David C. Gartenberg

Office Managing Shareholder

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Practice Areas

Unfair Competition and Trade Secrets
Workplace Violence Prevention and Crisis Response

Overview

David Gartenberg represents and advises employers of all sizes in complex litigation and employment law matters in federal and state courts nationwide. He has extensive experience litigating cases, including those involving allegations of discrimination, harassment, retaliation, wrongful termination, sick pay violations, and various other legal theories. David regularly appears in trial and appellate courts as part of his advocacy for his clients, and he is barred in multiple state and federal courts—including Colorado, New York, New Jersey, and a number of federal district and appellate courts—as well as before state and federal agencies.

Apart from his litigation practice, David also helps employers of all sizes navigate complex rules regarding sick pay, leave, and accommodation issues, including those involving federal laws like the Family and Medical Leave Act (FMLA) and the Americans with Disabilities Act (ADA), and Colorado laws like the Healthy Families and Workplaces Act (HFWA) and Family & Medical Leave Insurance Act (FAMLI). David is also a core member of Littler's Workplace Violence Prevention and Crisis Response Practice Group, and he has wide-ranging experience problem solving with clients on issues relating to concerns of potential workplace violence.

He has significant clients in the following industries:

- Financial services
- Health care
- Technology and start-ups
- Construction

David also regularly conducts trainings for clients on various employment law topics, and frequently lectures and authors articles on emergency emergent Colorado and federal employment law developments.

Recognition

- Named, The Best Lawyers in America®, 2026-2027
- Named, Ones to Watch, *The Best Lawyers in America*®, 2023-2025
- Named, Rising Star, *Super Lawyers*, 2015-2019

Education

J.D., Cornell University Law School, 2010
B.A., Cornell University, 2005

Bar Admissions

Colorado
New Jersey
New York

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, District of Colorado

Publications & Press

Handle with Care: Colorado's New Restrictions on Employee Identification Documents
Littler ASAP
July 29, 2026

The Global Guide Quarterly (Quarter 2, 2026)
Littler Global Guide Quarterly
July 22, 2026

The Global Guide Quarterly (Quarter 1, 2026)
Littler Global Guide Quarterly
April 22, 2026

Colorado Amends Wage Compliance and Recordkeeping Rules
SHRM

March 17, 2026

Telework as a Reasonable Accommodation After the EEOC's New Guidance: What Actually Changes for Employers?
Littler ASAP
February 24, 2026

Colorado Amends Wage Compliance Rules, Revises Recordkeeping Requirements, and Implements New Youth Employment Standards
Littler ASAP
February 20, 2026

Several changes coming to Colorado family medical leave program in 2026
The Sum & Substance
December 24, 2025

Colorado Amends its Anti-Discrimination Law, Adding New Protections for Transgender Employees and Disabled Persons in Places of Public Accommodation
Littler ASAP
July 1, 2025

Amended Colorado Paid Family and Medical Leave Insurance (FAMLI) Law Addresses Neonatal Intensive Care, Slightly Lowers Employee Wage Premiums
Littler ASAP
June 4, 2025

Employment Laws to Look Out for in 2025
Law Week Colorado
December 24, 2024

Littler Appoints New Firm Leaders Across Various U.S. Offices
Press Release
July 24, 2024

New Colorado Employment Laws Enacted, Other Statutes Modified
SHRM Online
July 10, 2024

Forthcoming Additions and Modifications to Employment Laws in Colorado
Littler ASAP
July 2, 2024

Colorado Legislative Preview: Business will play both defense and offense
The Sum & Substance
January 5, 2024

Colorado employers must prepare for these new laws in 2024
The Sub & Substance
December 19, 2023

Questions surround proposed FAMLI rules as program preps for January launch
The Sum & Substance
October 27, 2023

Colorado Enacts A Slew Of New Employment Laws
Law Week Colorado
August 10, 2023

The POWR Act takes effect: What does it mean for CO businesses?
Denver Business Journal
August 8, 2023

Colorado Enacts Legislation Restricting Employers from Requesting Age-Related Information from Job Applicants
Littler ASAP
June 12, 2023

Colorado's POWR Act Significantly Expands Workplace Harassment Laws, Limits Nondisclosure Provisions, and Makes Numerous Other Changes to Employment Law
Littler ASAP
June 8, 2023

Colorado Expands Reasons Employees Can Use Paid Sick Leave
Littler ASAP
June 5, 2023

Colorado Supplemental Sick Leave Relating to COVID-19 Ends in June 2023
Littler ASAP
May 16, 2023

Colorado (Again) Changes Rules on How Employers Must Compensate Employees Using Paid Leave
Littler ASAP
December 20, 2022

Colorado and Oregon Trigger Protections for Leaves Relating to Respiratory Illnesses
SHRM Online
November 23, 2022

Colorado and Oregon Trigger Protections for Leaves Relating to Non-COVID Respiratory Illnesses
Littler ASAP
November 21, 2022

Employer considerations for navigating evolving gun laws
Reuters Westlaw
September 9, 2022

Colorado Issues Final Rules on Paid Family and Medical Leave
SHRM Online
September 9, 2022

Colorado Issues Final Rules on Benefits and Employer Participation Requirements for Paid Family and Medical Leave Insurance Program, Clarifies Private Plan Option
Littler ASAP
September 6, 2022

Changes in Gun Laws Affect the Workplace
SHRM Online
August 18, 2022

Employer Considerations for Navigating Evolving Gun Laws
Littler ASAP
July 27, 2022

Colorado Updates its Paid Sick Leave Guidance, Including Clarifications on Carry-Over Amounts and Public Health Emergency Leave
Littler ASAP
July 12, 2022

Colorado Updates Notice Requirements for Employees Upon Discharge
SHRM Online
June 22, 2022

Colorado Updates Notice Requirements for Employees Upon Discharge
Littler ASAP
June 15, 2022

Colorado Issues First Round of Regulations and Guidance on its Paid Family and Medical Leave Insurance (FAMLI) Program
Littler ASAP
May 16, 2022

Court excludes emotional distress damages under Rehabilitation Act
Human Resources Director
May 4, 2022

U.S. Supreme Court Excludes Emotional Distress Damages from Remedies Available Under Rehabilitation Act and Affordable Care Act
Littler ASAP
May 2, 2022

U.S. Supreme Court Lifts Injunctions Against CMS Vaccine Mandate
Littler ASAP
January 13, 2022

COVID-related labor laws, from vaccine mandates to paid leave, have Colorado employers confused
The Colorado Sun
December 28, 2021

Colorado's Vaccine Mandate for Healthcare Providers Remains in Effect Despite Stays to CMS Vaccine Mandate
Littler ASAP
December 15, 2021

CMS Vaccine Mandate Blocked Nationwide
Littler ASAP
December 2, 2021

Douglas County, Colorado Enacts Public Health Order That Conflicts With Colorado, CDC and OSHA Guidance on COVID-19 Quarantine Protocols
Littler ASAP
October 14, 2021

Colorado Issues COVID-19 Vaccination Mandate for Many Healthcare Settings
Littler ASAP
September 1, 2021

White House Announces that Nursing Homes Risk Losing Medicare and Medicaid Funding Unless They Mandate Staff Vaccination
Littler ASAP
August 19, 2021

Denver Mandates COVID-19 Vaccination for Certain Employees
SHRM Online
August 10, 2021

Denver Mandates That All Public-Sector and Certain Private-Sector Employees Be Vaccinated for COVID-19
Littler ASAP
August 4, 2021

Key Takeaways from the EEOC's Updated Guidance Regarding COVID-19 Vaccinations, Incentives
Littler ASAP
June 1, 2021

Colorado Ties Mask Mandate to Vaccination Status, but Employers Should Proceed with Caution
Littler ASAP
May 4, 2021

Colorado Clarifies the Obligation to Provide Public Health Emergency Leave to New Hires and Part-Time Employees
Littler ASAP
March 2, 2021

Littler Announces New Shareholders and Principals Elevating 26 Attorneys
Press Release
January 4, 2021

Colorado Confirms COVID-19 Triggers Public Health Emergency Leave Under the Healthy Families and Workplaces Act
Littler ASAP
December 24, 2020

Questions and Answers About Proposition 118, Which Enacts Paid Family and Medical Leave in Colorado
Littler ASAP
November 12, 2020

How to Help Survivors of Domestic Violence in the Pandemic
SHRM Online
October 1, 2020

Colorado Passes Law Requiring Employers to Provide Three Types of Paid Sick Leave
Littler ASAP
June 26, 2020

Colorado Issues Guidance on Accommodations in the Age of COVID-19
Littler ASAP

May 27, 2020

Colorado Amends its Safer at Home Order to Permit Employees to Self-Check for COVID-19 Symptoms and to Expand the Categories of Businesses Permitted to Open
Littler ASAP
May 6, 2020

What Employers Can Do About Domestic Violence Right Now
Law360
April 30, 2020

Colorado's "Safer at Home" Order Permits Some Businesses to Reopen with Strict COVID-19 Suppression Measures
Littler ASAP
April 29, 2020

Colorado Enters Its "Safer At Home" Phase of the COVID-19 Pandemic, But Many Municipalities Remain on Lockdown
Littler ASAP
April 25, 2020

Domestic Violence in the Era of COVID-19: What Can Employers Do?
Littler ASAP
April 20, 2020

A COVID-19 Guide for Colorado Employers
Littler ASAP
March 24, 2020

California's Expanded Red Flag Law Empowers Employers to Seek Gun Violence Restraining Orders; Other States May Follow Suit
Littler ASAP
January 21, 2020

Does Jander Signal the Liberalization of Pleading Standards in Stock-Drop Cases? Signs Point to No
Littler ASAP
July 25, 2019

Automation & Artificial Intelligence: TIDE at the Tipping Point
Littler Report
May 9, 2019

Full 10th Cir. Weighs Proof Needed for ADA Accommodation Claim
Bloomberg Law

May 7, 2019

Colorado Supreme Court Clarifies the Statute of Limitations under the Colorado Wage Act, Closing the Door on Stale Claims
Littler ASAP
March 15, 2018

A Circuit Split On Pleading Standard For Title IX Claims
Law360
March 13, 2018

Sixth Circuit Clarifies Discrimination Pleading Burden and Liability Related to Title IX Sexual Misconduct Investigations
Littler ASAP
March 13, 2018

Littler's Denver Office Grows with Addition of Five Attorneys
Press Release
November 9, 2017

Events & Speaking Engagements

2026 Rocky Mountain Regional Employer Conference
Denver, CO
October 2, 2026

2025 Rocky Mountain Regional Employer Conference
Denver, CO
October 10, 2025

2024 Rocky Mountain Regional Employer Conference
Denver, CO
October 18, 2024

2023 Rocky Mountain Regional Employer Conference
Denver, CO
October 27, 2023

Colorado POWR Act
Lorman CLE Webinar
October 25, 2023

Legislative Updates from Management and Employee Counsels' Perspectives
Colorado Bar Association

October 19, 2023

From the "Judge's" Bench: A Report Card on 2022-2023 FMLA/ADA Developments
Littler Executive Employer Conference, Phoenix, AZ
May 11, 2023

Workplace Violence Through the LoD Lens – Compliant Solutions for the Questions You Have Today
Webinar
February 28, 2023

Implementing Workplace Weapons Policies After SCOTUS' Bruen Decision
Strafford Webinar
February 8, 2023

Understanding Colorado's New Paid Family and Medical Leave Insurance (FAMLI) Program
August 24, 2022

Program Chair, Federal Practice Update 2022
Federal Bar Association – Colorado Chapter and the Faculty of Federal Advocates
July 29, 2022

Practically Navigating Complex, Real-Life Leave and Accommodation Scenarios
Littler Executive Employer Conference
May 5, 2022

The Road Map for Navigating Workplace Violence Issues in Colorado
November 3, 2021

2021 Rocky Mountain Virtual Regional Employer Conference
Denver, CO
October 6, 2021

Returning to Work in Colorado: Considerations for Employers in Year Two of the Coronavirus
Denver, CO
June 2, 2021

Compliance Coffee Talk
Denver, CO
April 7, 2021

COVID-19 in the Workplace: Recent Developments and Compliance Challenges - Session Eleven
February 5, 2021

2020 Rocky Mountain Virtual Employer
November 18, 2020

The New Normal: Colorado's Changing Leave Law Landscape
July 9, 2020

The Next Normal: Strategies and Best Practices for Returning to Work in Colorado
May 11, 2020

Tales from the Trenches: Updates and Practical Guidance for Employers on COVID-19
April 21, 2020

Recent Developments In Noncompetition and Nonsolicitation Law In Colorado
Colorado Bar Association CLE
January 16, 2020

Preventing and Responding to Workplace Violence: What Would You Do If...?
2019 Rocky Mountain Employer Conference, Denver, CO
October 4, 2019

Colorado Employment Law Update
2019 Rocky Mountain Employer Conference, Denver, CO
October 4, 2019

Rehab Roundup: Managing Employees with Substance Abuse and Addiction Issues
Rocky Mountain Employer Conference
September 21, 2018

A Little(r) Painkiller for Your FMLA and ADA Migraines: Best Practices for Frequently Encountered Scenarios
2017 Littler Rocky Mountain Employer Conference
October 3, 2017

Books & Book Chapters

- Co-author, Colorado chapter, *Employment at Will: A State-by-State Survey*, American Bar Association, 2021-2023
- Co-author, Colorado section, *Employment At Will Treatise*, 2018 Supplement