



David C. Gartenberg

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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, 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

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

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