



## Andrea M. Kirshenbaum

Shareholder

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## Practice Areas

Wage and Hour  
Class Action  
Discrimination and Harassment  
Leave and Accommodation  
Litigation and Trials  
Appellate  
Arbitration  
Drugs and Alcohol  
Healthcare  
Home Health and Home Care  
Energy  
Hospitality

## Overview

Andrea M. Kirshenbaum's practice focuses on providing counsel on compliance with wage and hour laws and defending employers in federal and state courts against litigation under the Fair Labor Standards Act (FLSA) and state laws relating to wages, pay practices and worker classifications. She regularly represents employers in complex class and collective actions involving a variety of employment-related disputes. Andrea has experience working with clients in a range of industries, including construction, commercial real estate, energy, financial services, health care and pharmaceuticals, hospitality, manufacturing, retail, and technology.

In addition to wage and hour matters, Andrea counsels and represents employers in a wide range of matters that arise in the employer-employee relationship involving discrimination and harassment claims, including religious discrimination cases related to COVID-19 and influenza vaccinations, leave and disability accommodation, and trade secrets and restrictive covenants. Andrea also represents employers in complex class and collective actions, government investigations, and audits of

employment policies and practices, and labor relations matters.

A prolific author and speaker, Andrea regularly writes and presents on legal and regulatory developments impacting the workplace. She serves as the wage and hour columnist for *The Legal Intelligencer*. In 2022, she was appointed to the Civil Rules Advisory Committee of the U.S. District Court for the Eastern District of Pennsylvania.

Prior to joining Littler, Andrea was a shareholder with a Philadelphia law firm, where she was chair of the Employment and Labor Practice Group.

She previously served as a clerk to the Hon. Harvey Bartle III, Judge, U.S. District Court for the Eastern District of Pennsylvania, and the Hon. Morton I. Greenberg, Judge, U.S. Court of Appeals for the Third Circuit.

## Professional and Community Affiliations

- Member, American Bar Association (ABA)
- Member, Women in the Profession Committee, Pennsylvania Bar Association (PBA)
- Member, Philadelphia Bar Association
- Member, Civil Rules Advisory Committee, U.S. District Court for the Eastern District of Pennsylvania
- Member, American Health Lawyers Association (AHLA)
- Vice President, Board of Directors, OROT
- Board Member, Duke Philadelphia Regional Board
- Board Member, The Committee of Seventy
- Member, Program Committee, The Forum of Executive Women
- Board Member, ASCEND Group Inc. (The Asperger and Autism Alliance for Greater Philadelphia)
- Member, Philadelphia Steering Committee, Women Owned Law
- Member, Pennsylvania Restaurant & Lodging Association (PR&LA)

## Events & Speaking Engagements

### 2024 Philadelphia Regional Employer Conference

Philadelphia, PA

October 25, 2024

### Healthcare Roundtable: Top Issues Facing Healthcare Employers in 2024

Littler Executive Employer Conference, Phoenix, AZ

May 8, 2024

### Home Health Care Challenges in the Post-Pandemic Age of Substance Abuse

October 10, 2023

### Employment Challenges in the Post-Pandemic Age of Substance Abuse

Philadelphia, PA

May 2, 2023

**Is Court Approval Still Required for FLSA Settlements?**

Celesq AttorneysEd Center

January 17, 2023

**To Compete or Not to Compete: The Future of Competition in Clinical Medicine**

Pennsylvania Bar Institute (PBI) 2022 Health Law Institute

March 16, 2022

**Navigating Vaccinations and Religious Exemptions Under Title VII in the COVID-19 Era**

Pennsylvania Bar Institute's (PBI) A Day on Health Law

October 28, 2021

**COVID-19 Employer Vaccine Mandates**

Women Owned Law's (WOL) Table Talk

October 14, 2021

**Where Are We? Remote Work Issues: Tax & Employment Law View**

Philadelphia Bar Association's Virtual Bench-Bar & Annual CLE Conference

October 1, 2021

**What Employers Need to Know About Pay Practices for Tipped Employees**

Pennsylvania Restaurant & Lodging Association (PRLA) Webinar

August 3, 2021

**Impact of New PA Salary Thresholds**

Pennsylvania Restaurant & Lodging Association (PRLA) Webinar

June 9, 2021

**COVID-19 Vaccinations and Employees: Navigating the Legal Challenges**

Pennsylvania Restaurant & Lodging Association (PRLA) Webinar

June 8, 2021

**Women & The Workplace**

Forum of Executive Women/Philadelphia Business Journal Webinar

April 27, 2021

**Navigating Vaccinations and Religious Exemptions under Title VII in the COVID-19 Era**

Pennsylvania Bar Institute's (PBI) Health Law Institute 2021

March 2021

### **The Impact of the COVID-19 Pandemic on Working Mothers and How to Move Forward**

The Forum for Executive Women Panel Discussion

January 26, 2021

### **COVID-19: Vaccination Protocols and the Regulatory and Legal Landscape**

West LegalEd Center CLE Webinar

December 21, 2020

### **Navigating Vaccinations and Religious Exemption Under Title VII in the COVID-19 Era**

Pennsylvania Bar Institute (PBI) Webinar

August 27, 2020

### **Managing Employment Challenges in an Age of Opioid, CBDs, Medical Marijuana, Drugs & Alcohol**

PBI's 2020 Employment Law Institute

July 22, 2020

### **Families First Coronavirus Response Act: Insights for Employers**

Pennsylvania Motor Truck Association (PMTA) Webinar

March 30, 2020

### **Families First Act & The Hospitality Industry**

Pennsylvania Restaurant & Lodging Industry (PRLA) Webinar

March 24, 2020

### **Managing Employment Challenges in the Age of the Opioid Epidemic**

PBI's 2020 Health Law Institute, Philadelphia, PA

March 12, 2020

### **Top Health Industry Issues of 2021: Will a Shocked System Emerge Stronger?**

Duke Philadelphia Alumni Webinar

March 4, 2020

## **Recognition**

- Appointed, Board of Judges *U.S. District Court for the Eastern District of Pennsylvania, Court's Civil Rules Advisory Committee, 2022*
- Named, Best Lawyers, Employment Law - Management, *Best Lawyers in America*®, 2020-2025
- Named, Super Lawyer, Pennsylvania, *Super Lawyer*, 2014-2023
- H. Clayton Louderback Legal Writing Fellow *University of Pennsylvania Law School*
- Articles Editor, University of Pennsylvania Law School, *Journal of Labor and Employment Law*

## **Education**

J.D., University of Pennsylvania Law School, 2001, *cum laude*

M.A., University of Pennsylvania, 1998

A.B., Duke University, 1996, *cum laude, with Distinction*

## Bar Admissions

Pennsylvania

New York

New Jersey

## Courts

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 New York

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

U.S. District Court, District of New Jersey

U.S. District Court, Eastern District of Michigan

U.S. Court of Federal Claims

## Publications & Press

### **Supreme Court Holds That Preponderance-of-the-Evidence Standard Applies to Prove Exemptions Under the FLSA**

*External Publication*

March 24, 2025

### **Exercising On My Peloton Bike Makes Me A Better Lawyer**

*External Publication*

January 8, 2025

### **DOL Salary Level Final Rule Vacated**

*External Publication*

December 13, 2024

### **Third Circuit's 'Johnson v. NCAA' Opinion: What It Means for College Athletics and Beyond**

*External Publication*

October 22, 2024

### **High Court's Administrative Law Transformation and Its Impact on Federal Wage-and-Hour Law**

*External Publication*

July 22, 2024

**DOL's Final Rule on Independent Contractor Classification Likely Is Not the Final Word**

*External Publication*

March 25, 2024

**'Bad for Business?' House Holds Hearing on DOL's Proposed Changes to FLSA OT Exemptions**

*External Publication*

December 18, 2023

**DOL Proposes Significant Increase in Salary Level to Remain Exempt From OT**

*External Publication*

October 24, 2023

**Will the Supreme Court's 'Mallory' Decision Create Litigation Flood in Pennsylvania?**

*External Publication*

July 24, 2023

**Is an FLSA Earthquake Heading Our Way?**

*External Publication*

March 27, 2023

**Dear Littler: How Do We Handle Drug or Alcohol Impairment in the Workplace?**

*Dear Littler*

March 27, 2023

**Andrea Kirshenbaum Joins Littler as Shareholder in Philadelphia**

*Press Release*

January 30, 2023

**One Year Later, DOL's Caregiver Initiative Shines Light on Pay Practices for 'Care-Focused' Employers**

*The Legal Intelligencer*

December 21, 2022

**NJ Cannabis Regulatory Commission Releases 'Hazy' Guidance on Workplace Marijuana Impairment**

*New Jersey Law Journal*

October 27, 2022

**More and More Courts Are Eschewing Mandatory Approval of FLSA Settlements**

*The National Law Journal*

October 6, 2022

**Significant Revisions to PMWA Regulations for Tipped Employees Coming to a Restaurant Near You in August**

*The Legal Intelligencer*

July 22, 2022

**US Department of Labor ‘Beefing Up’ Enforcement Efforts**

*The Legal Intelligencer*

March 25, 2022

**Risk Factors Combine to Make Wage and Hour Audits a Priority for Employers in 2022**

*The Legal Intelligencer*

December 20, 2021

**Expansive View of Compensable Time Under PMWA Likely to Drive More Class Actions**

*The Legal Intelligencer*

September 8, 2021

**Construction Companies’ Wage-and-Hour Noncompliance Viewed as ‘Wage Theft’**

*The Legal Intelligencer*

August 20, 2021

**Avoiding Wage-and-Hour Pitfalls in the Post-Pandemic Workplace**

*The Legal Intelligencer*

March 26, 2021

**Should Your Organization Consider a COVID-19 Vaccination Mandate?**

*The Legal Intelligencer*

December 21, 2020

**What HR Needs to Know Now About COVID-19 Vaccine Policy**

*HR Executive Magazine*

November 9, 2020

**Pa. Significantly Increases OT Salary Thresholds Under the Minimum Wage Act**

*The Legal Intelligencer*

October 26, 2020

**Employers Should Plan For Vaccine Religious Exemptions**

*Law360*

September 29, 2020

**Avoiding Wage-and-Hour Woes During the COVID-19 Pandemic**

*The Legal Intelligencer*

July 27, 2020

**The Families First Coronavirus Response Act: What Employers Need to Know**

*The Legal Intelligencer*

March 30, 2020