

Kevin K. Yam

Shareholder

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Focus Areas

Wage and Hour
Litigation and Trials
Class Action
Discrimination and Harassment
Unfair Competition and Trade Secrets
Hospitality
Construction
Retail

Overview

Kevin K. Yam represents and advises private and public employers in all areas of labor and employment law. His practice focuses on defending companies in employment litigation and wage-and-hour class and collective actions. He also regularly counsels employers on their workplace policies and practices to ensure compliance with applicable federal, state, and local employment laws. His experience includes every phase of litigation from commencement through trial and appeal, including negotiating favorable settlements for clients.

Kevin works with a broad range of businesses in the hospitality (hotels and restaurant groups), retail, construction, real estate, technology, healthcare, financial, transportation, and nonprofit industries. He has appeared before state and federal courts as well as administrative agencies to defend his clients against claims involving:

- The Fair Labor Standards Act (FLSA) and the New York Labor Law (NYLL) involving wage and hour violations, misclassification of workers, and salary/wage, commission, and bonus disputes
- Title VII of the Civil Rights Act, the New York State Human Rights Law, the New York City Human Rights Law, including unlawful discrimination, harassment, and retaliation
- The Americans with Disabilities Act (ADA); The Age Discrimination in Employment Act (ADEA); The Family and Medical Leave Act (FMLA)

- Misappropriation of trade secrets and confidential information; unfair competition; and restrictive covenants (noncompetition and nonsolicitation)
- Breach of contract and employment agreements; and wrongful termination
- Whistleblower claims and investigations

Representative Experience:

- As first chair counsel, represented an employer in a five-day wage and hour jury trial in the U.S. District Court for the Southern District of New York and successfully dismissed the overtime compensation, minimum wage, and spread of hours pay claims of two plaintiffs
- Prevailed on a motion to dismiss a plaintiff's wage and hour claims on behalf of several building owners
- Obtained summary judgment and defeated an executive head chef's wage and hour and overtime claims in the U.S. District Court for the Southern District of New York based on the executive exemption
- Obtained a temporary restraining order and preliminary injunction in the U.S. District Court for the Southern District of New York against a former employee of a global professional services firm to prevent him from violating the terms of a nonsolicitation agreement and misappropriating trade secrets and confidential information
- Successfully represented an employer in a wage and hour and pregnancy discrimination lawsuit styled as a collective/class action by settling the case for a nominal sum, shortly after taking plaintiff's deposition and filing of a related action against plaintiff for misappropriation of trade secrets, unfair competition, and breach of duty of loyalty
- Represent nationwide and regional employers against allegations of misclassification of workers and wage and hour violations
- Regularly defend hotels and restaurant groups in class actions alleging improper distribution of service charges, improper tip credit and tip pooling arrangements, and minimum wage and overtime violations
- Advise employers in developing noncompetition, nonsolicitation, and confidentiality agreements, and also litigate claims related to such agreements, including claims of breach of contract, misappropriation of trade secrets and confidential information, unfair competition, tortious interference, and breaches of the duty of loyalty
- Regularly represent companies against discrimination, harassment, and retaliation claims brought by employees

Prior to joining Littler, Kevin spent three years as an attorney at a boutique law firm in New York City, practicing management-side labor and employment litigation and counseling and commercial litigation.

Professional and Community Affiliations

- Director, Chinese Business Association of New York (CBANY)
- Member, Asian American Bar Association of New York (AABANY)

Recognition

- Recipient, Phillips Lytle LLP Scholarship, *SUNY Buffalo Law School*, 2013
- Recipient, Henry W. Box Scholarship, *SUNY Buffalo Law School*, 2012
- Recipient, Third Best Brief, *Charles S. Desmond Moot Court*, *SUNY Buffalo Law School*, 2012

Education

J.D., SUNY Buffalo Law School, 2014, *cum laude*

B.A., University of Michigan, 2010, *with distinction*

Bar Admissions

New York

Courts

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

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

Languages

Cantonese

Mandarin

Publications & Press

Littler Rings in New Year with the Elevation of 28 Attorneys to Shareholder

Littler Press Release

January 4, 2023

Celebrating AAPI Heritage Month: Feeling Foreign Where We Belong

Littler Podcast

May 31, 2022

Final Rule Affirms U.S. Department of Labor's Power to Fine Businesses That Engage in Tip Theft

Littler ASAP

September 28, 2021

New York Employers Can Expect Significant Legislative and Regulatory Activity in 2019

Littler Insight

January 30, 2019

Speaking Engagements

2024 Tri-State Regional Employer Conference

New York, NY

September 19, 2024