David B. Jordan

Shareholder
Co-Chair, Hospitality Industry Group

1301 McKinney Street
Suite 1900
Houston, TX 77010
main: +1 (713) 951-9400
direct: (713) 652-4784
fax: +1 (713) 951-9212
djordan@littler.com

Practice Areas

Wage and Hour
Energy
Healthcare
Hospitality
Class Action
Occupational Safety and Health

Overview

David B. Jordan is a preeminent class and complex litigation attorney, focused primarily on wage and hour, independent contractor and tip-related issues. His practice spans the continent, litigating complex matters from Alaska to Texas to Puerto Rico. He also litigates across all venues, including federal district and appellate courts, the United States Supreme Court and in bet-the-company private arbitrations.

Examples of David's practice include:

- Representing multiple national trade associations as amicus before the United States Supreme Court on groundbreaking wage/hour day rate challenge
- Prevailed in trial representing a national oilfield services company in a class action trial, prevailing on a nuanced Motor Carrier Act overtime exemption
- Represented national trade associations on amicus vacating a Department of Labor rule, and setting aside onerous tip credit regulations
- Successfully rebuffed Department of Labor challenges in multiple matters involving contractor classification, uniform expense reimbursement, tip credit application and janitorial services

- Defended nearly two hundred energy and hospitality client class actions, resulting in millions of dollars of exposure mitigation

David's clients include national, regional and local clients. Given his 10 years in business before practicing law, David is able to provide pragmatic and efficient advice and defense, all tailored to the particular needs and size of the client. David has also been Board Certified in Labor & Employment Law by the Texas Board of Legal Specialization since 2007. His fuller areas of concentration include:

- Complex class and collective action litigation
- State and federal overtime class litigation
- State and federal independent contractor class litigation
- Appellate litigation, including at the U.S. Supreme Court
- Wage and hour compliance, including tip credit, tip sharing and service charge issues
- Discrimination and retaliation
- Workplace fatality investigations and litigation
- Employment policies
- Strategic business planning
- Positive employee relations
- I-9 compliance

David has advised and defended hundreds of clients across the country in multiple industries, including:

- Upstream and midstream oil and gas production
- Renewable energy
- Restaurants
- Gaming
- Hotel and lodging
- Hospitality
- Retail
- Acute and behavioral healthcare
- Staffing
- Chemical and material manufacturing
- Transportation
- Higher education

Prior to practicing law, David spent approximately 10 years in the hospitality industry, building and managing a variety of restaurant concepts. From 2000 to 2001, David served as a clerk for the Hon. Sven Erik Holmes of the United States District Court, Northern District of Oklahoma. David is an active speaker on labor and employment law issues, appearing before trade organizations, human resource professionals and corporate legal departments. David also frequently represents trade associations and clients as amicus counsel before federal appellate courts and the U.S. Supreme Court. David also devotes significant attention to pro bono matters, including non-profit representation.

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
- Board Member, Greater Houston Restaurant Association
- Co-Founder, USA Swimming Club for intercity youth
- Co-Founder, a local foundation aimed at rebuilding struggling schools, Learn Local

Recognition

- Named, The Best Lawyers in America®, 2013-2027
- 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, 3rd Circuit
U.S. Court of Appeals, 4th Circuit
U.S. Court of Appeals, 5th Circuit
U.S. Supreme Court

Publications & Press

Littler Lounge on Location: Executive Employer Conference – The Takeaways That Didn't Stay in the Room (Part 1)
Littler Podcast
May 14, 2026

The Global Guide Quarterly (Quarter 4, 2025)
Littler Global Guide Quarterly
January 28, 2026

Littler Appoints William Anthony as Chair of its 2026 Board of Directors and Adds Three New Members
Press Release
January 21, 2026

IRS Provides Guidance for Taxpayers to Claim Deductions for Qualified Tips and Qualified Overtime Compensation
Littler ASAP
November 21, 2025

Treasury Department Releases "Preliminary List" of "No Tax on Tips" Occupations
Littler ASAP
September 3, 2025

IRS Publishes Draft Revised Form W-2 in Response to No Tax on Tips and No Tax on Overtime Reporting Requirements
Littler ASAP
August 19, 2025

Littler Lounge: From Tip Jars to Service Charges – And Now, No Tax on Tips?!
Littler Podcast
July 10, 2025

What Employers Need to Know About No Tax on Tips and No Tax on Overtime
Littler ASAP
July 3, 2025

Sixth Circuit Finds Employee's Guaranteed Weekly Salary Was Based on Daily Rate, Defeating Exempt Classification
Littler ASAP
April 25, 2025

Legal Battles Cloud Tipped Wage Limits After Fifth Cir. Ruling
Bloomberg Law
August 30, 2024

Fifth Circuit Vacates DOL's 80/20/30 Rule for Tipped Employees
Littler ASAP
August 23, 2024

Sixth Circuit Establishes Stricter Standard for Granting Notice of FLSA Collective Action
Littler ASAP

May 22, 2023

Supreme Court Holds Day Rate Pay Cannot Satisfy the Salary Basis Test
Littler ASAP
February 23, 2023

Top Wage & Hour Regulation Developments To Watch In 2023
Law360 Employment Authority
January 2, 2023

Quiet Quitting, Mouse-Jigglers, Career Polygamy?? Should Employers Be Worried?
Littler ASAP
September 22, 2022

Labor of Law: Pandemic Sparks Increase in Restaurant-Tip Litigation
Law.com
June 2, 2022

Fifth Circuit Reverses Denial of Preliminary Injunction in Vaccine Mandate Case
Littler ASAP
February 18, 2022

Texas Governor Abbott Bars Employers and Individuals from Compelling COVID-19 Vaccines
Littler ASAP
October 12, 2021

Best Lawyers in America© 2022 Edition Honors More Than 240 Littler Lawyers
Press Release
August 19, 2021

DOL's Proposed Tip Rule Leaves Gray Areas, Attorneys Say
Law360 Employment Authority
June 21, 2021

DOL Proposes to Delay and Revise Portions of Final Rule on Handling Tips and Eliminating the 80/20 Rule
Littler ASAP
March 25, 2021

Department of Labor Issues Two Tip-Related Opinion Letters in Final Days of Outgoing Administration
Littler ASAP
January 19, 2021

Fifth Circuit Announces More Rigorous Standard for Certification of Collective Actions
Littler ASAP
January 13, 2021

Best Lawyers in America© 2021 Edition Honors More Than 250 Littler Lawyers
Press Release
August 20, 2020

DOL Issues Proposed Regulations on Handling Tips and the "80/20 Rule"
Littler ASAP
October 8, 2019

Fifth Circuit Confirms that a Day Rate Can Meet the Salary Requirements under the FLSA's White Collar Overtime Exemptions
Littler ASAP
August 22, 2019

Best Lawyers in America© 2020 Edition Honors More Than 200 Littler Lawyers; 14 Named Lawyer of the Year
Press Release
August 15, 2019

High Court Salary Ruling Seen Having Broader Impact
Business Insurance
June 18, 2019

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 ASAP
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
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
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
Press Release
August 17, 2017

The Best Lawyers in America© Honors More Than 180 Littler Lawyers in Its 2017 Edition
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 ASAP
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
Press Release
August 18, 2015

Littler Attorneys Included in the Best Lawyers in America© 2015 Edition
Press Release
August 18, 2014

Houston City Council Passes City's First Anti-Discrimination in Private Employment Ordinance
Littler ASAP
May 29, 2014

Littler Attorneys Named in Best Lawyers in America® 2014 Edition
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
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

'Say on Pay' Reforms Continue to Gain Congressional, Union and Industry Support
Firm Newsletter
October 16, 2009

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

Events & Speaking Engagements

Exempt or Nonexempt? A Comprehensive Guide to Employee Classification
July 9, 2026

2025 Houston Regional Employer Conference
Houston, TX
September 25, 2025

What Employers Need to Know About No Tax on Tips and No Tax on Overtime
August 14, 2025

Navigating the New Landscape of Tipping Trends and Legal Traps
August 6, 2025

2025 Love Your Lawyer
Houston, TX
February 13, 2025

2024 Puerto Rico Regional Employer Conference
San Juan
November 15, 2024

Overtime - What Employers Need to Know Today
November 7, 2024

2024 Houston Regional Employer Conference
Houston, TX
September 26, 2024

Post 80/20/30 Landscape? What is Next for the Hospitality Industry?
September 12, 2024

Retail and Hospitality Roundtable
Littler Executive Employer Conference, Phoenix, AZ
May 8, 2024

Love Your Lawyer
Houston, TX
February 13, 2024

2023 Houston Regional Employer Conference
Houston, TX
October 18, 2023

A Texas-Size Legislative, Regulatory and Judicial Round-Up
September 26, 2023

Understanding the DOL's Proposed Update to Overtime Regulations
September 13, 2023

Hospitality & Retail Roundtable
Littler Executive Employer Conference, Phoenix, AZ
May 10, 2023

2023 Puerto Rico Employer Conference
San Juan
April 27, 2023

Overtime - What Employers Need to Know Today
April 13, 2023

2023 Love Your Lawyer
Houston, TX
February 14, 2023

2022 Houston Regional Employer Conference
Houston, TX

October 6, 2022

Hospitality Industry Roundtable
Littler Executive Employer Conference
May 4, 2022

Emerging COVID-19 Vaccine Mandate Issues in Texas
November 11, 2021

2021 Houston Employer Conference
Houston, TX
October 26, 2021

The CDC Just Said What?! Chasing Best Workplace Practices on Masking, Vaccines and More
June 29, 2021

Love Your Lawyer: Littler Lawyers Answer Your Most Burning Labor and Employment Questions
Houston, TX
February 10, 2021

Wage and Hour Considerations for Reopening Your Business
May 21, 2020

Love Your Lawyer: Littler Lawyers Answer Your Most Burning Labor and Employment Questions
Houston, TX
February 11, 2020

Navigating the DOL's Proposed Regulations on Tip Pools and Dual Jobs in the Hospitality Industry
November 15, 2019

Nashville Regional Roundtable
Cornell Center for Innovative Hospitality Labor and Employment Relations
October 4, 2019

Tips on Tips: Keeping Up with Changes on Handling the Tip Credit, the 80/20 Rule and Service Charges
September 12, 2019

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 Mangers & 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
- *Wage and Hour Answer Book*, Littler Mendelson, P.C., Chapter Editor