

Robert W. Pritchard

Shareholder

Co-Chair, Wage and Hour Practice Group

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Practice Areas

Wage and Hour

Class Action

Audit Services

Overview

Robert W. Pritchard is co-chair of the firm's Wage and Hour Practice Group. He represents employers in complex wage and hour litigation, with an emphasis on class, collective and hybrid actions, in state and federal courts throughout the United States. In addition, Rob counsels employers on wage and hour compliance, audits payroll practices and evaluates classification determinations. Rob has successfully defended employers in jury trials involving alleged misclassification of employees, as well as alleged nonexempt pay practice violations. Rob is a founding member of the firm's Strategic Review Committee, which provides guidance to class and collective action case teams throughout the firm. In 2022, Rob was named to The BTI Consulting Group's Client Service All-Stars, the second time he received this recognition for his dedication to outstanding client service.

Early in his career, Rob served as a law clerk for the Hon. Carol Los Mansmann, Judge of the United States Court of Appeals for the Third Circuit. Rob's appellate practice includes oral arguments in wage and hour cases at four U.S. Courts of Appeals and four state Supreme Courts. Rob's appellate successes include:

- Representing a health and nutrition retail company before the U.S. Court of Appeals for the First Circuit, which upheld the right of employers to use of the fluctuating workweek method of calculating overtime even when employees are also paid variable incentive compensation.
- Representing a leading culinary and hospitality company before the U.S. Court of Appeals for the Second Circuit, which upheld the application of the amusement or recreational services exemption to concessionaires at sports stadiums.
- Representing a global technology platform before the U.S. Court of Appeals for the Fourth Circuit, which upheld the settlement of a conditionally-certified nationwide collective action under the Fair Labor Standards Act over the

objections of an opt-in plaintiff, clarifying that traditional class action rules do not apply to the settlement of an FLSA collective action.

- Representing a leading online and mobile delivery marketplace before the U.S. Court of Appeals for the Seventh Circuit, which held that its drivers were not “transportation workers” exempt from the Federal Arbitration Act and were therefore subject to binding individual arbitration.

As the Pennsylvania liaison for Littler’s Workplace Policy Institute, Rob focuses on legislative and regulatory developments within the Commonwealth of Pennsylvania. In 2020, Rob spoke at a hearing of the Pennsylvania Independent Regulatory Review Committee on rules issued by the Pennsylvania Department of Labor and Industry to amend regulations pertaining to overtime. Rob authors comments to the Pennsylvania Department of Labor and Industry on proposed regulations, including in 2021 on proposed regulations pertaining to the tip credit and the regular rate, and in 2018 on proposed regulations pertaining to overtime exemptions. In 2016, Rob spoke before a Joint Hearing of the Pennsylvania Senate Appropriations and Labor and Industry Committees on the impact of the U.S. Department of Labor’s overtime rules on Pennsylvania employers and proposed amendments to the Pennsylvania Minimum Wage Act.

Recognition

- Named, The Best Lawyers in America®, 2013-2025
- Named, Lawyer of the Year, *The Best Lawyers in America*®, 2019
- Named, BTI Consulting Group, Client Services All-Star Team for Law Firms, 2022 and 2005

Education

J.D., University of Dayton, 1995, *summa cum laude*

B.S., University of Notre Dame, 1992, *cum laude*

Bar Admissions

Pennsylvania

Courts

U.S. Court of Appeals, 1st Circuit

U.S. Court of Appeals, 2nd Circuit

U.S. Court of Appeals, 3rd Circuit

U.S. Court of Appeals, 6th Circuit

U.S. Court of Appeals, 11th Circuit

Pennsylvania Supreme Court

U.S. District Court, Western District of Pennsylvania

U.S. District Court, Eastern District of Pennsylvania

U.S. District Court, Northern District of Florida

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

Publications & Press

Dear Littler: Do we need to compensate employees for travel time and other time spent incidental to work?

Dear Littler

March 26, 2025

High Court Ruling On FLSA Evidence Standards Brings Clarity

Law360 Employment Authority

January 16, 2025

Supreme Court: No Raised Standard for Showing a Worker Is Exempt

SHRM

January 16, 2025

Federal Court Strikes Down Rule Raising Salary Threshold for White Collar Overtime Exemptions

Littler ASAP

November 15, 2024

Court Strikes Down Overtime Salary Threshold Rule

Connecticut Business and Industry Association

November 15, 2024

Supreme Court Considers What Evidentiary Standard Applies in Exemption Cases

SHRM

November 12, 2024

Judge Dismisses Former UberBlack Drivers' Employment Dispute Following Second Hung Jury

The Legal Intelligencer

July 31, 2024

Pay to Play? Third Circuit Holds NCAA Athletes Can Be Considered Employees

Littler ASAP

July 16, 2024

Texas District Court Narrowly Enjoins White-Collar Overtime Regulations

Littler ASAP

June 29, 2024

Department of Labor Publishes Final Rule to Update the Salary Level for Overtime Eligibility

Littler ASAP

April 23, 2024

6th Circ. Ruling Raises Bar For Reimbursing Drivers' Costs

Law360 Employment Authority

March 26, 2024

Sixth Circuit Delivers Uncertainty on Calculating Impact of Driver Costs

Littler ASAP

March 20, 2024

Receipt of Perks Does Not Undermine “Volunteer” Status Under FLSA

Littler ASAP

March 14, 2024

DOL Issues Guidance on the Child Labor “Hot Goods” Prohibition

Littler ASAP

October 12, 2023

DOL Issues Annual Report on Child Labor with Emphasis on Enforcement

Littler ASAP

October 5, 2023

DOL Proposes to Significantly Increase the Minimum Salary Level to Qualify for the “White Collar” Overtime Exemptions

Littler ASAP

August 30, 2023

Manufacturer Must Pay Record \$22 Million for Wage and Hour Violations

SHRM Online

May 19, 2023

Third Circuit Finds Deductions from Accrued PTO Do Not Violate Salary Basis Requirement for Exempt Employees

Littler ASAP

April 11, 2023

DOL Issues Guidance on Tracking Hours Worked by Teleworkers Who Take Breaks

Littler ASAP

February 14, 2023

Pa. Adopts New Regulations Governing Tipped Workers, Service Charges and OT

The Legal Intelligencer

September 8, 2022

With so many nonexempt employees working remotely, what should be our key wage and hour compliance priorities?

Littler 2 the Point Video

August 9, 2022

How Pennsylvania's new minimum wage regulations will impact workers

TribLIVE

August 5, 2022

3 Things To Know About New Tipped Worker Regs In Pa.

Law360 Employment Authority

August 4, 2022

Pennsylvania Agency Adopts New Rule on Tipped Workers and Calculating Overtime for Nonexempt Salaried Workers

Littler ASAP

February 25, 2022

Best Lawyers in America© 2022 Edition Honors More Than 240 Littler Lawyers

Press Release

August 19, 2021

Pennsylvania Repeals Rule Increasing Exempt Salary Threshold

SHRM Online

July 19, 2021

Pennsylvania Repeals Rule Increasing Salary Threshold for White Collar Exemption and Restores State Law Exemptions to 1968 FLSA Standards

Littler ASAP

July 12, 2021

DOL Withdraws Independent Contractor Regulations, Meaning More Uncertainty for Employers

Littler ASAP

May 14, 2021

Littler Lightbulb: Wage and Hour Developments During the First 100 Days of the Biden Administration

Littler ASAP

May 4, 2021

Littler Lightbulb: Wage and Hour Developments During the First Month of the Biden Administration

Littler ASAP

February 22, 2021

DOL Issues Opinion Letter Addressing Requirements of the "Amusement or Recreational Establishment" Exemption

Littler ASAP

January 19, 2021

Pennsylvania Raises Exempt Salary Threshold

SHRM Online

October 9, 2020

Pennsylvania Rule Increasing White Collar Exemption Salary Threshold Takes Effect

Littler ASAP

October 5, 2020

Best Lawyers in America© 2021 Edition Honors More Than 250 Littler Lawyers

Press Release

August 20, 2020

DOL Issues Final Rule on Fluctuating Workweek Method of Computing Overtime under Fair Labor Standards Act

Littler ASAP

May 26, 2020

Pennsylvania Moves One Step Closer to Substantially Increasing White Collar Exemption Salary Threshold

Littler ASAP

October 17, 2019

Best Lawyers in America© 2020 Edition Honors More Than 200 Littler Lawyers; 14 Named Lawyer of the Year

Press Release

August 15, 2019

DOL Issues Opinion Letter Clarifying When Employees Paid on Hourly, Daily or Shift Basis Can Satisfy "Salary Basis" Requirement

Littler ASAP

November 12, 2018

Pennsylvania Commission Comments on Proposed Amendments to the Commonwealth's White Collar Exemption Regulations

Littler ASAP

October 2, 2018

Best Lawyers in America© 2019 Edition Honors More Than 200 Littler Lawyers

Press Release

August 15, 2018

Pennsylvania Department of Labor and Industry Proposes Amendments to the State's White Collar Exemption Regulations

Littler ASAP

June 14, 2018

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

Discussion of New Federal Overtime Rules

Pennsylvania Senate Appropriations Committee

June 21, 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

Another Court Misinterprets Pennsylvania Law on Fluctuating Workweek

Littler ASAP

July 14, 2014

Two Courts of Appeals to Consider Legality of Paying Incentive Compensation to Fluctuating Workweek Employees

Littler ASAP

March 11, 2014

Littler Attorneys Named in Best Lawyers in America® 2014 Edition

Press Release

August 15, 2013

Fluctuating Workweek Under Attack in Pennsylvania

Littler ASAP

September 12, 2012

Best Lawyers in America® Names 164 Littler Attorneys to 2013 Edition

Press Release

September 7, 2012

Supreme Court Denies Review of "Half Time" Overtime Damages Calculation

Littler ASAP

February 23, 2011

Ninth Circuit Issues Strong Rebuke to Department of Labor, Upholds Outside Sales Exemption for Pharmaceutical Sales Representatives

Littler ASAP

February 14, 2011

New Jersey Adopts Federal "Rounding" Rules

Littler ASAP

January 6, 2011

New Jersey Proposes to Bring its "Rounding" Rules into Conformity with Federal Regulations

Littler ASAP

July 9, 2010

UPDATE - New Jersey Considering Whether to Adopt Federal "Rounding" Rules

Littler ASAP

April 30, 2010

Department of Labor Reverses Course: Mortgage Loan Officers Do Not Meet the Administrative Exemption's Requirements

Littler ASAP

March 29, 2010

Pharmaceutical Sales Reps Qualify for FLSA "Outside Salespeople" Exemption According to Federal Court in Arizona

Littler ASAP

December 8, 2009

New Jersey Issues Warning Against "Rounding" Practices; Clarifies Permissible Use of "Punch Window"

Littler ASAP

June 1, 2009

Tenth Circuit Endorses "Fluctuating Workweek" Method of Calculating Overtime for Misclassified Salaried Employees

Littler ASAP

October 15, 2008

Department of Labor Issues Opinion Letter Recognizing Mortgage Loan Officers as Exempt Administrative Employees

Littler ASAP

October 2, 2006

Rob Pritchard Points out Significance of Rules to Prevent Client Discord

BNA's Employment Discrimination Report

August 30, 2006

Events & Speaking Engagements

Navigating Change in the New Administration: Insights for In-House Counsel and Human Resources

Pittsburgh, PA

February 5, 2025

Everything Old is New Again: A Wage & Hour Retrospective with an Eye Towards AI and Beyond

Littler Executive Employer Conference, Phoenix, AZ

May 9, 2024

DOL Announces New FLSA Overtime Salary Threshold

April 26, 2024

Autopsy of a Wage and Hour Class Action

Littler Executive Employer Conference, Phoenix, AZ

May 10, 2023

The Littler Pennsylvania Report: Important Updates for Pennsylvania Employers in 2023

Pittsburgh, PA

February 28, 2023

Where in the USA is Erin Winnebago... Causing Your Next Wage and Hour Compliance Challenge?

September 28, 2022

Pennsylvania Rule on Calculating Overtime Takes Effect August 5. Are You Ready?

August 2, 2022

Where in the U.S.A. Is Erin Winnebago... Causing Your Next Wage and Hour Compliance Challenge?

Littler Executive Employer Conference

May 5, 2022

A Practical Primer on Inclusion, Equity & Diversity Programs

Littler Executive Employer Conference

May 4, 2022

Kentucky Wage & Hour Update Live Training

Lexington, KY

March 16, 2022

When Every Day is "Blursday" - Wage and Hour Compliance for a Remote Workforce

September 2, 2021

When Every Day is "Blursday" - Wage and Hour Compliance for a Remote Workforce

July 13, 2021

The Littler Pennsylvania Report: Important Updates for Pennsylvania Employers in 2020

Pittsburgh, PA

February 6, 2020

Breaking Up Is Hard to Do: Managing Challenges That Arise When the Employment Relationship Ends

Pennsylvania Chamber of Business & Industry 2019 Annual Human Resources Conference, Hershey, PA

December 3, 2019

What Every Employer Needs to Know About Wage and Hour Law to Avoid an FLSA Collective Action

2019 Employment Law Institute West, Pittsburgh, PA

November 20, 2019

Wage and Hour Legal Compliance for America's Landmen

American Association of Professional Landmen 2019 Annual Meeting, Pittsburgh, PA

June 20, 2019

2019 Philadelphia Regional Employer Conference

Philadelphia, PA

April 2, 2019

Pennsylvania's Proposed Changes to Overtime Exemption Eligibility Regulations

August 8, 2018

Ready or Not...Changes to the White Collar Regulations Expected in 2016: What Should Employers Do Now?

Pittsburgh, PA

January 26, 2016

A More Aggressive DOL – Are you ready for the significant wage and hour regulatory changes and an increased enforcement presence?

Pittsburgh, PA

April 21, 2015

Wage & Hour Issues in the Oil Patch

December 2, 2014

Wage & Hour Issues in the Oil Patch

Houston, TX

October 24, 2014

Department of Labor Wage and Hour Investigations

Client Presentation, Littler Mendelson, Pittsburgh, PA

October 9, 2014

Keeping the 'Independent' in Independent Landman – Understanding the Differences Between Employees and Independent Contractors

2014 Appalachian Land Institute, American Association of Professional Landmen, Washington, PA

October 3, 2014

“Adapt, Armor & Avoid” – New Challenges in Wage and Hour Compliance

Fairport, NY

September 16, 2014

E-Discovery Special Master Program (EDSM) Progress and Perspectives

The FBA E-Discovery Series - Federal Bar Association, Pittsburgh Chapter, Pittsburgh, PA

September 12, 2013

Time to Exhale? Wage Hour Class Action Litigation Results from 2013

Littler Mendelson, Scottsdale, AZ

May 9, 2013

Determining Compensable Time and Limiting Off-the-Clock Work Exposure

2012 Employment Law Institute West - Pennsylvania Bar Institute, Pittsburgh, PA

November 8, 2012

2nd Annual Wage & Hour Symposium

2nd Annual Wage & Hour Symposium - Pennsylvania Bar Institute, Pittsburgh, PA

September 19, 2012

Basics of Wage and Hour Law: Getting Paid in Pennsylvania

Pittsburgh, PA

July 12, 2012

The Wage and Hour Update: Critical Developments in Federal and State Laws and Regulations

Scottsdale, AZ

May 11, 2012

The Wage Hour Update: Critical Developments in Federal and State Laws and Regulations

Littler Mendelson, Scottsdale, AZ

May 11, 2012

Pre-Work and Post-Work Time Issues Under the FLSA

Pittsburgh, PA

November 17, 2011

Pay Audit and Compliance Issues

Cleveland, OH

October 27, 2011

Wage and Hour Symposium

Pittsburgh, PA

September 20, 2011

Employment Class Actions: The Trends, The Law, and What You Can Do About It

Pittsburgh, PA

May 18, 2011

Wage and Hour Master Class

Phoenix, AZ

April 6, 2011

On the Cutting Edge of Workplace Privacy

Pittsburgh, PA

March 12, 2010

H1N1 Flu: Preparing the Workplace for a Pandemic

Pittsburgh, PA

October 14, 2009

Punching Employers' Clocks: Top Ten Ways Your Payroll and Timekeeping System Will Be Used Against You in Court

Pittsburgh, PA

June 4, 2009

Books & Book Chapters

- The National Employer, *LexisNexis and Littler Mendelson*, Chapter 22, Federal Compensation Law, Chapter Editor