

## David S. Ostern

Associate

One Newark Center  
1085 Raymond Boulevard, 8th Floor  
Newark, NJ 07102  
main: (973) 848-4700  
direct: (973) 848-4712  
fax: (973) 643-5626  
dostern@littler.com



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## Focus Areas

Workplace Policy Institute  
Litigation and Trials  
Labor Management Relations  
Staffing, Independent Contractors and Contingent Workers

## Overview

David S. Ostern represents and advises employers in all areas of labor and employment law. He focuses his practice on traditional labor law and defending employers against federal and state harassment, discrimination, and retaliation-related employment litigation.

David's traditional labor law experience involves assisting local and national clients in:

- Labor management relations training
- Union organizing drives and National Labor Relations Board elections and hearings
- Labor arbitration (contract administration and grievance matters)
- Unfair labor practice charges

David also actively defends employers in a variety of matters in both New Jersey and New York state and federal courts and before governmental agencies including the New York State Division of Human Rights. David defends clients against claims arising from Title VII of the Civil Rights Act, the American with Disabilities Act, the Family and Medical Leave Act, and similar state and local laws (e.g., New Jersey Law Against Discrimination).

David is also a member of Littler's Workplace Policy Institute (WPI). WPI assists the employer community in understanding and impacting legislation and regulation at the state and federal levels.

During law school, David was a summer associate at Littler, where he helped draft a successful petition for certification to the Supreme Court of New Jersey. He served as a judicial intern to the Hon. Frank J. DeAngelis, Superior Court of New Jersey – Morris, as well as a labor relations legal intern at Metro-North Railroad. David oversaw the digitization of journal publications and restructuring of journal policies and leadership roles as editor-in-chief of the *Cardozo International & Comparative Law Review*.

Before attending law school, David worked as a paralegal during the summer and winter for a Manhattan-based law firm specializing in insurance, reinsurance, and commercial litigation.

## Professional and Community Affiliations

- Member, American Bar Association
- Member, New Jersey State Bar Association
- Member, New York State Bar Association

## Recognition

- Recipient, Jacob Burns Medal, *Benjamin N. Cardozo School of Law*, May 2020
- Recipient, Dean's Merit Scholarship, *Benjamin N. Cardozo School of Law*, 2017-2020

## Education

J.D., Benjamin N. Cardozo School of Law, 2020

B.A., State University of New York at Binghamton, 2017, *magna cum laude*

## Bar Admissions

New Jersey

New York

## Courts

U.S. District Court, District of New Jersey

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

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

## Publications & Press

**New Jersey Adopts Law Affecting Service Employees During Changes in Ownership**

*SHRM Online*

September 29, 2023

**New Jersey Adopts Changes Affecting Service Employees During Changes in Ownership**

*Little ASAP*

September 15, 2023

**Little's Workplace Policy Institute Releases 2023 Labor Day Report**

*Little Press Release*

September 5, 2023

**WPI Labor Day Report 2023**

*Little WPI Report*

September 5, 2023

**USDOL Finalizes Rule Making Big Changes to Davis-Bacon Enforcement**

*Little Insight*

August 10, 2023

**Third Try's the Charm? National Labor Relations Board (Again) Narrows Definition of "Independent Contractor" Under the National Labor Relations Act**

*Little Insight*

June 14, 2023

**We The Temp Workers: New Jersey Enacts "Temporary Workers' Bill of Rights"**

*Little Insight*

February 9, 2023

**Signed, Sealed, Delivered: New Jersey Implements Long-Delayed Landmark WARN Law**

*Little ASAP*

January 10, 2023

**New Jersey DOL Launches Strategic Enforcement Initiative Targeting Residential Construction & Commercial Laundromats**

*Little ASAP*

December 14, 2022

**New Jersey Edges Closer to Implementing Landmark WARN Law**

*Little ASAP*

December 8, 2022

**Little's Workplace Policy Institute Releases 2022 Labor Day Report**

*Little Press Release*

September 6, 2022

**WPI Labor Day Report 2022**

*Little's WPI Report*

September 5, 2022

**New Jersey High Court Says Separate Corporate Structure Not Enough to Establish Independent Contractor Status**

*Little's Insight*

August 3, 2022

**Rewriting U.S. Labor Law Through the PRO Act & Other Avenues: Implications for the Employer Community**

*PEO Insider*

May 1, 2022

**Application of 'ABC Test' to Franchise Relationships May Cause 'Wave of Misclassification Litigation,' Employment Lawyers Say**

*Law.com*

April 12, 2022

**NLRB General Counsel Abruzzo Seeks to Limit Long-Standing Employer Free Speech Right**

*Little's ASAP*

April 7, 2022

**Massachusetts Top Court Issues Key Ruling Impacting Independent Contractors**

*Little's Insight*

March 31, 2022

**White House Task Force on Worker Organizing and Empowerment Releases its Report**

*Little's Insight*

February 8, 2022

**New Jersey Expands Vaccination Requirements for Healthcare Workers and High-Risk Settings**

*Little's ASAP*

January 21, 2022

**New Jersey Enacts Last-Minute Bill Tying the Hands of Successor Hotels**

*Little's ASAP*

January 18, 2022

**New Jersey Quietly Rolls Back Temporary Suspension of Employer Withholding Rules for Teleworking Employees**

*Little's ASAP*

October 28, 2021

**Pencils, Paper, and Now NLRA Legal Protections – New General Counsel Memorandum Provides College Student Athletes with a Very Significant New “School Supply”**

*Little Insight*

October 1, 2021

**New York and New Jersey Governors Sign the Healthy Terminals Act**

*SHRM Online*

June 2, 2021

**New Jersey Eases COVID-19 Workplace Restrictions Through Two Executive Orders**

*Little ASAP*

May 27, 2021

**New York and New Jersey Governors Sign the Healthy Terminals Act**

*Little Insight*

May 14, 2021

**Federal Court Applies FAA Preemption in Refusing to Enforce New Jersey’s Ban on Mandatory Arbitration of Discrimination, Retaliation and Harassment Claims**

*Little Insight*

April 1, 2021

## **Speaking Engagements**

**New Jersey’s Landmark WARN Law and What It Means for Employers**

February 1, 2023

**Labor and Employment Law Update for N.J. Contractors**

N.J. Electronic Life Safety Association Annual Conference, Atlantic City

February 25, 2022

**Labor and Employment Law Update for N.J. Contractors**

N.J. Electronic Life Safety Association Webinar

September 14, 2021