Court Update," Arizona Association of Defense Counsel (AADC), January 2020
- "Playing it Safe: Avoiding Safety-Related Employment Issues," Spencer Fane Client Presentation, November, 2019
- "Mary Isn't Here Again Toda: How to Counsel Employers in Managing Blended and/or Extended Leave from Work," State Bar of Arizona, December 2019
- "ADA and FMLA: Handling the Interactive Process, Leave, Restricted Duty," and Other Issues, Lovitt & Touché Learning Academy, October 2019
- "A Stitch in Timekeeping: Update on the Fair Labor Standards Act," Arizona State SHRM Conference, August 2019
- "Managing the Inevitable: Employment Law Update," Arizona Wall and Ceiling Contractors Annual Meeting, October 2019
- "Developments at the Federal Agencies," Federation of Defense and Corporate Counsel Symposium, Philadelphia, September, 2019
- "Changing Times: Does #MeToo Affect #YouToo?" Federation of Defense and Corporate Counsel Annual Meeting Plenary Session, Sun Valley, Idaho, August 2019
- "Tools of the Trade: Managing Labor and Employment Issues in the Construction Industry," DRI Employment & Labor Committee Annual Seminar, 2019
- "#NotYouToo: What Employers Need to Know to Avoid Liability," Federation of Defense and Corporate Counsel, 2019
- "R-E-S-P-E-C-T: Find out What it Means for the In House Legal Department," Arizona Association of Corporate Counsel, 2019
- "Pro Active Steps to Make you the Super HeRo," Lovitt & Touché Learning Academy, 2019
- "Preventing Sexual Harassment," Associated Minority Contractors of America, Arizona, 2019
- "Get Ready for New Rules on Overtime Pay," 2019
- "The Art of Marketing," Federation of Defense and Corporate Counsel, 2018
- "Compensation Compliance," Arizona Manufacturing Executive Forum, 2018
- "Separation Anxiety: Drafting Enforceable Employment Waivers & Releases," Association of Corporate Counsel, 2017
- "Employment Law Update," Associated Minority Contractors of America, Arizona, 2017
- "Legalizing Marijuana: It's on the Ballot, Now What?" Associated Minority Contractors of America, Arizona, 2016
- "Employment Law Tapas: Wage & Hour Update," Association of Corporate Counsel, 2016
- Rainmaker Panel Member, Ladder Down, 2016
- "Wage and Hour Update: An Insider Perspective from the Department of Labor," Defense Research Institute (DRI) Employment and Labor Committee Seminar, 2016
- "The Joy of Pregnancy: Pregnancy Discrimination," West LegalEdcenter, 2015
- "Recent Developments in Employee Handbooks," Practical Law (Thomson Reuters), 2015
- "The NLRB and Joint Employment," C.O.R.E. Training, 2015
- "Family Leave: Law and Controversies in the U.S.," The John F. Roatch and Linda Haskell Lectures, 2015
- "Employee or Independent Contractor: Introducing the Employee Misclassification Compliance Assistance Program," Employment & Labor Law Section, State Bar of Arizona, 2014
- "The Joys of Pregnancy from the Employer's Perspective," Arizona Chapter, Association of Corporate Counsel, 2014
- "Employee or Independent Contractor: Introducing the Employee Misclassification Compliance Assistance Program," Arizona Chapter, Associated General Contractors, Employment Practices Committee, 2014
- "Employee or Independent Contractor: Introducing the Employee Misclassification Compliance Assistance Program," Chandler Chamber of Commerce, Public Policy Committee, 2014
- "Employee or Independent Contractor: Introducing the Employee Misclassification Compliance Assistance Program," Arizona Registrar of Contractors Industry Advisory Council, 2014

- "Employee or Independent Contractor: Introducing the Employee Misclassification Compliance Assistance Program," Arizona Builders' Alliance Lunch & Learn, 2014
- "Employee or Independent Contractor: Introducing the Employee Misclassification Compliance Assistance Program," Labor and Employment Relations Association, Arizona Chapter, 2014
- "Employee or Independent Contractor: Introducing the Employee Misclassification Compliance Assistance Program," Association of Pool & Spa Professionals, Central and Southern Arizona Chapters; National Association of the Remodeling Industry, Greater Phoenix and Southern Arizona Chapters; Association of the Wall and Ceiling Contractors of Arizona; Arizona Concrete Promotion Council; Ceramic Tile and Stone Association of Arizona; Painting and Decorating Contractors of America, 2014
- "Employee Mismanagement: As Seen on TV," Construction Financial Management Association, June 2014
- "ADA and FMLA: Confluence or Confounding? Continuing Challenges in Compliance" (co-presenter), Defense Research Institute (DRI) Employment and Labor Law Annual Seminar, May 2014
- "Labor and Employment Basics for Construction Lawyers," State Bar of Arizona, Construction Law Section, April 2013

Articles and Media

- ["My View: How Supreme Court Ruling on Job Transfers Impacts Your Business,"](#) *Phoenix Business Journal*, April 2024
- "New Federal Protections for Pregnant and Nursing Employees Take Effect in 2023," *BenefitsPRO*, February 2023
- "Coming Soon: A Nationwide Ban on Noncompete Agreements?" *InBusiness Phoenix*, February 2023
- "My View: Know What the Federal Speak Out Act Means For Your Business," *Phoenix Business Journal*, January 2023
- "How FDCC Members Are Getting It Done," Federation of Defense & Corporate Counsel (FDCC) podcast, August 2022
- "Drafting Considerations: Paid Leave Policies," *In House Defense Quarterly*, Spring 2022
- "Leaving Confusion Behind: The Interplay between the ADA, the FMLA, and Paid Sick Leave," *Arizona Attorney*, January 2021
- "Employee or Independent Contractor?" *Greater Phoenix In Business*, June 2019
- "Employment and Immigration Considerations," *Construction Law Practice Manual*, 3rd Ed. 2016, State Bar of Arizona
- "That Will Be \$15 for Your Kids Meal': Welcome to the New World of U.S. Department of Labor Regulations," *FDCC Insights*, Federation of Defense & Corporate Counsel, October 2016
- "Phoenix District Office of U.S. Department of Labor Offers Program to Self-Report Worker Misclassification," *The Job Description*, Defense Research Institute Employment Law Committee, November 21, 2014
- "Businesses Have Plenty of Legal Hurdles to Clear Regarding Employees," *Phoenix Business Journal*, November 21, 2014
- "Analyzing Cross-Appeals in Federal Court," *Certworthy*, Defense Research Institute, July 2013
- "Recent Employment Cases," 6 *Trial Practice* 13, Winter 1995
- "Arizona's Fair Housing Act: Prohibitions Against Discrimination on the Basis of Handicap," 5 *Real Property Section Journal* 12, Summer 1994
- "Does the Legal System Batter Women? Vindicating Battered Women's Constitutional Rights to Adequate Police Protection," 21 *Ariz. St. L.J.* 705, 1989

Related Experience

- Successfully defeated attempt to obtain preliminary injunctive relief in high stakes breach of restrictive covenant and trade secret matter.
- Advised client regarding employment policy overhaul and implementation, including designing and delivering highly interactive management training to ensure compliance with newly-implemented policy directives.
- Provided interactive training program for multiple clients on issues such as internal investigations, workforce diversity, and other topics relating to harassment and discrimination.
- Represented employer in successfully obtaining dismissal with prejudice in U.S. District Court of a "collective action" filed by a group of employees for unpaid overtime under the Fair Labor Standards Act.

- Successfully resolved litigation in U.S. District Court alleging violation of non-solicitation obligations of a former employee.
- Regularly represent employers in responding to charges of discrimination filed by current and former employees.
- Efficiently completed compliance audits for multiple employers, as required by client contracts.
- Successfully resolved litigation alleging violation of non-solicitation obligations of a former employee.
- Obtained dismissal of a parent corporation from litigation alleging breach of employment contract and employment discrimination by former employee of subsidiary.

Clerk Experience

- Chief Judge Noel Fidel, Arizona Court of Appeals