

Eli Freedberg

Shareholder

900 Third Avenue
New York, NY 10022
main: (212) 583-9600
direct: (212) 583-2685
fax: (212) 832-2719
efreedberg@littler.com



Focus Areas

Hospitality
Wage and Hour
Class Actions
Alternative Dispute Resolution
Litigation and Trials
Workplace Policy Institute

Overview

Eli Freedberg is an experienced lawyer who has worked on cases on behalf of major corporations, mid-sized and small businesses, and individuals. Eli works to create workplace solutions for his clients across the hospitality (including hotels, restaurants, resorts, spas, country clubs, golf clubs, and fitness clubs), health care, retail, and financial industries.

He defends employers in litigation at both the federal and state levels, including matters related to the FLSA, ADA, Title VII, FMLA, and various state and local laws. Eli is an experienced litigator who has taken cases to arbitration and prevailed on motions for summary judgment. He also advises clients regarding the protection of trade secrets and the misappropriation of confidential or proprietary information, both defending employers and pursuing enforcement against former employees.

Representative Experience:

- Prevailed on motion for summary judgment against an international food services and facilities management company and successfully dismissed Title VII and ADA claims
- Prevailed on summary judgment against a national transportation company and successfully dismissed equal pay, race and gender discrimination claims
- Successfully defended dozens of restaurant groups in class actions alleging improper tip credit and tip pooling arrangements

- Represented large health care providers in discrimination claims brought by employees
- Defended hotels and restaurant groups in class actions alleging improper distribution of service charges
- Advised employers on wage and hour compliance and conducting internal wage hour audits
- Drafted comments on behalf of trade organizations to governmental agencies in response to proposed changes to wage and hour law
- Successfully defended employers in Department of Labor investigations concerning compliance with overtime and regular rate of pay calculations and child labor issues
- Defended hospitality owners and operators and health care providers in lawsuits alleging discrimination from accessibility barriers by guests with disabilities under Title III of the ADA
- Successfully defended a former employee and new employer for claims of destruction of evidence and misappropriation of company trade secrets
- Conducted workplace training sessions for employees and managers and human resources personnel concerning performance management, harassment, diversity, EEO issues, and wage/hour issues, including pay practices and exempt/nonexempt classification issues

Eli is a popular speaker and frequent contributor to publications regarding topics related to tip credit/tip pools/service charge compliance, wage and hour compliance, prevention of harassment and discrimination, and effective employment policies.

Eli also serves as the New York coordinator and liaison for Littler's Workplace Policy Institute (WPI). Eli focuses on New York State and New York City legislative and regulatory developments in employment and labor law, as well as municipal ordinances and regulation of the workplace. As part of this initiative, Eli is organized a coalition to challenge New York City's Fair Workweek laws, which has had an extraordinarily detrimental and costly impact on New York City's fast food establishments. Eli has also drafted comments to regulatory entities such as the New York State Department of Labor in response to proposed regulations on behalf of numerous individual clients and trade organization. He also assists the employer community in understanding and impacting New York legislation before it becomes law.

Education

J.D., Yeshiva University Benjamin N. Cardozo School of Law, 2002

B.A., State University of New York at Binghamton

Bar Admissions

New York

Connecticut

Courts

U.S. Court of Appeals, 2nd Circuit
U.S. District Court, Southern District of New York
U.S. District Court, Eastern District of New York
U.S. District Court, Northern District of New York

Publications & Press

New York City Amends Human Rights Law to Extend Protections to Freelancers and Independent Contractors

Littler ASAP

September 13, 2019

Reminder to Post New York State Election Leave Notices

Littler ASAP

June 11, 2019

New York Scraps Plans for Statewide Predictable Scheduling Law

SHRM Online

March 12, 2019

New York State Department of Labor Scraps Plans to Implement Statewide Predictable Scheduling

Littler ASAP

March 1, 2019

The Preemption Power Struggle: Red States, Blue Cities Clash Over Workplace Laws

Littler Podcast

February 20, 2019

New York Employers Can Expect Significant Legislative and Regulatory Activity in 2019

Littler Insight

January 30, 2019

New York Agency Proposes Statewide Predictable Scheduling Regulations

SHRM Online

December 27, 2018

New York Agency Renews Effort to Promulgate State-Wide Predictable Scheduling

Littler ASAP

December 11, 2018

NYC Council Proposes Additional Harassment Training Requirement for "Nightlife Establishments" and Their Employees

Littler ASAP

November 14, 2018

DOL Reissues 2009 Opinion Letter and Loosens Rules to Apply a Tip Credit to Employees Who Perform Side Work

Littler ASAP

November 9, 2018

**New York City Law Requiring Employers to Engage in a "Cooperative Dialogue" for Accommodation Requests Takes Effect
October 15, 2018**

Littler ASAP

September 21, 2018

**Significant Compliance Challenges in New York State's Proposed Anti-Sex Harassment Rules: What Can Employers Do
Now?**

Littler Insight

September 7, 2018

NY Agencies Publish Draft Sexual Harassment Model Policy, Complaint Form, and Training

Littler ASAP

August 24, 2018

Big Apple's Law Mandating Temporary Schedule Changes Takes Effect

SHRM Online

July 17, 2018

Reminder – NYC's "Temporary Schedule Change" Law Becomes Effective on July 18, 2018

Littler ASAP

July 9, 2018

**NYC May Start Enforcing its Law Requiring Fast Food Employers to Facilitate Payroll Deductions to Fund Contributions to
Certain Not-For-Profit Organizations**

Littler ASAP

July 2, 2018

Washington, D.C., Residents Vote to Eliminate the 'Tip Credit'

SHRM Online

June 26, 2018

The District of Columbia Eliminates the "Tip Credit"

Littler ASAP

June 21, 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

New York City Laws Grant Employees Power to Dictate Their Schedules

SHRM Online

February 8, 2018

The New York City Council Continues To Pass Laws Granting Employees The Power To Dictate Their Schedules

Littler Insight

January 30, 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

DOL Announces Proposed Rule to Expand FLSA Tip Sharing

SHRM Online

December 5, 2017

New York State Jumps on the Predictive Scheduling Bandwagon and Issues Proposed Scheduling Rules

Littler Insight

November 14, 2017

The DCA Has Issued Proposed Rules for the New York City Fair Workweek's Predictive Scheduling Laws

Littler Insight

October 25, 2017

DOL Announces Intent to Rescind Rule Restricting the Allocation of Gratuities to Non-Tipped Employees When the Employer Does Not Take a Tip Credit

Littler Insight

July 27, 2017

New York State Appellate Court Finds Arbitration Agreement Requiring Employees to Bring Claims Individually Violates The National Labor Relations Act

Littler ASAP

July 25, 2017

New York City Enacts Laws Limiting Employers' Flexibility To Staff Employees

Littler Insight

June 2, 2017

New York State Industrial Board of Appeals Invalidates New Regulation Governing Payment of Wages by Direct Deposit or Debit Card

Littler ASAP

February 17, 2017

New York Implements Regulation Strongly Favoring Payment of Wages by Check and Discouraging Payment by Direct Deposit and Debit Card

Littler Insight

September 12, 2016

NYC Businesses Face Unintended Consequences From New Overtime Rules

Crain's New York Business

June 8, 2016

Littler's New York Office Adds Two Attorneys to Its Roster

Littler Press Release

May 17, 2016

Speaking Engagements

Timely Talk About Wage and Hour Law: New York's Requirements and Recent Legal Developments

October 31, 2019

Tips on Tips: Keeping Up with Changes on Handling the Tip Credit, the 80/20 Rule and Service Charges

September 12, 2019

New York Hospitality Roundtable

New York, NY

April 30, 2019

Time for a Tune-Up: Compliance Tips for 2019 and Beyond

New York, NY

April 23, 2019

Understanding New York State and City's Sexual Harassment Laws: A Compliance Checklist

October 30, 2018

Understanding New York State and City's Sexual Harassment Laws: A Compliance Checklist

October 19, 2018

Predicting the Future of Predictive Scheduling: What Employers Need to Know Now

October 9, 2018

New York Hospitality Roundtable

New York, NY

May 16, 2018

Workplace Policy Institute State of Play: An Inside Perspective on Labor and Employment Policy in Congress and the Federal Agencies

Littler Executive Employer, Phoenix, AZ

May 3, 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

New York Hospitality Roundtable

New York, NY

January 30, 2018

New York: The City (With a City Council) That Never Sleeps - Keeping Up With New Employment Legislation

New York, NY

November 16, 2017

New York City's Fair Workweek Law – Overview and Analysis of the New York's City New Scheduling Requirement

July 20, 2017

New York Healthcare Industry: A Roundtable Discussion

New York, NY

July 19, 2017

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

July 19, 2017

2016 Hot Topics for New York Employers

New York, NY

June 28, 2016