



David Harvey

Counsel

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Practice Areas

Class Action

Wage and Hour

Litigation and Trials

Overview

David Harvey is Counsel on the Class Action Counsel team and is based in North Carolina. He is responsible for partnering with trial teams to conduct the fact and legal investigation and exposure assessment for class, collective, and representative actions, including PAGA matters. David prepares a full evaluation of the case based on the needs of the client and trial team. The assessment includes an analysis of the client's wage and hour and/or other employment policies and practices, fact witness interviews, and an evaluation of the strengths and weaknesses of the client's case, including opportunities for remediation. He also partners with data analysts to conduct damages modeling and exposure assessments. David drafts answers and evaluates matters for potential removal to federal court, and because of his knowledge of the factual and legal issues of the matter, remains involved in the litigation through opposition to class certification and settlement.

Before joining Littler, David concentrated his practice in labor and employment law for nearly 20 years with other national law firms. David counseled and represented clients on wage and hour issues under the Fair Labor Standards Act and various state laws, including collective actions and state law class actions. David has vast experience assisting clients in all aspects of Office of Federal Contract Compliance Programs issues for service and supply contractors and construction contractors, including affirmative action plans under EO 11246, VEVRAA, and Section 503, compliance reviews, and compensation issues. In addition, he assisted clients in workforce planning, including RIF strategy and compliance with WARN, state plant closure laws (mini WARNs), and the OWBPA. He regularly represented employers in actions brought under Title VII, the Americans with Disabilities Act, the Equal Pay Act, the Age Discrimination in Employment Act, and state law employment claims. David has successfully defended employers in state law whistleblower/wrongful discharge actions.

He also has experience in traditional labor matters such as union campaigns, arbitration, certification and decertification elections, ULPs, and other labor-management issues. David has experience with the Davis-Bacon and Service Contract Acts, as well as with the Sarbanes-Oxley Act and Dodd-Frank Act.

David has authored a variety of news articles and blog posts during his career as well as speaking engagements on topics such as:

- OFCCP compliance
- Reductions-in-force
- Wage and hour law
- Employee performance management
- Prevailing wage law
- Compensation analysis
- Equal pay

During law school, David was executive articles editor for the *Duquesne Law Review*, with a case note published (Volume 39, Issue 2) and comment published (Volume 40, Issue 2). He was a member of the Appellate Moot Court Honor Society, participant in the First Amendment National Appellate Moot Court Competition, Vanderbilt University, president of the Duquesne Student Chapter, Federalist Society for Law and Public Policy Studies, secretary, executive board of Student Bar Association, and historian of Phi Delta Phi International Legal Fraternity, T. Robert Brennan Inn. He was awarded second place in the First Year Juris Writing Contest.

Recognition

- Order of Barristers, *Duquesne University School of Law*
- Alpha Sigma Lambda, *Point Park University*
- Phi Theta Kappa and NJCAA Distinguished Academic All American, *Westmoreland County Community College*

Education

J.D., Duquesne University School of Law, 2002, *cum laude*

B.A., Point Park University, 1998, *summa cum laude*

A.A.S., Westmoreland County Community College, 1995, *With Highest Honors*

Bar Admissions

North Carolina

Pennsylvania

Tennessee

West Virginia

Courts

U.S. Supreme Court

U.S. Court of Appeals, 3rd Circuit

U.S. District Court, Eastern District of Pennsylvania

U.S. District Court, Middle District of Pennsylvania

U.S. District Court, Western District of Pennsylvania

U.S. District Court, Eastern District of Tennessee