



Andrea M. Kirshenbaum

Shareholder

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Focus Areas

Wage and Hour
Class Actions
Discrimination and Harassment
Leaves of Absence and Disability Accommodation
Litigation and Trials
Appellate
Drugs and Alcohol
Healthcare
Home Health and Home Care
Energy
Hospitality

Overview

Andrea M. Kirshenbaum's practice focuses on providing counsel on compliance with wage and hour laws and defending employers in federal and state courts against litigation under the Fair Labor Standards Act (FLSA) and state laws relating to wages, pay practices and worker classifications. She regularly represents employers in complex class and collective actions involving a variety of employment-related disputes. Andrea has experience working with clients in a range of industries, including construction, commercial real estate, energy, financial services, health care and pharmaceuticals, hospitality, manufacturing, retail, and technology.

In addition to wage and hour matters, Andrea counsels and represents employers in a wide range of matters that arise in the employer-employee relationship involving discrimination and harassment claims, including religious discrimination cases related to COVID-19 and influenza vaccinations, leave and disability accommodation, and trade

secrets and restrictive covenants. Andrea also represents employers in complex class and collective actions, government investigations, and audits of employment policies and practices, and labor relations matters.

A prolific author and speaker, Andrea regularly writes and presents on legal and regulatory developments impacting the workplace. She serves as the wage and hour columnist for *The Legal Intelligencer*. In 2022, she was appointed to the Civil Rules Advisory Committee of the U.S. District Court for the Eastern District of Pennsylvania.

Prior to joining Littler, Andrea was a shareholder with a Philadelphia law firm, where she was chair of the Employment and Labor Practice Group.

She previously served as a clerk to the Hon. Harvey Bartle III, Judge, U.S. District Court for the Eastern District of Pennsylvania, and the Hon. Morton I. Greenberg, Judge, U.S. Court of Appeals for the Third Circuit.

Professional and Community Affiliations

- Member, American Bar Association (ABA)
- Member, Women in the Profession Committee, Pennsylvania Bar Association (PBA)
- Member, Philadelphia Bar Association
- Member, Civil Rules Advisory Committee, U.S. District Court for the Eastern District of Pennsylvania
- Member, American Health Lawyers Association (AHLA)
- Vice President, Board of Directors, OROT
- Board Member, Duke Philadelphia Regional Board
- Board Member, The Committee of Seventy
- Member, Program Committee, The Forum of Executive Women
- Board Member, ASCEND Group Inc. (The Asperger and Autism Alliance for Greater Philadelphia)
- Member, Philadelphia Steering Committee, Women Owned Law
- Member, Pennsylvania Restaurant & Lodging Association (PR&LA)

Recognition

- Appointed, Board of Judges, *U.S. District Court for the Eastern District of Pennsylvania, Court's Civil Rules Advisory Committee, 2022*
- Named, Best Lawyers, Employment Law - Management, *Best Lawyers in America*®, 2020-2024
- Named, Super Lawyer, Pennsylvania, *Super Lawyer*, 2014-2023
- H. Clayton Louderback Legal Writing Fellow, *University of Pennsylvania Law School*
- Articles Editor, University of Pennsylvania Law School, *Journal of Labor and Employment Law*

Education

J.D., University of Pennsylvania Law School, 2001, *cum laude*

M.A., University of Pennsylvania, 1998

A.B., Duke University, 1996, *cum laude, with Distinction*

Bar Admissions

Pennsylvania

New York

New Jersey

Courts

U.S. Court of Appeals, 3rd Circuit

U.S. District Court, Eastern District of Pennsylvania

U.S. District Court, Middle District of Pennsylvania

U.S. District Court, Western District of Pennsylvania

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

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

U.S. District Court, District of New Jersey

U.S. Court of Federal Claims

Publications & Press

Will the Supreme Court's 'Mallory' Decision Create Litigation Flood in Pennsylvania?

The Legal Intelligencer

July 24, 2023

Is an FLSA Earthquake Heading Our Way?

The Legal Intelligencer

March 27, 2023

Dear Littler: How Do We Handle Drug or Alcohol Impairment in the Workplace?

Dear Littler

March 27, 2023

Andrea Kirshenbaum Joins Littler as Shareholder in Philadelphia

Littler Press Release

January 30, 2023

One Year Later, DOL's Caregiver Initiative Shines Light on Pay Practices for 'Care-Focused' Employers

The Legal Intelligencer

December 21, 2022

NJ Cannabis Regulatory Commission Releases 'Hazy' Guidance on Workplace Marijuana Impairment

New Jersey Law Journal

October 27, 2022

More and More Courts Are Eschewing Mandatory Approval of FLSA Settlements

The National Law Journal

October 6, 2022

Significant Revisions to PMWA Regulations for Tipped Employees Coming to a Restaurant Near You in August

The Legal Intelligencer

July 22, 2022

US Department of Labor 'Beefing Up' Enforcement Efforts

The Legal Intelligencer

March 25, 2022

Risk Factors Combine to Make Wage and Hour Audits a Priority for Employers in 2022

The Legal Intelligencer

December 20, 2021

Expansive View of Compensable Time Under PMWA Likely to Drive More Class Actions

The Legal Intelligencer

September 8, 2021

Construction Companies' Wage-and-Hour Noncompliance Viewed as 'Wage Theft'

The Legal Intelligencer

August 20, 2021

Avoiding Wage-and-Hour Pitfalls in the Post-Pandemic Workplace

The Legal Intelligencer

March 26, 2021

Should Your Organization Consider a COVID-19 Vaccination Mandate?

The Legal Intelligencer

December 21, 2020

What HR Needs to Know Now About COVID-19 Vaccine Policy

HR Executive Magazine

November 9, 2020

Pa. Significantly Increases OT Salary Thresholds Under the Minimum Wage Act

The Legal Intelligencer

October 26, 2020

Employers Should Plan For Vaccine Religious Exemptions

Law360

September 29, 2020

Avoiding Wage-and-Hour Woes During the COVID-19 Pandemic

The Legal Intelligencer

July 27, 2020

The Families First Coronavirus Response Act: What Employers Need to Know

The Legal Intelligencer

March 30, 2020

Speaking Engagements

Employment Challenges in the Post-Pandemic Age of Substance Abuse

Philadelphia, PA

May 2, 2023

Is Court Approval Still Required for FLSA Settlements?

Celesq AttorneysEd Center

January 17, 2023

To Compete or Not to Compete: The Future of Competition in Clinical Medicine

Pennsylvania Bar Institute (PBI) 2022 Health Law Institute

March 16, 2022

Navigating Vaccinations and Religious Exemptions Under Title VII in the COVID-19 Era

Pennsylvania Bar Institute's (PBI) A Day on Health Law

October 28, 2021

COVID-19 Employer Vaccine Mandates

Women Owned Law's (WOL) Table Talk

October 14, 2021

Where Are We? Remote Work Issues: Tax & Employment Law View

Philadelphia Bar Association's Virtual Bench-Bar & Annual CLE Conference
October 1, 2021

What Employers Need to Know About Pay Practices for Tipped Employees

Pennsylvania Restaurant & Lodging Association (PRLA) Webinar
August 3, 2021

Impact of New PA Salary Thresholds

Pennsylvania Restaurant & Lodging Association (PRLA) Webinar
June 9, 2021

COVID-19 Vaccinations and Employees: Navigating the Legal Challenges

Pennsylvania Restaurant & Lodging Association (PRLA) Webinar
June 8, 2021

Women & The Workplace

Forum of Executive Women/Philadelphia Business Journal Webinar
April 27, 2021

Navigating Vaccinations and Religious Exemptions under Title VII in the COVID-19 Era

Pennsylvania Bar Institute's (PBI) Health Law Institute 2021
March 2021

The Impact of the COVID-19 Pandemic on Working Mothers and How to Move Forward

The Forum for Executive Women Panel Discussion
January 26, 2021

COVID-19: Vaccination Protocols and the Regulatory and Legal Landscape

West LegalEd Center CLE Webinar
December 21, 2020

Navigating Vaccinations and Religious Exemption Under Title VII in the COVID-19 Era

Pennsylvania Bar Institute (PBI) Webinar
August 27, 2020

Managing Employment Challenges in an Age of Opioid, CBDs, Medical Marijuana, Drugs & Alcohol

PBI's 2020 Employment Law Institute
July 22, 2020

Families First Coronavirus Response Act: Insights for Employers

Pennsylvania Motor Truck Association (PMTA) Webinar

March 30, 2020

Families First Act & The Hospitality Industry

Pennsylvania Restaurant & Lodging Industry (PRLA) Webinar

March 24, 2020

Managing Employment Challenges in the Age of the Opioid Epidemic

PBI's 2020 Health Law Institute, Philadelphia, PA

March 12, 2020

Top Health Industry Issues of 2021: Will a Shocked System Emerge Stronger?

Duke Philadelphia Alumni Webinar

March 4, 2020