



Joshua B. Waxman

Shareholder

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Focus Areas

Class Actions
Wage and Hour
Labor Management Relations
Litigation and Trials
Legislative and Regulatory Practice
Littler Xmpt Toolkit

Overview

Josh Waxman has a wide-ranging labor and employment law practice with a primary focus on complex labor and employment litigation and strategic labor advice. He represents clients across the country in connection with state and federal class and collective action, single-plaintiff and multi-plaintiff litigation and traditional labor matters, as well as matters before government agencies, including the Department of Labor, National Labor Relations Board and Equal Employment Opportunity Commission.

Josh has substantial experience advising, managing and litigating wage and hour class and collective actions for clients in a variety of industries, including retail, hospitality, financial services, technology, computer services, manufacturing, restaurant and travel. He also advises employers with respect to compliance measures that reduce wage and hour disputes and other employment-related issues. He has handled a wide range of wage and hour matters, including claims alleging:

- Misclassification
- “Off-the-clock” work
- Failure to provide meal periods and rest breaks
- Improper calculation of overtime compensation
- Failure to reimburse for business expenses

- Joint employment with respect to wage and hour issues

His extensive experience providing strategic advice in connection with labor-management relations matters concerning collective bargaining and union organizing under the National Labor Relations Act includes:

- Representing a manufacturing employer at the first decertification causation hearing in NLRB history
- Defending an employer who validated a decertification election despite the existence of unfair labor practices preceding the union's request for an election
- Providing strategic labor advice and bargaining strategy for a manufacturer in connection with its collective bargaining negotiations with two different unions
- Representing a gaming industry client as lead negotiator in its collective bargaining negotiations
- Representing clients before the State Department in an international labor dispute

Josh was one of four Littler attorneys responsible for the creation and development of the Littler Xmpt Toolkit, which was recognized in December 2016 by the *Financial Times* with a commendation in its North America Innovative Lawyers awards.

In 2010, Josh was invited to participate in a meeting of the Investment Subcommittee of the State Department's Federal Advisory Committee on International Economic Policy where he provided input concerning their examination of the United States National Contact Point's role in resolving alleged violations of the OECD Guidelines for Multinational Enterprises.

Josh is a chapter editor to the Collective Actions chapter (Chapter 19) of the American Bar Association (ABA) Section of Labor and Employment Law's *Fair Labor Standards Act* treatise published by the Bureau of National Affairs (BNA), as well as a contributing editor for the ABA's *Developing Labor Law* treatise. He provides editorial oversight for the firm's publications related to wage and hour law.

Prior to joining Littler, Josh was a partner in a prominent labor and employment practice group at another firm where his focus was complex class action and employment litigation, as well as traditional labor law matters. While in law school, he was a member of the Articles Review Board of the *Virginia Law Review* and president of the Virginia Employment and Labor Law Association.

Professional and Community Affiliations

- Member, Labor and Employment Section, American Bar Association
- Member, Litigation Section, American Bar Association
- Member, Fair Labor Standards Legislation Committee, American Bar Association
- Member, Labor and Employment Section, District of Columbia Bar
- Member, Maryland State Bar Association

Recognition

- Named, Super Lawyer, Washington DC, *Super Lawyers*, 2014-2019
- Order of the Coif
- Government Honors Program, *Georgetown University*, 1995

Education

J.D., University of Virginia School of Law, 1998

B.A., Georgetown University, 1995, *cum laude*

Bar Admissions

District of Columbia

Maryland

New York

Courts

U.S. Court of Appeals, 1st Circuit

U.S. Court of Appeals, 9th Circuit

U.S. District Court, District of Columbia

U.S. District Court, District of Maryland

U.S. District Court, Eastern District of New York

U.S. District Court, Western District of New York

U.S. District Court, Northern District of New York

U.S. District Court, Southern District of New York

Publications & Press

Fifth Circuit Holds District Courts in FLSA Actions May Not Send Notice to Employees with Valid Arbitration Agreements that Prohibit Participation in a Collective Action

Littler Insight

February 26, 2019

Employers, Rev Your Engines: SCOTUS Rejects Narrow Construction of FLSA Exemption in Encino Motorcars, LLC v. Navarro

Littler Insight

April 6, 2018

DC Circ. Nixes NLRB Classification of FedEx Drivers

Law360

March 3, 2017

Littler Earns Top Rankings in Financial Times 2016 North America Innovative Lawyers Report

Littler Press Release

December 6, 2016

U.S. Department of Labor Publishes Final Rule on FLSA Overtime Regulations

Littler ASAP

May 18, 2016

The New DOL White Collar Exemption Regulations, Reclassification and Messaging

Littler Podcast

May 13, 2016

Littler Offers Compliance Guidance as Overtime Rule Changes Loom

Legaltech News

April 21, 2016

Littler Launches Compliance Solution for New Overtime Rules

Littler Press Release

April 12, 2016

The Supreme Court Rules That an Unaccepted Offer of Judgment Cannot Moot a Case, But What About Payment of Complete Relief?

Littler Insight

February 3, 2016

Court Holds Parties May Not Stipulate to Dismiss With Prejudice FLSA Actions Without Approval

Executive Risk

September 9, 2015

Second Circuit Holds that Parties May Not Stipulate to Dismiss With Prejudice FLSA Actions Without Court Approval

Littler Insight

August 14, 2015

Weapon in the Quest to Litigate in Federal Court: Federal Officer Removal

Contract Management

July 1, 2015

That Political Bumper Sticker Could Cost You Your Job

NPR's Here & Now

February 26, 2015

Political Speech and Activity in the Workplace: The 2014 Midterms are Here

Littler Insight

October 29, 2014

The Hidden Union Access and Solicitation Pitfalls Associated With Employer Corporate PACs

Bloomberg BNA Daily Labor Report

February 14, 2014

The Federal Enclave Doctrine: A Potentially Powerful Defense to State Employment Laws

Thomson Reuters Westlaw Journal Employment

April 17, 2013

The Federal Enclave Doctrine: A Potentially Powerful Defense to State Employment Laws

Littler Insight

March 7, 2013

Littler's Washington, D.C. Office Bolsters Ranks with the Addition of Joshua B. Waxman

Littler Press Release

October 14, 2011

Proposed NLRB Rules Disadvantage Employers

Metropolitan Corporate Counsel

September 2011

NLRB Will Revisit Dana Corp. and MV Transportation Decisions

SHRM Online

September 7, 2010

President Obama's Inaugural Year and Future Agenda

Labor and Employment Special Report

May 2010

The Potential Impact of the Obama Administration on the Labor and Employment Legal Landscape

Labor and Employment Special Report

November 26, 2008

Speaking Engagements

Upcoming Changes to Rule 23 - Class Action Roundtable

Littler Executive Employer Conference, Phoenix, AZ

May 2, 2018

Timely Talk About Wage and Hour Law: Ways to Decrease Attorneys' Fees and Costs in Class Action Lawsuits

February 14, 2018

Federal Developments During the First Year of the Trump Administration and Predictions for 2018

Tysons Corner, VA

December 12, 2017

Whistleblowing/Retaliation

2017 Mid-Atlantic Employer Conference, Washington, D.C.

June 6, 2017

Preparing for Change: DOL's Final Rule on Overtime and Brief Update on the Affordable Care Act

Asian American Hotel Owners Association, Springfield, VA 22150

September 8, 2016

Working on Overtime: Preparing for DOL's Changes to the FLSA Overtime Regulations

Federal Publications Seminars

August 3, 2016

Working on Overtime: Preparing for DOL's Changes to the FLSA Overtime Regulations

Accounting Principals

July 27, 2016

DOL's Final Exemption Rule: How to Prepare and Comply with the New FLSA Regulations

Center for Competitive Management (C4CM), Webinar

June 6, 2016

DOL Issues Final Overtime Rule - May 23

May 23, 2016

DOL Issues Final Overtime Rule - May 20

May 20, 2016

DOL Issues Final Overtime Rule - May 19

May 19, 2016

Reaction to Impending DOL OT Regulations

Labor and Employment Law Conference, Annapolis, MD
May 17, 2016

New DOL Guidance on Independent Contractor Classification

American Bakers Association 2015 Fall Policy Conference, Washington, D.C.
October 20, 2015

Wage & Hour Collective and Class Actions: Asserting and Challenging Affirmative Defenses

Strafford Webinar
July 8, 2015

Employment Law Update

Littler Mendelson, Washington D.C.
June 25, 2015

Avoiding Claims Arising from Improper Pay Practices

Washington, DC
November 20, 2014

Arbitration Programs with Class Waivers – Protection from Wage and Hour Class/Collective-Action Liability

Tysons Corner, VA
October 21, 2014

Misclassification Creep: Steps to Armor Your Organization Against the Latest Wage and Hour Threat

C4CM
March 28, 2014

Litigation Armoring — Building Advance Defenses to Common Wage and Hour Class and Individual Claims

Tysons Corner, VA
January 23, 2014

Litigation Armoring – Building Advance Defenses to Common Wage and Hour Class and Individual Claims

Washington, DC
October 16, 2013

Litigation Armoring – Building Advance Defenses to Common Wage and Hour Class Claims

Littler Mendelson, Houston, TX
August 22, 2013

Littler Xmpt – A New Approach to Protecting Your Organization from Wage and Hour Litigation

Littler Mendelson, Scottsdale, AZ

May 10, 2013

Changes in Washington in the Labor Relations and Employment Law Field

Litigating Employment Class Actions - Law Seminars International, Washington D.C.

April 7, 2009

Books & Book Chapters

- *Littler on Federal Wage and Hour Obligations*, co-author with Andrew J. Voss, 2016
- Collective Actions, Fair Labor Standards Act, *Chapter 19, ABA Section of Labor and Employment Law, BNA*, chapter editor
- Developing Labor Law, *Chapter 9, ABA*, contributing editor
- Class Certification Under Rule 23, *Chapter 9, Littler Mendelson on Employment Law Class Actions, LexisNexis, 2nd Ed.*, chapter co-editor, 2012
- District of Columbia, *The Mid-Atlantic Employer, LexisNexis and Littler Mendelson*, 2012-2013