



## David B. Jordan

Shareholder

Co-Chair, Hospitality Industry Group

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## Focus Areas

Wage and Hour

Energy

Healthcare

Hospitality

Class Actions

Workplace Safety and Health (OSHA & MSHA)

Littler PAID Forward

## Overview

David B. Jordan focuses his practice on employment counseling and litigation, including all aspects of labor relations and employment law. His areas of concentration include:

- Complex class and collective action litigation
- Wage and hour collective actions
- Wage and hour compliance, including tip credit and tip sharing issues
- Discrimination
- Wrongful discharge
- Retaliation
- Workplace safety

He also handles disputes involving employment contracts, covenants not to compete, trade secrets and confidentiality agreements.

In addition to representing employers in federal and state courts and before administrative agencies, David also regularly counsels clients on a variety of workplace issues, such as:

- Employment policies
- Whistleblower protections and compliance
- Strategic business planning
- Positive employee relations
- I-9 compliance
- Other general labor and employment matters

David is an active speaker on labor and employment law issues, appearing before trade organizations, human resource professionals and corporate legal departments. Most frequently, he works with clients in such industries as energy, retail, restaurant and hospitality, manufacturing, banking and healthcare.

From 2000-2001, David served as a clerk for the Hon. Sven Erik Holmes of the United States District Court, Northern District of Oklahoma. Prior to practicing law, David spent approximately 10 years in the hospitality industry, building and managing a variety of restaurant concepts.

## Professional and Community Affiliations

- Former Chair, Labor & Employment Law Section, Houston Bar Association, 2008-2013
- Former Council Member, Labor & Employment Law Section, Houston Bar Association, 2008-2013
- Member, Labor and Employment Law Section, State Bar of Texas

## Recognition

- Named, The Best Lawyers in America®, 2013-2019
- Named, Rising Star, Texas, *Law & Politics*, 2006-2011
- Named, Super Lawyer, *Super Lawyers*, 2013-2018
- Named, Rising Star, *Super Lawyers*, 2006-2011

## Education

J.D., The University of Oklahoma College of Law, 2000

B.A., Oklahoma State University, 1990

## Bar Admissions

Texas

## Courts

U.S. District Court, Eastern District of Texas  
U.S. District Court, Western District of Texas  
U.S. District Court, Northern District of Texas  
U.S. District Court, Southern District of Texas  
U.S. District Court, District of Colorado  
U.S. Court of Appeals, 4th Circuit  
U.S. Court of Appeals, 5th Circuit

## Publications & Press

### **Offshore Drilling Companies Can Rest Easy: Supreme Court Holds California Wage and Hour Law Inapplicable to Certain Rig Workers**

*Littler ASAP*

June 11, 2019

### **Three Proposed Regulations That Should Be on the Hospitality Industry's Radar**

*Littler ASAP*

April 25, 2019

### **Littler Lightbulb: Highlighting Five Trends in Hospitality**

*Littler Insight*

April 2, 2019

### **Fifth Circuit Finds Directional Drillers Are Independent Contractors**

*Littler ASAP*

March 12, 2019

### **Review Tip-Credit Practices in Arizona, Hawaii and Idaho**

*SHRM Online*

September 25, 2018

### **Full 9th Circuit Approves "20% Rule" for Tipped Employees**

*Littler ASAP*

September 19, 2018

### **Best Lawyers in America® 2019 Edition Honors More Than 200 Littler Lawyers**

*Littler Press Release*

August 15, 2018

**Does Tipping Contribute to Sexual Harassment in Restaurants?**

*Restaurant Insider*

July 16, 2018

**States Consider Eliminating Tipped Minimum Wage**

*Restaurant Insider*

June 20, 2018

**Littler Names Co-Chairs of Hospitality Industry Group**

*Littler Press Release*

May 31, 2018

**Straightening Out the Labor Law Inclusion of Light-Duty Truck Drivers**

*MH&L News*

May 25, 2018

**Fifth Circuit Weighs in on Motor Carrier Act Overtime Exemption and Small Vehicle Exception**

*Littler ASAP*

May 17, 2018

**New Tip-Sharing Rules for Tipped Employees**

*TLNT*

April 20, 2018

**DOL Clarifies Amendment to the FLSA's Tip Pool Rules**

*Littler ASAP*

April 12, 2018

**DOL Issues Proposed Rule to Rescind 2011 Regulations that Impose Tip-Sharing Restrictions on Employers that Pay the Full Federal Minimum Wage to Employees**

*Littler ASAP*

December 5, 2017

**Best Lawyers in America® 2018 Edition Honors More Than 200 Littler Lawyers**

*Littler Press Release*

August 17, 2017

**The Best Lawyers in America® Honors More Than 180 Littler Lawyers in Its 2017 Edition**

*Littler Press Release*

August 16, 2016

**Fifth Circuit Declines to Broaden Permitted Deduction of Credit Card Fees from Tips**

*Littler ASAP*

June 30, 2016

**What are the Most Significant Changes the DOL Made to the FLSA's White Collar Overtime Regulations?**

*Littler Insight*

May 31, 2016

**What To Know About The DOL's New Overtime Regulations**

*Law360*

May 26, 2016

**Littler Attorneys Recognized in the Best Lawyers in America© 2016 Edition**

*Littler Press Release*

August 18, 2015

**Littler Attorneys Included in the Best Lawyers in America© 2015 Edition**

*Littler Press Release*

August 18, 2014

**Houston City Council Passes City's First Anti-Discrimination in Private Employment Ordinance**

*Littler Insight*

May 29, 2014

**Littler Attorneys Named in Best Lawyers in America® 2014 Edition**

*Littler Press Release*

August 15, 2013

**Wage and Hour Law Pitfalls in the Construction Industry**

*The Associated General Contractors of America, Houston Chapter*

March 2013

**Best Lawyers in America® Names 164 Littler Attorneys to 2013 Edition**

*Littler Press Release*

September 7, 2012

**Fifth Circuit Upholds Private Settlement of FLSA Claims Where Bona Fide Dispute of Liability Exists**

*Littler ASAP*

August 17, 2012

**Navigating the Landmines of Unique Payroll Deductions**

*Texas Association of Business*

February 2011

**Fifth Circuit Employment Discrimination Update**

*Fifth Circuit Reporter, Bar Association of the Fifth Federal Circuit*

2002 - 2010

**OSHA Warns of Compliance Directive Associated with H1N1 Safety Measures in Healthcare Facilities**

*Washington Healthcare Update*

October 16, 2009

**'Say on Pay' Reforms Continue to Gain Congressional, Union and Industry Support**

*Firm Newsletter*

October 16, 2009

**United States Supreme Court Agrees to Review Constitutionality of Sarbanes-Oxley Act and the PCAOB**

*Firm Newsletter*

May 29, 2009

**Staying in Compliance with the 2008 Amendments to the Americans with Disabilities Act**

*Associated General Contractors-Houston Chapter Cornerstone*

Oct. 2008

**Post-Merger Disclosure Claims Rejected in *In re Transkaryotic Therapies, Inc. Litigation***

*Firm Newsletter*

July 1, 2008

**United States Supreme Court Issues Significant Labor and Employment Decisions**

*Firm Publication*

June 20, 2008

**ICE Turns Focus on Houston Restaurant Chain**

*A La Carte Foodservice Consulting Group Newsletter*

June 17, 2008

**U.S. Supreme Court Denies Challenge to EEOC's Rule on Retiree Health Benefits and Medicare Coordination**

*Fulbright & Jaworski L.L.P. Client Briefing*

March 27, 2008

**Texas Supreme Court Upholds Out of State Forum Selection Provisions in Non-Competition Agreements**

*Fulbright & Jaworski L.L.P. Client Briefing*

July 3, 2007

**Square Pegs and Round Holes: Why Native American Economic and Cultural Policies and United States Intellectual Property Law Don't Fit**

*Am. Indian L. Rev. 93*

2000-2001

**Speaking Engagements**

**Timely Talk About Wage and Hour Law: Day Rate Issues Impacting Employers**

August 28, 2018

**Timely Talk About Wage and Hour Law: The FLSA's 2018 Amendment on Tip Pooling and Tip Ownership and the Related DOL Field Bulletin**

April 26, 2018

**FLSA Litigation in the Trump ERA**

Houston Bar Association, Houston, TX

December 2017

**After Trump's First Nine Months, What Should Employers Expect Next?**

Texas Total Rewards Conference, Fort Worth, TX

September 15, 2017

**2017 Houston Employer Conference**

Houston, TX

August 10, 2017

**Employment Law Outlook Under Trump Administration**

Chain Restaurant Total Rewards Association 2017 Annual Conference, San Diego, CA

July 25, 2017

**Timely Talk about Wage and Hour Law: Tipping in the Hospitality and Restaurant Industries**

July 19, 2017

**A Primer on FLSA Litigation for the HR Professional**

HR Houston, Houston, TX

May 10, 2017

**Managing and Improving Wage/Hour and Contingent Workforce Practices in the Energy Industry**

Houston, TX  
March 7, 2017

**2016 Houston Employer Conference**

Houston, TX  
August 11, 2016

**Significant Changes in Department and Labor Rules Affecting the Restaurant Industry**

OZZA, Vail, CO  
July 25, 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

**Preparing for Change; Complying With DOL's Final Overtime Regulations**

HR Houston, Houston, TX  
May 11, 2016

**Wage & Hour Issues in the Oil Patch**

December 2, 2014

**The 2014 Houston Employer Conference**

Houston, TX  
August 14, 2014

**Top Ten Common Wage and Hour Mistakes**

Littler Mendelson, Houston, TX  
August 22, 2013

**Complying with Obamacare**

Client Presentation, Houston, TX  
June 18, 2013



**Wage and Hour Compliance**

San Antonio Human Resource Management Association, Inc., San Antonio, TX  
May 10, 2013

**Top Ten Wage and Hour Law Pitfalls in the Construction Industry**

Associated General Contractors of America, Inc., Houston Chapter  
February 27, 2013

**Labor Law Issues in the Restaurant Industry**

Greater Houston Restaurant Association  
November 11, 2012

**The 2012 Houston Employer Conference**

Houston, TX  
August 2, 2012

**Wage and Hour Update: Critical Developments in Laws and Regulations**

Littler Mendelson, Houston, TX  
August 2, 2012

**Employment Law Update**

Chain Restaurant Compensation Association  
July 10, 2012

**2012 Littler Healthcare Summit: Critical Employment Law Issues Facing Healthcare Employers Today**

Houston, TX  
June 14, 2012

**The 2011 Houston Employer Conference**

Houston, TX  
August 11, 2011

**Current Employment Law Trends in the Restaurant Industry**

Chain Restaurant Compensation Association  
July 26, 2011

**Homeland Security's Workplace Blitz: I-9 Audits, Silent Raids and Illegal Workers**

Houston, TX  
June 28, 2011

**Understanding and Litigating the FLSA's Tip Credit and Tip Pooling Rules**

Houston Bar Association  
May 14, 2011

**Avoiding Wage Hour Litigation**

HR Houston  
May 3, 2011

**Employment Law Basics in the Restaurant Industry**

University of Houston Small Business Series  
November 3, 2010

**Retaliation: How Do you Stop It, What Does it Mean and Why Are Claims Still Growing**

Littler Mendelson, Houston, TX  
August 12, 2010

**Current Employment Law Trends in the Restaurant Industry**

Chain Restaurant Compensation Association  
July 27, 2010

**Wage and Hour Trends**

American Petroleum Labor Lawyers Association  
July 17, 2010

**Wage and Hour Class Actions in the Healthcare Industry**

Houston Society for Healthcare Human Resource Administration  
June 16, 2010

**Are You Busting Your Tip Pool?**

Greater Houston Restaurant Association  
May 18, 2010

**Changes at the Occupational Safety and Health Administration**

Associated General Contractors of America, Houston Chapter  
March 29, 2010

**H1N1: Regulatory, Compliance, Risk and Human Resource Issues**

National Web Seminar  
November 19, 2009

**Catastrophic Litigation - Are you Prepared? Responding to Government and Regulatory Inquiries**

National Web Seminar

November 10, 2009

**H1N1 Legal and Human Resource Issues: A Focus for Nursing Leaders**

VHA Web Seminar

September 2, 2009

**Employment Legislation Update**

Client Breakfast Briefing - Fulbright & Jaworski L.L.P.

June 16, 2009

**In House Counsel Checklist: Employment Issues in Responding to a Health Crisis**

Fulbright Forum

June 2, 2009

**Reductions in Force: Factors to Consider When Economic Times Force a Layoff**

Lorman Education Services

February 24, 2009

**Staying in Compliance: Recent Legislative, Judicial and Regulatory Developments**

CFO Conference - Texas Society of Certified Public Accountants

Oct. 21, 2008

**How-to in Completing and Maintaining I-9s, and Conducting Self-Audits**

Associated General Contractors of America, Houston Chapter

Aug. 22, 2008

**Staying Compliant with Immigration-Related Employment Eligibility Laws**

Greater Houston Restaurant Association

May 21, 2008

**Employment Practices-Statutory and Regulatory Update**

Associated General Contractors of America, Houston Chapter

August 21, 2007

**Your Employee is on FMLA Leave: Figuring Out How to Handle Benefit and Other Policy Issues**

Counsel on Education in Management

July 27, 2007

**Terminations: Practical and Legal Considerations**

Associated General Contractors of America, Houston Chapter  
February 20, 2007

**Managing Leave Law**

Associated General Contractors of America, Houston Chapter  
December 8, 2006

**Reducing Liability Risks for Failing to Effectively Train Managers & Supervisors on Workplace Policies & Procedures**

Counsel on Education in Management  
September 6, 2006

**Issues in Employment-Related Record Management**

Lorman Education Services  
May, 10, 2006

**Types of Claims and their Value**

2006 Labor & Employment Institute - Houston Bar Association  
April 27, 2006

**Books & Book Chapters**

- Texas Employment Law Handbook, *Texas Association of Business*, Chapter Editor and Contributing Author, 2004-2017