

## Robert W. Pritchard

Shareholder

Co-Chair, Wage and Hour Practice Group

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## Focus 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**

### **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 Insight*

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 Insight*

October 12, 2023

**DOL Issues Annual Report on Child Labor with Emphasis on Enforcement**

*Littler Insight*

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 Insight*

February 25, 2022

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

*Littler 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 Insight*

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 Insight*

May 4, 2021

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

*Littler Insight*

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**

*Littler Press Release*

August 20, 2020

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

*Littler Insight*

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**

*Littler 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**

*Littler Press Release*

August 15, 2018

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

*Littler Insight*

June 14, 2018

**Best Lawyers in America© 2018 Edition Honors More Than 200 Littler Lawyers**

*Littler Press Release*

August 17, 2017

**The Best Lawyers in America© Honors More Than 180 Littler Lawyers in Its 2017 Edition**

*Littler 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**

*Littler Press Release*

August 18, 2015

**Littler Attorneys Included in the Best Lawyers in America© 2015 Edition**

*Littler 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**

*Littler 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**

*Littler 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 Insight*

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 Insight*

October 2, 2006



**Rob Pritchard Points out Significance of Rules to Prevent Client Discord**

*BNA's Employment Discrimination Report*

August 30, 2006

**Speaking Engagements**

**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 Hour Update: Critical Developments in Federal and State Laws and Regulations**

Littler Mendelson, Scottsdale, AZ  
May 11, 2012

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

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