

# Snell & Wilmer

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## Jennifer R. Yee

Partner | Phoenix

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### Main Bio

Jennifer Yee's practice is concentrated in labor and employment law and commercial litigation. Her litigation experience includes federal and state court practice in a variety of employment-related issues. Jennifer has assisted her clients in defending against wage and hour, discrimination, harassment and retaliation claims under the FLSA, Title VII, ADA, FMLA, ADEA, USERRA, the Arizona Wage Act, the Arizona Employment Protection Act, the Arizona Civil Rights Act and other state and federal laws. She also assists employers with respect to investigations by the Equal Employment Opportunity Commission and the Department of Labor and the NLRB. In addition, Jennifer drafts employment-related agreements, handbooks, and policies and has worked with employers to enforce non-competition and confidentiality agreements.

Jennifer enjoys advising clients on a wide variety of compliance issues under federal, state and local regulations. She has counseled large and small employers regarding their obligations under the NLRA, FLSA, Title VII, ADA, FMLA, ADEA, USERRA, EPA, WARN Act, FCRA, the Arizona Wage Act, the Arizona Employment Protection Act, the Arizona Civil Rights Act and other state and federal laws. Jennifer feels privileged to provide pro bono counseling services through the Volunteer Lawyers Program and service to the community through Kiwanis International.

In addition to her normal areas of practice, Jennifer is a member of the firm's Coronavirus (COVID-19) Response Team, an interdisciplinary team of lawyers, formed quickly after recognizing the complex legal issues that businesses would confront as a result of the coronavirus. This group has issued legal alerts and newsletters on the topic and has hosted multiple webinars to address a range of concerns. The group remains committed to monitoring the issues and bringing as much clarity and guidance to clients as possible. More information is available in the [COVID-19 Resource Center](#).

### Representative Experience

- Represented national healthcare organization in wrongful termination and discrimination lawsuit under the ADA and FMLA, which culminated in two-week jury trial
- Represented international hospitality company in constructive discharge/wrongful termination lawsuit under the Arizona Employment Protection Act which culminated in a one-week jury trial
- Conducted internal investigations for start-up companies, financial institutions, healthcare organizations, retailers, and non-profit organizations regarding allegations of misconduct by officers and/or employees
- Represented construction contractors, a financial institution, and an automobile parts company in

putative class actions and/or lawsuits by the U.S. Department of Labor alleging failure to pay wages under the Fair Labor Standards Act

## Education

- University of Southern California, Gould School of Law (J.D., 2012)
  - Order of the Coif
  - Senior Notes Submissions Editor, Southern California Law Review
- University of Arizona (B.A., Political Science and Spanish Literature, summa cum laude, 2009)
  - Dean's List
  - President's Academic Scholarship
  - Universidad SEK, Segovia, Spain, Study Abroad Program (2007)

## Professional Memberships & Activities

- American Bar Association, Section of Litigation
  - Employment & Labor Relations Law Committee
- State Bar of Arizona, Labor & Employment Section
  - CLE Committee (2014-present)
  - Executive Council (2019-present)
- Arizona Women Lawyers Association (AWLA)
- Ladder Down Graduate (2018)
  - Ladder Down Alumni Facilitator (2019-2020)
- Snell & Wilmer Summer Associate Committee (2014-2016)
- Snell & Wilmer Hiring Committee (2016-present)

## Representative Presentations & Publications

- "[Federal Equal Employment Opportunity Law – Recent Developments](#)," Co-Author, Snell & Wilmer Labor and Employment Law Blog (January 5, 2021)
- "[Recent Developments in Federal Equal Employment Opportunity Law](#)," Co-Author, Arizona Attorney Magazine (January 2021)
- "[Can Companies Use the Outside Sales Exemption During a Pandemic?](#)" Co-Author, Snell & Wilmer Alert (December 10, 2020)
- "Vaccines and Testing: Employee Rights and Employer Obligations," Presenter, 2020 Employment Law Tool Kit Three-Part Webinar Series: Session 3: Even More Issues for All Employers (November 16, 2020)
- "[DOL Updates Its Coronavirus Paid Leave Regulations](#)," Co-Author, Snell & Wilmer Legal Alert (September 18, 2020)
- "[President Trump's Four Executive Actions Extend Certain Coronavirus Relief Programs, but Create Legal Uncertainty](#)," Co-Author, Snell & Wilmer Legal Alert (August 11, 2020)
- "[Court Rules That DOL Exceeds Authority in Its Coronavirus Paid Leave Regulations](#)," Co-Author, Snell & Wilmer Legal Alert (August 7, 2020)
- "[SBA Publishes PPP Flexibility Loan Forgiveness Interim Final Rule and Updated Applications](#)," Co-

Author, Snell & Wilmer Legal Alert (June 23, 2020)

- "[Modernizing the FLSA: DOL Gives the 7\(j\) Exemption a Makeover](#)," Co-Author, Snell & Wilmer Legal Alert (June 17, 2020)
- "[Congress Adds More Flexibility to Paycheck Protection Program](#)," Co-Author, Snell & Wilmer Legal Alert (June 4, 2020)
- "[SBA Publishes Loan Forgiveness Interim Final Rule](#)," Co-Author, Snell & Wilmer Legal Alert (May 27, 2020)
- "[SBA Publishes Loan Forgiveness Application for Paycheck Protection Program](#)," Co-Author, Snell & Wilmer Legal Alert (May 18, 2020)
- "[Employees' Refusal to Work Over Coronavirus Concerns](#)," Co-Author, Snell & Wilmer Legal Alert (May 14, 2020)
- "[The DOL Updates Its Model Notice of Employee Rights Under the Families First Coronavirus Response Act](#)," Co-Author, Snell & Wilmer Legal Alert (March 27, 2020)
- "[Practical Guidance for Employers Grappling with the Coronavirus Threat](#)," Co-Author, Snell & Wilmer Legal Alert (March 2, 2020)
- "[U.S. Department of Labor Issues New Rule Clarifying Exclusions from Overtime Calculation](#)," Co-Author, Snell & Wilmer Legal Alert (December 13, 2019)
- "Creating Trust Through First Impressions CLE," Panelist, ASU Law Group (October 17, 2019)
- "[U.S. Department of Labor Issues Final Salary Threshold Rule, Effective January 1, 2020](#)," Co-Author, Snell & Wilmer Legal Alert (September 24, 2019)
- "[Common and Costly Employer Mistake: Not Paying Overtime Premium on Incentive Compensation](#)," Co-Author, Snell & Wilmer Labor & Employment Blog (August 12, 2019)
- "Mitigation of Damages in Employment Cases," Co-Presenter, State Bar Convention (June 28, 2019)
- "[U.S. Department of Labor Proposes New Salary Threshold Rule](#)," Co-Author, Snell & Wilmer Labor and Employment Law Blog (March 7, 2019)
- "[Critical Issues for Employers in the Hiring Process: I-9 Compliance, Disability Inclusion, and Interview Questions](#)," Co-Author, Snell & Wilmer Workplace Word (January 30, 2019)
- "[The U.S. Department of Labor Issues Six New Wage and Hour Opinion Letters](#)," Author, Snell & Wilmer Labor and Employment Law Blog (August 31, 2018)
- "[U.S. Supreme Court Adopts a 'Fair Reading' Standard for FLSA Exemptions](#)," Co-Author, Snell & Wilmer Legal Alert (April 5, 2018)
- "Employment Law Practice and Trends from a Defense Perspective, Part 1," Panelist, State Bar of Arizona Labor and Employment Law Section Presentation (February 26, 2018)
- "[Federal Court's Ruling in GrubHub Case is a Win for Gig Companies, but it Doesn't Settle the Debate Over Workers' Status](#)," Author, Snell & Wilmer Labor and Employment Law Blog (February 14, 2018)
- "[OMB Blocks EEOC's Pay Reporting Requirements](#)," Co-Author, Labor and Employment Law Blog (September 2, 2017)
- "[New Guidance on Paid Sick Time: Industrial Commission of Arizona Supplements its Proposed Regulations](#)," Co-Author, Snell & Wilmer Legal Alert (June 30, 2017)
- "[Arizona's Paid Sick Leave Law: New Guidance from the Industrial Commission](#)," Co-Author, Snell & Wilmer Workplace Word (May 31, 2017)

- ["Arizona Passes Proposition 206, Increasing the Minimum Wage and Requiring Paid Sick Leave for Hundreds of Thousands of Employees,"](#) Co-Author, Snell & Wilmer Legal Alert (November 9, 2016)
- ["Election Day Concerns for Employers: Political Discussions in the Workplace and Time Off to Vote,"](#) Author, Snell & Wilmer Workplace Word (October 31, 2016)
- ["2015 Amendments to the Federal Rules of Civil Procedure,"](#) Narrator, Sound Advice Podcast, American Bar Association (May 2016)
- ["2016: What's on the Horizon for Salary Thresholds Under the FLSA, Employee Handbooks and the NLRB,"](#) Co-Author, Snell & Wilmer Workplace Word (March 10, 2016)
- ["Avoiding Holiday Liability,"](#) Author, Snell & Wilmer Workplace Word (November 4, 2015)
- ["Updated FMLA Forms Issued by the DOL,"](#) Author, Snell & Wilmer Legal Alert (May 29, 2015)
- ["Multi-Agency Investigation Successfully Targets Arizona and Utah Construction Companies' Misclassification of Employees,"](#) Co-Author, Snell & Wilmer Legal Alert (May 6, 2015)
- ["NLRB Jurisdictional Ruling Clears Path for Unionization of Religious Schools,"](#) Co-Author, Snell & Wilmer Legal Alert (March 18, 2015)
- ["Department of Labor Expands FMLA Coverage for Same-Sex Spouses,"](#) Author, Snell & Wilmer Legal Alert (February 25, 2015)
- "Employers: Issues to Watch in 2015," Presenter, Snell & Wilmer 2015 Employers' Tool Kit Seminar (January 15, 2015)
- ["Important Reminder About the Risk of Unexpected FMLA Liability,"](#) Co-Author, Snell & Wilmer Workplace Word (October 8, 2014)
- "Withstanding Legal Scrutiny in Employer-Conducted Background Checks," Co-Author, American Bar Association, Section of Litigation, Employment & Labor Relations Newsletter (June 17, 2014)
- "Employment Law 101: Recognizing The Top Mistakes Made by Mid-Sized Employers," Presenter, P.A.C.E. (Paramount Advisory Committee Enterprise) Conference, Phoenix, Arizona (October 8, 2013)
- ["The EEOC's Latest Investigative Tactic: Trolling for Evidence Through Employee Email Blasts,"](#) Author, Snell & Wilmer Legal Alert (September 12, 2013)
- ["Arizona Court of Appeals Renders Two Decisions Affecting Awards of Attorneys' Fees in Lawsuits to Enforce Mechanics' Liens,"](#) Co-Author, Snell & Wilmer Legal Alert (April 3, 2013)
- ["Phoenix Now Prohibits Employers from Discriminating on the Basis of Sexual Orientation, Gender Identity or Expression, and Disability,"](#) Co-Author, Snell & Wilmer Legal Alert (March 15, 2013)
- ["Arizona Court of Appeals Issues Decision Related to the Application of the Statute of Repose and Economic Loss Doctrine for Subsequent Home Purchasers,"](#) Co-Author, Snell & Wilmer Under Construction Newsletter (December 2012)
- "Arizona's SB 1070 and Preemption of State and Local Immigration Laws: A Case for a More Cooperative and Streamlined Approach to Judicial Review of Subnational Immigration Laws," Author, 85 S. CAL. L. REV. 955 (2012)

## Professional Recognition & Awards

- The Best Lawyers in America®: Ones to Watch, Commercial Litigation (2021)
- ATHENA Award Young Professional Finalist, Greater Phoenix Chamber of Commerce (2019)
- Arizona Capitol Times, Inaugural Women Achievers of Arizona, Unsung Heroes Category (2019)

- President's Challenge Award 2017-2018, Kiwanis International, Southwest District
- Lieutenant Governor of the Quarter Award 2017-2018, Kiwanis International, Southwest District
- Southwest Super Lawyers<sup>®</sup>, Rising Stars Edition, Employment & Labor (2018-2020)
- George F. Hixson Fellowship, Kiwanis International (2017)
- Top Pro Bono Attorneys Award, Arizona Foundation for Legal Services & Education (2015)
- Snell & Wilmer Community Involvement Award (2015)
- Zeller Fellowship, Downtown Scottsdale Young Professionals Kiwanis (October 2014)
- VLP Attorney of the Month, Volunteer Lawyers Program (May 2014)

## **Community Involvement**

- Volunteer Lawyers Program
- Downtown Scottsdale Young Professionals Kiwanis
  - District Lieutenant Governor (2017-2018)
  - President (2015-2016)
- USC Law School, Street Law Mentor Program, Volunteer Instructor (2009-2012)

## **Other Professional Experience**

- Professor George Lefcoe, Ervin and Florine Yoder Chair in Real Estate Law, Research Assistant and Grader (2011-2012)
- Snell & Wilmer L.L.P., Summer Associate (2011)
- United States District Court, District of Arizona, Judicial Extern for the Honorable Mary H. Murguia (2010)
- Office of Arizona Governor Janet Napolitano, Constituent Services Intern (2007-2008)
- University of Arizona Dept. of Spanish and Portuguese, Research Assistant for Dr. Melissa Fitch (2007)

## **Bar Admissions**

- Arizona

## **Court Admissions**

- Supreme Court of Arizona
- United States District Court, District of Arizona
- United States Court of Appeals, Ninth Circuit