

## Steven E. Kaplan

Shareholder

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## Focus Areas

Discrimination and Harassment  
Wage and Hour  
Class Action  
Leaves of Absence and Disability Accommodation  
Policies, Procedures and Handbooks

## Overview

Steven E. Kaplan represents and counsels management clients in all areas of labor and employment law, particularly in the area of discrimination. His practice includes defending employers against claims arising under:

- Title VII
- The Americans with Disabilities Act
- The Age Discrimination in Employment Act
- The Fair Labor Standards Act
- The Family and Medical Leave Act
- The National Labor Relations Act
- The Maryland Wage Payment and Collection Law
- Maryland Wage and Hour laws

He regularly appears before state and federal courts, as well as administrative agencies such as the Equal Employment Opportunity Commission, the Maryland Human Relations Commission and the Montgomery County Office of Human Rights.

Additionally, Steven offers his clients compliance counseling with respect to Maryland and Washington, D.C., laws.

Prior to joining Littler Mendelson, Steven was an attorney at the National Labor Relations Board, Office of the General Counsel, Division of Advice. During law school, he also worked at the National Labor Relations Board, Office of the General Counsel, in Brooklyn, New York (Region 29), as a field examiner. He was also an intern at the Equal Employment Opportunity Commission where he was a law clerk to the Chief Administrative Judge. In law school, he was a moot court associate.

## Professional and Community Affiliations

- Member, Labor & Employment Section, American Bar Association
- Member, Labor & Employment Section, Maryland State Bar Association
- Member, Labor & Employment Section, District of Columbia Bar
- Member, Labor & Employment Section, Montgomery County, Maryland
- Member, Human Resources Advisory Group, Maryland Chamber of Commerce

## Recognition

- Recipient, Outstanding Labor & Employment Law Student, *John H. Fanning Scholar Award*, 2003

## Education

J.D., Catholic University of America Columbus School of Law, 2003, *magna cum laude*

B.A., Ohio University, 1993, *cum laude*

## Bar Admissions

District of Columbia

Maryland

## Courts

U.S. Supreme Court

U.S. Court of Appeals, 4th Circuit

U.S. Court of Appeals, D.C. Circuit

U.S. District Court, District of Maryland

U.S. District Court, District of Colorado

## Publications & Press

**Prince George's County, MD Amends Criminal Background Check Law**

*Littler ASAP*

October 1, 2024

**New Employment Legislation in Maryland: Essential Updates**

*Littler Insight*

May 6, 2024

**Maryland Modifies its Paid Family and Medical Leave Insurance Program**

*Littler ASAP*

May 5, 2023

**Maryland Enacts a Paid Family and Medical Leave Program**

*Littler ASAP*

April 19, 2022

**Montgomery County, MD Amends Ban-the-Box Legislation**

*Littler ASAP*

November 24, 2020

**Montgomery County, MD Lowers Standard for Proving Harassment in the Workplace**

*Littler ASAP*

October 21, 2020

**Maryland Enters Stage Three of the “Maryland Strong: Road to Recovery” Plan**

*Littler ASAP*

September 9, 2020

**Washington, D.C. and Maryland Expand Their Reopening Efforts**

*Littler ASAP*

June 30, 2020

**D.C. Amends Emergency Paid Leave Amendments**

*Littler ASAP*

June 8, 2020

**Washington, D.C. Activates its Reopening Plan, While Maryland Permits Additional Activities Under its Roadmap to Recovery**

*Littler Insight*

June 3, 2020

**Maryland Enacts Mandatory WARN Act Obligations for Even Small Job Actions**

*SHRM Online*

May 21, 2020

**Maryland Initiates its Reopening Plan While Washington, D.C. Extends its Stay-at-Home Order and Implements Face Covering Requirement**

*Littler Insight*

May 19, 2020

**Maryland Enacts Mandatory WARN Act Obligations for Even Small Job Actions**

*Littler ASAP*

May 12, 2020

**Key Legislation Emerging from Maryland and Local Ordinances to Remember**

*Littler Insight*

May 12, 2020

**DC Council Adopts Expanded Sick Leave, Unemployment Amendments**

*Littler ASAP*

April 8, 2020

**A COVID-19 Guide for Employers in the DMV (DC, Maryland, Virginia)**

*Littler Insight*

March 26, 2020

**Maryland Enacts a Statewide “Ban-the-Box” Law**

*Littler ASAP*

February 5, 2020

**DC Employers Must Notify Employees of Their Right to Paid Leave**

*Littler ASAP*

January 23, 2020

**Key Legislation Emerging from Maryland and Local Ordinances to Remember**

*Littler Insight*

May 28, 2019

**Maryland Joins Growing List of States Increasing Statewide Minimum Wage to \$15 Per Hour**

*Littler ASAP*

April 1, 2019

**Littler Elevates 28 Attorneys**

*Littler Press Release*

January 2, 2019

**Washington, D.C., Residents Vote to Eliminate the 'Tip Credit'**

*SHRM Online*

June 26, 2018

**The District of Columbia Eliminates the "Tip Credit"**

*Littler ASAP*

June 21, 2018

**Maryland Becomes the Latest State to Require Paid Sick and Safe Leave**

*Littler Insight*

January 17, 2018

**Can An Employer Ask Its Employees to Keep a Workplace Investigation Confidential?**

*DC SHRM*

November 1, 2017

**Key Legislation Emerging from the 2016 Maryland General Assembly Session and Local Ordinances to Remember**

*Littler ASAP*

May 23, 2016

**States Require Reasonable Accommodation of Pregnant Workers**

*SHRM Online*

November 2, 2015

**The Heavy Burden of Light Duty: Young v. UPS**

*Littler Insight*

March 31, 2015

**Supreme Court Overturns the Fourth Circuit's Decision in Young v. UPS: Remands for Further Consideration**

*Littler ASAP*

March 26, 2015

**Maryland Court Signals the State's Wage Payment and Collection Law is a "Strong" Public Policy and an Out-of-State Employer's Choice of Law Provision Will Not Likely Be Enforceable**

*Littler ASAP*

February 17, 2015

**Court OKs Treble Damages in Maryland Wage and Hour Disputes**

*HR Compliance Expert*

September 10, 2014

**Md.: Employers May Be Liable for Treble Damages for Misclassification Claims**

*Society for Human Resource Management (SHRM)*

August 20, 2014

**Maryland Employers Can Be Liable for up to Treble Damages for Misclassification "Overtime Pay" Claims Under State Law**

*Littler Insight*

August 18, 2014

**Supreme Court Agrees to Hear Appeal in Young v. UPS**

*Littler ASAP*

July 3, 2014

**Maryland Employers Soon Must Provide "Light Duty" to Pregnant Disabled Women and Update Employment Handbooks**

*Littler Insight*

September 16, 2013

**Legislation Roundup: Maryland General Assembly Mandates that Employers Provide "Light Duty" to Pregnant Disabled Women, Leave for Military Family Members, and Creates a New Wage Law**

*Littler Insight*

May 16, 2013

**The Federal Enclave Doctrine: A Potentially Powerful Defense to State Employment Laws**

*Thomson Reuters Westlaw Journal Employment*

April 17, 2013

**Relying on Concepcion, the Fourth Circuit Reiterates Broad FAA Preemption and Holds Class Action Waiver in Arbitration Agreement Is Enforceable**

*Littler ASAP*

April 3, 2013

**The Federal Enclave Doctrine: A Potentially Powerful Defense to State Employment Laws**

*Littler Insight*

March 7, 2013

**Fourth Circuit Reverses Decision Holding Employer's Promise Not to Retaliate Modified At-Will Employment, Rejects Breach of Contract Claim**

*Littler Insight*

December 14, 2012

**Legislation Roundup: Maryland "Facebook Law" Raises New Obstacles for Employers and Other Significant Maryland Developments**

*Littler Insight*

April 17, 2012

**Fourth Circuit Finds Maryland's Wage Payment and Collection Law Not A Fundamental Public Policy**

*Littler ASAP*

December 30, 2011

**Legislation Roundup: Maryland Law Restricts Use of Applicant's or Employee's Credit Report or Credit History**

*Littler Insight*

April 20, 2011

**Maryland Federal Court Holds Arbitration Agreement Unenforceable**

*Littler ASAP*

April 13, 2011

**Restaurant Owner Who Bartends May Not Share in Employee Bartenders' Tip Pool**

*Littler ASAP*

March 18, 2011

**U.S. Supreme Court Refuses to Hear Donning and Doffing Case**

*Littler ASAP*

October 8, 2010

**ADA Class Action Challenges Hospital's Return-to-Work Policies**

*Littler ASAP*

August 31, 2010

**Maryland Court of Appeals Holds Unvested Stock Options Are Not Wages**

*Littler ASAP*

June 7, 2010

**New Maryland Law Requires Shift Breaks for Retail Employees**

*Littler ASAP*

May 26, 2010

**Maryland Enacts "The Healthy Retail Employee Act" and Amends Its Wage Payment and Collection Law**

*Littler Insight*

May 25, 2010

**Maryland Amends Wage Payment and Collection Law**

*Littler ASAP*

April 21, 2010

**Fifth Circuit Rules Employers Do Not Have to Pay for Donning and Doffing Time Despite Failure to Address Issue in Collective Bargaining Negotiations**

*Littler ASAP*

January 13, 2010

**Fourth Circuit Finds Employers Do Not Have to Pay for Donning & Doffing Time That Was Subject to Collective Bargaining**

*Littler ASAP*

January 6, 2010

**Independent Contractors Targeted by Maryland Enforcement Efforts**

*Littler Insight*

September 25, 2009

**The Maryland General Assembly Amends and Clarifies Key Terms in the Maryland "Flexible" Leave Act and Other Maryland Developments**

*Littler Insight*

May 19, 2009

**Transition To A New (Work) Day: An Initial Look at Workplace Change in the Obama Era**

*Littler Report*

November 25, 2008

**Employers Who Regard Employees as Disabled May Have to Provide a Reasonable Accommodation**

*Labor and Employment Law Newsletter*

April 2006

**Insignia – Employers Watch Out!**

*Labor and Employment Law Newsletter*

April 2006

**Not ADA Disabled? Not So Fast**

*Maryland State Bar Association Bar Bulletin*

March 2006



## **Speaking Engagements**

### **2024 Mid-Atlantic Regional Employer Conference**

Washington, DC

June 21, 2024

### **2022 Mid-Atlantic Regional Employer Conference**

Washington, DC

June 8, 2022

### **2021 Mid-Atlantic Virtual Employer Conference**

September 9, 2021

### **COVID-19**

Client Webinar

March 30, 2020

### **Hot Topic Roundup**

2019 Mid-Atlantic Employer Conference, Bethesda, MD

June 7, 2019

### **The Rise of Independent Contractors – Meet the New Boss, Same as the Old Boss?**

2018 Mid-Atlantic Employer Conference, Washington, D.C.

June 5, 2018

### **Human Resources and Employment Matters**

10,000 Small Businesses Legal Clinic, Johns Hopkins University

February 1, 2018

### **Managing a Growing Business**

2017 Mid-Atlantic Employer Conference, Washington, D.C.

June 6, 2017

### **Human Resources and Employment Matters**

10,000 Small Businesses Legal Clinic, Johns Hopkins University

March 3, 2017

### **2016 Mid-Atlantic Employer Conference**

Washington, DC

June 7, 2016

**Employer/Employee Relationships - Beyond the Decision to Hire**

Labor and Employment Law Conference, Annapolis, MD  
May 17, 2016

**Hot Labor & Employment Law Compliance Issues**

Upper Shore Manufacturing & Business Council Annual Conference - Society for Human Resource Management, Wye Mills, MD  
Spring 2011

**Fair Employment Law**

Columbus School of Law - Catholic University of America, Washington, D.C.  
Winter 2010

**Employment Law**

George Mason University, Fairfax, VA  
Winter 2010

**Recent Developments under the ADEA and ADA**

Workshop on Employment Law for Federal Judges  
2005

**Books & Book Chapters**

- Wage and Hour Laws: A State-By-State Survey, *Bloomberg BNA and American Bar Association*, Maryland State Chapter, Contributing Author, 2010-2017