



## Joshua B. Waxman

Office Managing Shareholder

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## Focus Areas

Class Action

Wage and Hour

Labor Management Relations

Litigation and Trials

Legislative and Regulatory

## Overview

Josh Waxman is the office managing shareholder of Littler's Washington, D.C. office, and is a member of the firm's Board of Directors. Josh has a wide-ranging labor and employment law practice with a primary focus on complex labor and employment litigation and strategic labor advice. He represents clients across the country in connection with state and federal class and collective action, single-plaintiff and multi-plaintiff litigation and traditional labor matters, as well as matters before government agencies, including the Department of Labor, National Labor Relations Board and Equal Employment Opportunity Commission. Josh also serves on the firm's Class Action Strategic Review Committee, providing class action guidance and resources to Littler lawyers across the country.

Josh has substantial experience advising, managing and litigating wage and hour class and collective actions for clients in a variety of industries, including retail, hospitality, financial services, technology, computer services, manufacturing, restaurant and travel. He also advises employers with respect to compliance measures that reduce wage and hour disputes and other employment-related issues. He has handled a wide range of wage and hour matters, including claims alleging:

- Misclassification
- "Off-the-clock" work
- Failure to provide meal periods and rest breaks
- Improper calculation of overtime compensation

- Failure to reimburse for business expenses
- Joint employment with respect to wage and hour issues

His extensive experience providing strategic advice in connection with labor-management relations matters concerning collective bargaining and union organizing under the National Labor Relations Act includes:

- Representing a manufacturing employer at the first decertification causation hearing in NLRB history
- Defending an employer who validated a decertification election despite the existence of unfair labor practices preceding the union's request for an election
- Providing strategic labor advice and bargaining strategy for a manufacturer in connection with its collective bargaining negotiations with two different unions
- Representing a gaming industry client as lead negotiator in its collective bargaining negotiations
- Representing clients before the State Department in an international labor dispute

Josh was one of four Littler attorneys responsible for the creation and development of the Littler Xmpt Toolkit, which was recognized in December 2016 by the *Financial Times* with a commendation in its North America Innovative Lawyers awards.

In 2010, Josh was invited to participate in a meeting of the Investment Subcommittee of the State Department's Federal Advisory Committee on International Economic Policy where he provided input concerning their examination of the United States National Contact Point's role in resolving alleged violations of the OECD Guidelines for Multinational Enterprises.

Josh is a chapter editor to the Collective Actions chapter (Chapter 19) of the American Bar Association (ABA) Section of Labor and Employment Law's *Fair Labor Standards Act* treatise published by the Bureau of National Affairs (BNA), as well as a contributing editor for the ABA's *Developing Labor Law* treatise. He provides editorial oversight for the firm's publications related to wage and hour law.

Prior to joining Littler, Josh was a partner in a prominent labor and employment practice group at another firm where his focus was complex class action and employment litigation, as well as traditional labor law matters. While in law school, he was a member of the Articles Review Board of the *Virginia Law Review* and president of the Virginia Employment and Labor Law Association.

## Professional and Community Affiliations

- Member, Labor and Employment Section, American Bar Association
- Member, Litigation Section, American Bar Association
- Member, Fair Labor Standards Legislation Committee, American Bar Association
- Member, Labor and Employment Section, District of Columbia Bar
- Member, Maryland State Bar Association

## Recognition

- Named, Super Lawyer, Washington DC, *Super Lawyers*, 2014-2023
- Order of the Coif
- Government Honors Program, *Georgetown University*, 1995

## Education

J.D., University of Virginia School of Law, 1998

B.A., Georgetown University, 1995, *cum laude*

## Bar Admissions

District of Columbia

Maryland

New York

## Courts

U.S. Court of Appeals, 1st Circuit

U.S. Court of Appeals, 9th Circuit

U.S. District Court, District of Columbia

U.S. District Court, District of Maryland

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

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

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

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

## Publications & Press

**Little Names Michael Wilder Chair of its 2023 Board of Directors and Welcomes Three New Members**

*Little Press Release*

January 17, 2023

**Virginia Realigns Overtime Requirement with Federal FLSA**

*Little ASAP*

April 14, 2022

**The Seventh Circuit Rules on Whether to Send Notice in FLSA Collective Actions to Individuals with Arbitration Agreements**

*Little Insight*

February 12, 2020

**Fifth Circuit Holds District Courts in FLSA Actions May Not Send Notice to Employees with Valid Arbitration Agreements that Prohibit Participation in a Collective Action**

*Little Insight*

February 26, 2019

**Employers, Rev Your Engines: SCOTUS Rejects Narrow Construction of FLSA Exemption in Encino Motorcars, LLC v. Navarro**

*Little Insight*

April 6, 2018

**DC Circ. Nixes NLRB Classification of FedEx Drivers**

*Law360*

March 3, 2017

**Little Earns Top Rankings in Financial Times 2016 North America Innovative Lawyers Report**

*Little Press Release*

December 6, 2016

**U.S. Department of Labor Publishes Final Rule on FLSA Overtime Regulations**

*Little ASAP*

May 18, 2016

**Little Offers Compliance Guidance as Overtime Rule Changes Loom**

*Legaltech News*

April 21, 2016

**Little Launches Compliance Solution for New Overtime Rules**

*Little Press Release*

April 12, 2016

**The Supreme Court Rules That an Unaccepted Offer of Judgment Cannot Moot a Case, But What About Payment of Complete Relief?**

*Little Insight*

February 3, 2016

**Court Holds Parties May Not Stipulate to Dismiss With Prejudice FLSA Actions Without Approval**

*Executive Risk*

September 9, 2015

**Second Circuit Holds that Parties May Not Stipulate to Dismiss With Prejudice FLSA Actions Without Court Approval**

*Little Insight*

August 14, 2015

**Weapon in the Quest to Litigate in Federal Court: Federal Officer Removal**

*Contract Management*

July 1, 2015

**That Political Bumper Sticker Could Cost You Your Job**

*NPR's Here & Now*

February 26, 2015

**Political Speech and Activity in the Workplace: The 2014 Midterms are Here**

*Little Insight*

October 29, 2014

**The Hidden Union Access and Solicitation Pitfalls Associated With Employer Corporate PACs**

*Bloomberg BNA Daily Labor Report*

February 14, 2014

**The Federal Enclave Doctrine: A Potentially Powerful Defense to State Employment Laws**

*Thomson Reuters Westlaw Journal Employment*

April 17, 2013

**The Federal Enclave Doctrine: A Potentially Powerful Defense to State Employment Laws**

*Little Insight*

March 7, 2013

**Little's Washington, D.C. Office Bolsters Ranks with the Addition of Joshua B. Waxman**

*Little Press Release*

October 14, 2011

**Proposed NLRB Rules Disadvantage Employers**

*Metropolitan Corporate Counsel*

September 2011

**NLRB Will Revisit Dana Corp. and MV Transportation Decisions**

*SHRM Online*

September 7, 2010

**President Obama's Inaugural Year and Future Agenda**

*Labor and Employment Special Report*

May 2010

**The Potential Impact of the Obama Administration on the Labor and Employment Legal Landscape**

*Labor and Employment Special Report*

November 26, 2008

## **Speaking Engagements**

**2024 Mid-Atlantic Regional Employer Conference**

Washington, DC

June 21, 2024

**2023 Mid-Atlantic Regional Employer Conference**

Washington, DC

June 16, 2023

**2022 Mid-Atlantic Regional Employer Conference**

Washington, DC

June 8, 2022

**Managing the Legal Implications of Wandering Workers**

Association of Corporate Counsel, National Capital Region

April 28, 2022

**The Revolution Continues! The Virginia Overtime Wage Act and the Commonwealth's Wage & Hour Transformation**

Tysons Corner, VA

October 27, 2021

**2021 Mid-Atlantic Virtual Employer Conference**

September 9, 2021

**The Wandering Worker: Maintaining Compliance as Workplaces Disaggregate**

Mid-Atlantic Virtual Employer Conference

September 9, 2021

**Virginia Overtime Wage Act: The Next Step in the Commonwealth's Pro-Employee Push**

June 24, 2021

**Telecommuting Issues for Today's Remote Workforce**

ACC NCR CLE Webinar

June 9, 2021

**COVID-19's Litigation Aftermath: Preparing for the Coming Wave of Legal Claims**

ACG (Association for Corporate Growth) National Capital Presentation

August 14, 2020

**Upcoming Changes to Rule 23 - Class Action Roundtable**

Littler Executive Employer Conference, Phoenix, AZ

May 2, 2018

**Timely Talk About Wage and Hour Law: Ways to Decrease Attorneys' Fees and Costs in Class Action Lawsuits**

February 14, 2018

**Federal Developments During the First Year of the Trump Administration and Predictions for 2018**

Tysons Corner, VA

December 12, 2017

**Whistleblowing/Retaliation**

2017 Mid-Atlantic Employer Conference, Washington, D.C.

June 6, 2017

**Preparing for Change: DOL's Final Rule on Overtime and Brief Update on the Affordable Care Act**

Asian American Hotel Owners Association, Springfield, VA 22150

September 8, 2016

**Working on Overtime: Preparing for DOL's Changes to the FLSA Overtime Regulations**

Federal Publications Seminars

August 3, 2016

**Working on Overtime: Preparing for DOL's Changes to the FLSA Overtime Regulations**

Accounting Principals

July 27, 2016

**DOL's Final Exemption Rule: How to Prepare and Comply with the New FLSA Regulations**

Center for Competitive Management (C4CM), Webinar

June 6, 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

**Reaction to Impending DOL OT Regulations**

Labor and Employment Law Conference, Annapolis, MD

May 17, 2016

**New DOL Guidance on Independent Contractor Classification**

American Bakers Association 2015 Fall Policy Conference, Washington, D.C.

October 20, 2015

**Wage & Hour Collective and Class Actions: Asserting and Challenging Affirmative Defenses**

Strafford Webinar

July 8, 2015

**Employment Law Update**

Littler Mendelson, Washington D.C.

June 25, 2015

**Avoiding Claims Arising from Improper Pay Practices**

Washington, DC

November 20, 2014

**Arbitration Programs with Class Waivers – Protection from Wage and Hour Class/Collective-Action Liability**

Tysons Corner, VA

October 21, 2014

**Misclassification Creep: Steps to Armor Your Organization Against the Latest Wage and Hour Threat**

C4CM

March 28, 2014

**Litigation Armoring — Building Advance Defenses to Common Wage and Hour Class and Individual Claims**

Tysons Corner, VA

January 23, 2014



**Litigation Armoring – Building Advance Defenses to Common Wage and Hour Class and Individual Claims**

Washington, DC

October 16, 2013

**Litigation Armoring – Building Advance Defenses to Common Wage and Hour Class Claims**

Littler Mendelson, Houston, TX

August 22, 2013

**Changes in Washington in the Labor Relations and Employment Law Field**

Litigating Employment Class Actions - Law Seminars International, Washington D.C.

April 7, 2009

**Books & Book Chapters**

- *Littler on Federal Wage and Hour Obligations*, co-author with Andrew J. Voss, 2016
- Collective Actions, Fair Labor Standards Act, *Chapter 19, ABA Section of Labor and Employment Law, BNA*, chapter editor
- Developing Labor Law, *Chapter 9, ABA*, contributing editor
- Class Certification Under Rule 23, *Chapter 9, Littler Mendelson on Employment Law Class Actions, LexisNexis, 2nd Ed.*, chapter co-editor, 2012
- District of Columbia, *The Mid-Atlantic Employer, LexisNexis and Littler Mendelson*, 2012-2013