

Alex Berg

Shareholder

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Focus Areas

Discrimination and Harassment

Wage and Hour

Class Action

Appellate

Hiring, Performance Management and Termination

Overview

Alex Berg represents and counsels employers facing a wide variety of labor and employment law issues. These issues often range from front-end training and compliance assistance to high-stakes class or collective action litigation.

Alex emphasizes practical solutions that address relevant legal obligations and best practices while also keeping businesses free to focus on what allows them to be successful in the first place. He has extensive experience advising employers and defending litigation involving issues such as:

- Title VII of the Civil Rights Act of 1964 and state fair employment practice acts
- Americans with Disabilities Act (ADA)
- Fair Labor Standards Act (FLSA) and state wage and hour/wage payment and collection laws
- Family and Medical Leave Act (FMLA)
- Age Discrimination in Employment Act (ADEA)
- Fair Credit Reporting Act (FCRA)
- Ban-the-box laws and ordinances

When informal efforts to resolve disputes prove unsuccessful, Alex zealously advocates for his clients before the National Labor Relations Board (NLRB), Equal Employment Opportunity Commission (EEOC), and state and local EEO agencies. He has taken and defended numerous depositions and handled extensive motions practice. Alex has significant trial and

arbitration experience, including second-chairing a successful three-day trial in the Northern District of California and first-chairing a successful three-day arbitration hearing in Virginia. Additionally, Alex has briefed successful appeals before federal appellate courts across the country, as well as the Maryland Supreme Court.

Alex frequently represents businesses faced with class and/or collective action lawsuits alleging systemic employee discrimination or misclassification, whether pursued by private litigants and/or government agencies. He has defended employers against such claims from the pleadings stage through class certification and discovery as well as negotiating consent decrees and obtaining favorable settlements – including obtaining court-awarded sanctions and attorney’s fees against opposing counsel for their behavior. Alex’s contributions toward successfully defeating class certification in one such case involving claims of “reverse” national origin discrimination played a part in Littler being recognized as Law360’s Employment Group of the Year in 2022.

Alex is a board member of, and regular contributor to, *Bender’s Labor and Employment Bulletin* and other publications about topical labor and employment issues, especially discrimination against LGBTQ individuals and cannabis and medical marijuana in the workplace. He also enjoys speaking about current employment issues to human resource and business professionals.

Before joining Littler, Alex practiced at a management-side labor and employment firm in the Baltimore area. Previously, Alex served as a judicial clerk to the Hon. Patrick L. Woodward on the Maryland Court of Special Appeals and the Hon. A. Franklin Burgess, Jr. on the Superior Court for the District of Columbia.

During law school, Alex was an editor of the *Georgetown Law Journal* and an executive editor of the *Annual Review of Criminal Procedure*. While studying for the bar exam, Alex interned with the D.C. Commission on Human Rights.

Professional and Community Affiliations

- Board Member, Bender’s Labor & Employment Bulletin, since 2021
- Member, Fairfax Bar Association
- Member, Litigation and Labor and Employment Law Sections, Maryland State Bar Association
- Member, Bar Association of Montgomery County Maryland
- Member, Stanford University, Mock Trial, 2006-2008

Recognition

- Named, Ones to Watch, *The Best Lawyers in America*®, 2022-2024

Education

J.D., Georgetown University Law Center, 2011

B.A., Stanford University, 2008

Bar Admissions

Virginia

Maryland

District of Columbia

Courts

U.S. Court of Appeals, 4th Circuit

U.S. Court of Appeals, 9th Circuit

U.S. District Court, District of Maryland

U.S. District Court, Eastern District of Virginia

U.S. District Court, Western District of Virginia

U.S. District Court, District of Columbia

Publications & Press

Virginia's 2024 Legislative Session Sees Few Employment Bills Passed and Record Vetoes

Littler Insight

June 7, 2024

Annual Report on EEOC Developments – Fiscal Year 2023

Littler Report

May 6, 2024

Littler Elevates 26 Attorneys to Shareholder to Kick Off the New Year

Littler Press Release

January 2, 2024

Annual Report on EEOC Developments – Fiscal Year 2022

Littler Report

April 25, 2023

The Current Realities About Artificial Intelligence In The Workplace

Bender's Labor & Employment Bulletin

October 2022

More Than 230 Littler Lawyers Recognized in 2023 Edition of Best Lawyers in America[®]

Littler Press Release

August 18, 2022

Supreme Court Holds Arbitration Clauses May Be Waived To Same Extent As Any Other Contractual Right

Bender's Labor & Employment Bulletin

July 2022

Supreme Court Set To Evaluate Whether State Public Accommodation Laws Satisfy First Amendment Scrutiny

Bender's Labor & Employment Bulletin

May 2022

En Banc D.C. Circuit Set To Clarify Whether Transfers Constitute Adverse Action Under Title VII

Bender's Labor & Employment Bulletin

December 2021

Ministerial Exception Bars Title VII Hostile Work Environment Claims, According to En Banc Seventh Circuit

Bender's Labor & Employment Bulletin

September 2021

Best Lawyers in America© 2022 Edition Honors More Than 240 Littler Lawyers

Littler Press Release

August 19, 2021

Where There's No Willfulness, There's No Way: Second Circuit Affirms Dismissal of Allegedly Willful FLSA Claims At Pleadings Stage

Bender's Labor & Employment Bulletin

June 2021

New Virginia Wage and Hour and Pregnancy Discrimination/Accommodation Laws Effective July 1, 2020 Significantly Expand Employees' Rights

Littler Insight

July 6, 2020

Virginia Prepares to Enter "Phase Two" of its Reopening Plan

Littler Insight

June 4, 2020

Era Virginia Governor Signs Marijuana Decriminalization Law

SHRM Online

May 28, 2020

Two Steps Forward, One Step Back: Virginia Prepares for Statewide Entry Into “Phase One” of Reopening, While Issuing New Face Covering Mandate

Littler ASAP

May 27, 2020

Virginia Governor Signs Marijuana Decriminalization Law Containing Employment-Related Provisions

Littler ASAP

May 22, 2020

Virginia Delays Phase One of its Business Reopening Plan in Northern Virginia Region, Richmond, and Accomack County

Littler ASAP

May 12, 2020

Virginia Plans Gradual Three-Phase Lifting of Restrictions on Nonessential Businesses

Littler ASAP

May 6, 2020

Virginia Enacts New Legislation Offering Additional Protection to Workers

Littler Insight

April 16, 2020

Virginia Extends Restrictions on Nonessential Businesses

Littler ASAP

April 16, 2020

A COVID-19 Guide for Employers in the DMV (DC, Maryland, Virginia)

Littler Insight

March 26, 2020

President Trump Issues Executive Order Loosening Constraints on Federal Government Contractors’ Workforce Options

Littler ASAP

November 4, 2019

Supreme Court Set To Clarify Causation Standards for Section 1981 Claims

Bender’s Labor & Employment Bulletin

August 2019

Charged Up: Supreme Court to Clarify Whether Title VII’s Exhaustion Requirement Is Waivable or a Jurisdictional Prerequisite to Suit

Bender’s Labor & Employment Bulletin

April 2019

“Pot Shots”: An Examination of Medical Marijuana Law Developments in 2018

Bender’s Labor & Employment Bulletin

January 2019

Sixth Circuit Panel Holds That Title VII and EPA Do Not Require Tendering Back of Release Payments

Bender’s Labor & Employment Bulletin

October 2018

Supreme Court Recap: Attorneys Assess Impact of China Agritech and Epic Systems

Bloomberg Law Labor and Employment Blog

June 29, 2018

First Circuit Affirms City of Providence Is Liable for Fire Department Ablaze with Sexual Harassment

Bender’s Labor & Employment Bulletin

March 2018

Speaking Engagements

Ask A Littler Attorney: 2024 Hot Topics and New Employment Laws

February 20, 2024

Whistle(Blowing) While You Work: An Update on Federal and Virginia State Whistleblower Retaliation Laws

December 6, 2023

Navigating the New “Undue Hardship” Standard for Religious Accommodation Requests After Groff v. DeJoy

October 24, 2023

2023 Mid-Atlantic Regional Employer Conference

Washington, DC

June 16, 2023

Employment Discrimination Claims: What You Need to Know NOW

National Business Institute (NBI) Webinar

January 17, 2023

It Wouldn’t Be Fall in the DMV Region Without Leaves (of Absence)...!

November 17, 2022

Mini Law School for Maryland HR Professionals

National Business Institute (NBI) Webinar

August 5, 2022

2022 Mid-Atlantic Regional Employer Conference

Washington, DC
June 8, 2022

Drafting Non-Disclosure Agreements

National Business Institute (NBI) Webinar
January 14, 2022

U.S. Vaccine Mandates vs. State Anti-Vaccination Laws and a Survey of the Dramatic Changes in Virginia Employment Protections

Tysons Corner, VA
December 8, 2021

New Noncompete and Nonsolicitation Rules: The Altered Legal Landscape in Virginia, D.C. and Maryland

Tysons Corner, VA
November 17, 2021

Tysons Corner Fall Mini-Series: A Whole New Ballgame in the Commonwealth: The Wide-ranging Repercussions of Virginia's Recently Enacted Wage and Hour Laws

Tysons Corner, VA
November 11, 2020

Mini Law School for HR Professionals

National Business Institute (NBI) Webinar
October 8, 2020

Processes, Procedures and Laws: An overview of the EEO laws and federal/state agencies

National Business Institute (NBI), Baltimore, MD
February 26, 2020

How to Handle Top Employment Claims: Tips From the Experts

National Business Institute (NBI), Baltimore, MD
February 26, 2020

Transgender Student Rights: Interpreting Legal Grey Areas

National Business Institute (NBI) Webinar
October 2019

Applying the Rules of Evidence: What Every Attorney Needs to Know - Authentication of Social Media and Email Evidence

National Business Institute (NBI), Gaithersburg, MD
October 2019

Applying the Rules of Evidence: What Every Attorney Needs to Know - Electronic Discovery Update

National Business Institute (NBI), Gaithersburg, MD

October 2019

Maryland Employment Law – Workplace Privacy (HIPAA, GINA, etc.)

National Business Institute (NBI), Linthicum Heights, MD

April 2019

Maryland Employment Law – Key Discovery and Evidence Issues in Employment Litigation

National Business Institute (NBI), Linthicum Heights, MD

April 2019

Risks to Employers Over Job Performance and Termination Issues Involving the FMLA & ADA

Federal Bar Association Webinar

January 2019

Performance and Termination Decisions Under the FMLA and ADA

Strafford Webinar

October 2018

Mini Law School for HR Professionals – Other Employment Laws You Need to Know

Gaithersburg, MD and Hagerstown, MD

June 2018

Mini Law School for HR Professionals – Alternative Dispute Resolution in the Employment Context

Gaithersburg, MD and Hagerstown, MD

June 2018

Books & Book Chapters

- *Unjust Dismissal*, Editor for Release Nos. 70-76, 2019-present
- Hiring Requirements: Maryland, *Practical Law Labor & Employment*, Thomson Reuters , January 2019
- Leave Laws: Maryland, *Practical Law Labor & Employment*, Thomson Reuters , September 2019
- Wage and Hour Laws: Maryland, *Practical Law Labor & Employment*, Thomson Reuters, July 2019