



## Amy L. Groff

### Partner

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### OVERVIEW

Amy Groff's practice involves employment law, general civil and commercial litigation, and appellate work. She is also active in the firm's global ethical supply chain group, focused on mitigating risks associated with human trafficking, forced labor, and child labor in companies' global supply chains.

Her employment law practice involves representing employers before administrative agencies, in state and federal trial courts, and on appeal. She also provides timely, practical advice on employment-related issues; conducts internal investigations; and drafts policies, procedures, and agreements.

Amy has worked on appeals pending in courts around the country involving a variety of substantive areas of the law. She has appeared a number of times in the Pennsylvania Supreme Court and U.S. Court of Appeals for the Third Circuit, and she also participated on a team that successfully defended a constitutional challenge in the U.S. Supreme Court.

### PROFESSIONAL BACKGROUND

Amy worked as an investigator for the U.S. Department of Labor, Wage and Hour Division from 1997 to 2003. In that role, she enforced federal laws such as the Family and Medical Leave Act, Fair Labor Standards Act (including child labor provisions), Migrant and Seasonal Agricultural Worker Protection Act, and prevailing wage statutes for government contracts. Amy participated in several national and joint-agency initiatives and received the Secretary of Labor's Exceptional Achievement Award for that work.

### PROFESSIONAL / CIVIC ACTIVITIES

- Pennsylvania Bar Association, Civil Litigation Section (Chair, 2012-2013; Chair-elect, 2011-2012; Vice Chair, 2010-2011; Secretary, 2009-2010; Treasurer, 2008-2009; Council member, 2007-2014; Section member, 2007-present)
- Pennsylvania Bar Association, Legal Services to the Public Committee
- Dauphin County Bar Association

- Pennsylvania Chamber of Business and Industry, Labor and Employment Work Group
- Pro Bono Coordinator for Harrisburg office and member of K&L Gates Firmwide Pro Bono Committee
- K&L Gates Anti-Human Trafficking Initiative Work Group
- K&L Gates Women in the Profession Committee (2014 - 2020)
- Widener University Commonwealth Law School Mentoring Program (as needed)
- Recipient of “Women Making a Difference” recognition by Pennsylvania Business Central's *Women in Business* publication (2018)
- Tree of Life Lutheran Church, President (2015); Council member (2012-2015)
- *Central Penn Business Journal* Forty Under 40 Award Recipient (2014)
- Hon. William W. Lipsitt Inn of Court - founding member (2011-2012)
- *Civil Litigation Update*, Pennsylvania case notes editor (2008-2012)

## SPEAKING ENGAGEMENTS

Amy Groff lectures on various employment law and ethical supply chain-related topics, and she has participated in seminars for the firm and industry groups. The following are some examples:

- Employment Law and COVID-19, Pennsylvania Aggregates and Concrete Association Webinar, April 2020.
- Modern Slavery Laws and Ethical Supply Chains: Tracking Global Trends and Preparing Your Business to Comply, Webinar, May 2019.
- Federal Acquisition Regulation Combatting Trafficking in Persons, Reston, VA, May 2019.
- Global Ethical Supply Chains: What Officers, Directors, and Counsel of International Oil Companies Should Know, Panel, Houston, April 2019.
- Current DOL & EEOC Policy: A Review of Recent Trends to Protect Your Business, Asian American Hotel Operators Association Webinar, March 2019.
- Emerging Issues in the Modern Workplace: Sexual Harassment, Independent Contractors and Supply Chain Risk, Central PA Chapter of Association of Corporate Counsel Seminar, August 2018.
- Stopping Traffick: Are There Slaves in Your Supply Chain?, Podcast, August 2018.
- Conversation to Action: Preventing Sexual Harassment through Legally Sound Policies and Practices, Washington, D.C., May 2018.
- Managing Global Employment and Social Responsibility Risks in the Modern Workplace, Webinar, December 2017.

- Global Supply Chain Risk: Corporate Exposure for Human Trafficking, Forced Labor and Human Rights Abuses, Webinar, October 2017.
- Working Wise: Tackling Risks Related to Forced Labor, Child Labor and Human Trafficking in Supply Chains, Podcast, October 2017.
- Ransomware: Why You Should Care, Central PA Chapter of Association of Corporate Counsel Seminar, August 2017.
- Employment Law Developments, Women in Energy Conference, Houston, April 2017.
- Labor, Employment and Workplace Safety: 2016 Year in Review and 2017 Outlook, Webinar, January 2017.
- Website Accessibility: Did You Know?, Webinars, November and December 2016.
- Discrimination and Leave Issues in the Hospitality Industry, Webinar, July 2016.
- DOL's Final Rule on White-Collar Overtime Exemptions, American Association of Advertising Agencies Webinar, July 2016.
- Implementing USDOL's New Minimum Salary Requirements for White-Collar Exemptions, Webinar, June 2016.
- Leveraging the USDOL's Proposed White-Collar Exemption Changes: What Employers Should Be Doing Now, Webinar, April 2016.
- Assessing Independent Contractor Relationships: Can They Survive the USDOL's Interpretation? Webinar, September 2015.

In addition, Amy testified before the Pennsylvania Senate Labor & Industry Committee in August 2016, regarding proposed amendments to the Pennsylvania Human Relations Act.

Recently, she was interviewed and quoted in the Bloomberg Law article entitled, "Human Trafficking Bridges Pro Bono, Billable Divide at Law Firm" (July 31, 2018); the Meeting Professionals International article entitled, "A Duty to Deter Human Trafficking" (Sept. 21, 2018); and the Bloomberg Law (Federal Contracting News) article entitled, "Human Trafficking Case Could Increase Supply Chain Stress" (Dec. 28, 2018).

## EDUCATION

- J.D., Widener University Commonwealth Law School, 2004 (*Valedictorian; Internal Managing Editor, Widener Law Journal*)
- B.A., Indiana University, 1997 (*with distinction; Phi Beta Kappa*)

## ADMISSIONS

- Bar of Pennsylvania
- United States Court of Appeals for the Sixth Circuit

- United States Court of Appeals for the Third Circuit
- United States District Court for the Eastern District of Pennsylvania
- United States District Court for the Middle District of Pennsylvania
- United States District Court for the Western District of Pennsylvania

## THOUGHT LEADERSHIP POWERED BY HUB

- 14 September 2020, Federal Judge Strikes Down Department of Labor Joint Employer Rule (*Alerts/Updates*)
- 13 April 2020, Pennsylvania Superior Court Holds that a Court Cannot Compel Production of Allegedly Privileged Materials for "Attorneys' Eyes Only" (*Alerts/Updates*)
- 2 March 2020, The National Labor Relations Board Issues Second in Trio of Agency Rules to Clarify Its Joint Employer Standard (*Alerts/Updates*)
- 17 January 2020, Department of Labor Issues Final Rule to Clarify Joint Employer Standard (*Alerts/Updates*)
- 26 November 2019, K&L Gates Working Wise: Recent Supreme Court of Pennsylvania Ruling on Fluctuating Workweek Method of Calculating Overtime (*Podcast*)
- 2 July 2019, Stopping Traffick: What U.S. Government Contractors Need to Know (*Podcast*)
- 24 June 2019, Dutch Legislature Passes Mandatory Child Labor Diligence Law with the Potential to Impact Multinational Companies Around the World (*Alerts/Updates*)
- May 2019, Modern Slavery Laws and Ethical Supply Chains: Tracking Global Trends and Preparing Your Business to Comply (*Webinar*)
- 2 April 2019, Modern Slavery and Transparency Legislation in the U.S. – States May Follow Suit (*Alerts/Updates*)
- 2 August 2018, Stopping Traffick: Are There Slaves in Your Company's Supply Chain? (*Podcast*)
- 9 May 2018, U.S. Supreme Court Rejects Corporate Liability for International Human Rights Violations (*Alerts/Updates*)
- 30 January 2018, Top 10 Tips for an Ethical Supply Chain in 2018 (*Alerts/Updates*)
- December 2017, Managing Global Employment and Social Responsibility Risks in the Modern Workplace (*Webinar*)
- 17 October 2017, Working Wise: Tackling Risks Related to Forced Labor, Child Labor and Human Trafficking in Supply Chains (*Podcast*)
- 9 June 2017, DOL Withdraws Administrator's Interpretations on Joint Employment and Independent Contractors (*Alerts/Updates*)

- 26 January 2017, Third Circuit Recognizes Disparate Impact Age Claim for 50-and-Older Subgroup of Employees (*Alerts/Updates*)
- 8 December 2016, Fifth Circuit Expedites DOL's Appeal Involving Overtime Rule (*Alerts/Updates*)
- 23 November 2016, Federal Judge Blocks DOL Overtime Rule Implementation (*Alerts/Updates*)
- 16 September 2016, Considerations for Construction Industry Employers as They Continue to Prepare for New Salary Thresholds Under White-Collar Overtime Exemptions (*Alerts/Updates*)
- 16 September 2016, Considerations for Oil and Gas Industry Employers as They Continue to Prepare for New Salary Thresholds Under White-Collar Overtime Exemptions (*Alerts/Updates*)
- 16 September 2016, Considerations for Construction Industry Employers as They Continue to Prepare for New Salary Thresholds Under White-Collar Overtime Exemptions (*BlogPost*)
- 12 February 2016, Department of Labor Announces Broad Interpretation of Joint Employment (*Alerts/Updates*)
- 2 September 2015, DOL Issues New Guidance on Independent Contractors (*BlogPost*)
- 23 July 2015, DOL Issues New Guidance on Independent Contractors (*Alerts/Updates*)
- 11 May 2015, Sixth Circuit Sides with Ford Motor Company in ADA Telecommuting Case (*Alerts/Updates*)

## OTHER PUBLICATIONS

- "Platforms Like Uber and the Blurred Line Between Independent Contractors and Employees," *Computer Law Review International*, 2015
- "Proceed With Caution When Limiting Employee Communications," *American Society of Association Executives*, 22 June 2015
- Internet Gaming: The Role of the Dormant Commerce Clause, *Casino Lawyer*, Winter 2006.
- Do State Bans on Internet Gambling Violate the Dormant Commerce Clause?, *Gaming Law Review*, Volume 10, Number 3, 2006.

## AREAS OF FOCUS

- Appellate Litigation
- Employment Disputes and Investigations
- Employment Issues in Business Transactions
- Human Resource Advice and Compliance
- Oil and Gas

- Wage and Hour

## REPRESENTATIVE EXPERIENCE

- Pennsylvania Superior Court appeal involving protection from abuse order
- Non-compete/restrictive covenant litigation
- Third Circuit appeal involving improper lay witness testimony as to prospective damages
- Appeal in Arizona Court of Appeals involving security interest in produce
- Appeal in Texas Court of Appeals involving economic loss rule
- Appeal in Oregon Court of Appeals involving wage and hour class action
- Defense of employment discrimination claims
- Defense of class/collective actions involving oil and gas royalties, claims for breach of warranty and unfair trade practices, and wage and hour claims
- Third Circuit appeal involving oil and gas lease dispute
- Pennsylvania Supreme Court appeal involving issue of first impression under Pennsylvania Minimum Royalty Act
- Defense of litigation involving negligence claims, product liability, and workplace accidents
- Defense of FMLA interference and retaliation claims
- Contract disputes
- Defense of ADA accessibility claims
- Construction litigation