

Bradford J. Kelley

Shareholder

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Practice Areas

AI and Technology
Discrimination and Harassment
Wage and Hour
Leave and Accommodation

Overview

Bradford J. Kelley has a broad practice representing employers in employment anti-discrimination and wage and hour matters. He focuses on advising clients about emerging technologies, including artificial intelligence (AI), and their impact in the workplace.

Brad is an internationally recognized workplace AI authority. He advises clients on how to maximize the benefits of using AI in the workplace while minimizing potential legal and business risks. His deep background in this area provides employers with the tools and insights they need to develop, deploy, and monetize AI and other emerging technologies to bolster business operations and efficiency. In addition, he counsels clients on how to effectively navigate the compliance requirements and litigation risks associated with evolving AI laws and regulations. Brad has published numerous articles about workplace AI, including:

- **All the Regulatory Light We Cannot See: The Impact of Loper Bright on Regulating Artificial Intelligence in the Workplace**
Seton Hall Journal of Legislation and Public Policy, 2024
- **[Belaboring the Algorithm: Artificial Intelligence and Labor Unions](#)**
Yale Journal on Regulation Bulletin, 2024
- **[Wage Against the Machine: Artificial Intelligence and the Fair Labor Standards Act](#)**
Stanford Law & Policy Review, 2023
- **[Filling the Void: Artificial Intelligence and Private Initiatives](#)**
North Carolina Journal of Law & Technology, 2023 (co-authored with EEOC Commissioner Keith Sonderling)

- **[The Promise and the Peril: Artificial Intelligence and Employment Discrimination](#)**
University of Miami Law Review, 2022 (co-authored with EEOC Commissioner Keith Sonderling)
- **[All Along the New Watchtower: Artificial Intelligence, Workplace Monitoring, Automation, and the National Labor Relations Act](#)**
Marquette Law Review, 2023

Brad also speaks nationally on these emerging issues. He has given workplace AI lectures at Duke University School of Law, Georgetown University Law Center, University of North Carolina School of Law, and George Washington University School of Law.

Prior to joining Littler, Brad was chief counsel to Commissioner Keith Sonderling at the U.S. Equal Employment Opportunity Commission (EEOC) where he provided the commissioner with legal and policy advice on federal employment anti-discrimination laws. At the EEOC, he worked on cases, policies, and regulations under all the statutes enforced by the Commission, including Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act (ADEA), the Americans with Disabilities Act (ADA), the Equal Pay Act (EPA), the Pregnancy Discrimination Act (PDA), and the Genetic Information Nondiscrimination Act (GINA). He was also a key advisor to the commissioner regarding the EEOC's Initiative on Artificial Intelligence and Algorithmic Fairness. In this role, Brad was critical in developing, prioritizing, and implementing the Commissioner's AI agenda. During his time at the EEOC, Brad was awarded the EEOC Chair's Circle of Excellence Award for extraordinary commitment to the agency, one of the highest honors conferred within the Commission. In addition, he has been selected to serve on *Law360's* Employment Discrimination Editorial Board since 2022 and has served as an adjunct law professor teaching employment discrimination.

Before joining the EEOC, Brad was a senior policy advisor with the Wage and Hour Division (WHD) of the U.S. Department of Labor where he provided key policy and legal advice to the administrator regarding the administration, interpretation, and enforcement of the Fair Labor Standards Act (FLSA), the Family and Medical Leave Act (FMLA), and wage laws affecting government contractors.

A former U.S. Army infantry and intelligence officer and Iraq War veteran, Brad also defends employers against claims under the Uniformed Services Employment and Reemployment Rights Act (USERRA), including complicated military leave issues. A leading authority on USERRA, Brad's articles on USERRA have been published in the *Penn State Law Review*, *Drexel Law Review*, *Hofstra Labor & Employment Law Journal*, and the *Military Times*.

Brad began his legal career as a clerk for a federal district judge. He graduated with Order of the Coif and *magna cum laude* honors from Louisiana State University Law Center, where he earned his law degree and a diploma in comparative law. In college, he earned a triple major and a minor and graduated with Phi Beta Kappa and *summa cum laude* honors.

Professional and Community Affiliations

- Board Member, Editorial Advisory Board, Employment Authority Discrimination, Law360, 2022-2025

Events & Speaking Engagements

AI in Organizations: Working Session on Best Practices for HR Leaders

Denver, CO

April 16, 2025

Common Employment Law Issues for Faith-Based Nonprofits

Napa Legal

March 13, 2025

USERRA Military Leave: Employer Compliance Challenges, Policy Development, Litigation Update, Defense Strategies

Strafford webinar

February 26, 2025

Politics in the Workplace and the Risks of Social Media

myLawCLE

February 19, 2025

Employment, Active Deployment Leave, and Reinstatement Under USERRA (with Brian Lawler)

National Business Institute

December 16, 2024

Politics in the Office: Infinitely Spookier than Halloween

October 31, 2024

Politics in the Workplace: What Employers Need to Know

October 30, 2024

The Challenge and Opportunities of AI in the Workplace

Seton Hall University School of Law Journal of Legislation and Public Policy Symposium, Newark, NJ

October 18, 2024

Artificial Intelligence in the Workplace

Staffing Industry Analysts' Risk Management and Compliance Workshop

October 15, 2024

2024 Ohio Regional Employer Conference

Cleveland, OH

October 10, 2024

The Length and Limits of Employee Monitoring and Predictive Analytics: Leveraging AI within Legal Boundaries

ACI Conference on AI Law, Ethics, Safety, and Compliance, Washington, D.C.

September 26, 2024

2024 Littler AI Summit

Washington, DC

September 23, 2024

Labor and Workforce Update

2024 Kansas Congressional Fly-In, Washington, D.C.

September 11, 2024

The Intersection of Artificial Intelligence and Labor Law

Client CLE

September 11, 2024

The Promise and Peril of Artificial Intelligence

Client CLE

August 29, 2024

Artificial Intelligence Issues and Developments

Big Sky Labor and Employment Conference, Big Sky, MT

August 6, 2024

Can We Just Not Talk About Politics? How to Maintain a Civil Workplace in Not-So-Civil Times

Client Presentation and Training

June 28, 2024

2024 Mid-Atlantic Regional Employer Conference

Washington, DC

June 21, 2024

Building the Future: AI Unleashed in the Construction Industry

Associated Builders and Contractors

June 13, 2024

Special Sessions: What Does the Biden Administration's "Whole-of-Government" Approach Mean for Employers and Workers?

Littler Executive Employer Conference, Phoenix, AZ

May 9, 2024

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

State of Unionization: The Intersection of Unions and Technology

International Franchise Association 2024 Legal Symposium, Washington, DC

May 6, 2024

Wage and Hour Compliance for Small Businesses

National Federation of Independent Business (NFIB)

May 1, 2024

How AI is Being Deployed in the Contingent Workforce Marketplace

Risk Management and Compliance Workshop, Staffing Industry Analysts

April 16, 2024

What Employers Need To Know About USERRA

March 19, 2024

USERRA

Airlines for America, Washington, DC

March 18, 2024

Technology and Data in Your Workplace

Stanford Deliberative Democracy Lab

March 16, 2024

Taking a SWOT at Artificial Intelligence

Associated Builders and Contractors National Conference, Orlando, FL

March 15, 2024

Labor Regulations and Artificial Intelligence

Piper Lecture in Labor Law (Management-Side Commentator), Chicago-Kent College of Law, Chicago, IL

March 5, 2024

AI Tools

Littler IE&D Summit, Washington, DC

February 28, 2024

Uniformed Services Employment and Reemployment Rights Act (USERRA) Overview

U.S. Senate Committee on Health, Education, Labor and Pensions (Staff), Washington, DC

February 15, 2024

Artificial Intelligence Congressional Testimony

U.S. House Committee on Education and the Workforce

January 17, 2024

What's AI have to do with People Analytics?

Philadelphia People Analytics

December 13, 2023

Artificial Intelligence in the Workplace

American Petroleum Labor Lawyers Association's Fall Conference, Houston, TX

November 9, 2023

2023 Philadelphia Regional Employer Conference

Philadelphia, PA

October 27, 2023

The Promise and Peril: Artificial Intelligence in the Workplace

Staffing Industry Analysts' Risk Management and Compliance Workshop

October 24, 2023

Whole of Government White Paper

U.S. Chamber of Commerce, Washington, DC

October 13, 2023

2023 Florida Regional Employer Conference

Miami, FL

October 12, 2023

Artificial Intelligence in the Workplace

Client CLE

October 5, 2023

Safely Unlocking the Power of AI: Employment and Other Legal Risks and Best Practices

Japan Society New York, NY

October 4, 2023

The Promise and the Peril of AI in the Workplace

Department of Energy Contractor Attorneys Association Fall 2023 Conference, Washington D.C.

September 27, 2023

2023 Littler AI Summit

Washington, DC

September 21, 2023

Emerging Technology and the Administrative State

University of North Carolina School of Law

January 27, 2023

The Promise and Perils of Artificial Intelligence in the Workplace: Navigating the Legal & Ethical Issues

Duke University School of Law

January 25, 2023

Responsible Data and Emerging Technologies Fireside Chat Series

Duke University School of Law

January 25, 2023

The Promise and the Peril of AI in the Workplace

Gray Matters Podcast

December 8, 2022

The Promise and the Peril: Artificial Intelligence and Employment Law

AgSafe Food & Farms Conference

October 11, 2022

A New Frontier for the EEOC: Artificial Intelligence in the Workplace

Fairfax Bar Association (Employment Law Section)

July 27, 2022

Artificial Intelligence in Employment and Hiring: Key Legal Considerations

ALI CLE

June 29, 2022

Recognition

- Recipient, Chair's Circle of Excellence Award *EEOC*
- Order of the Coif
- Omicron Delta Kappa
- Phi Kappa Phi
- Recipient, Commendation for extensive pro bono work on behalf of veterans *Veterans Consortium Pro Bono Program*

Education

J.D., Louisiana State University, Paul M. Herbert Law Center, , *magna cum laude*

B.A./B.A., Louisiana State University, , *summa cum laude*, *Phi Beta Kappa*

Bar Admissions

District of Columbia

Virginia
Louisiana

Courts

U.S. Court of Appeals, D.C. Circuit
U.S. Court of Appeals, 3rd Circuit
U.S. Court of Appeals, 4th Circuit
U.S. District Court, District of Columbia
U.S. District Court, Eastern District of Virginia

Publications & Press

USERRA Protections Broadened by Dole Act

Littler ASAP
March 24, 2025

Considerations for Artificial Intelligence Policies in the Workplace

Littler ASAP
March 10, 2025

How Artificial Intelligence Risks Directly Apply to Total Rewards

In the News
February 18, 2025

NY Proposal On AI-Related Layoffs Likely A Dud, Attys Say

In the News
February 14, 2025

New executive order issued on AI; Prior AI order revoked

External Publication
February 5, 2025

AI in the Garden State: New guidance on algorithmic discrimination and The New Jersey Law Against Discrimination

External Publication
February 5, 2025

The First 100 Days: Shakeups at the NLRB and EEOC

Littler Podcast
February 5, 2025

Trump Issues Executive Order to Boost AI

In the News

February 4, 2025

Everything you always wanted to know about Woody Allen's former private chef's USERRA lawsuit* (*but were afraid to ask)

External Publication

February 3, 2025

What To Expect From Trump's Deputy Labor Secretary Pick

External Publication

February 3, 2025

EEOC Wearable Tech Guidance Highlights Monitoring Scrutiny

External Publication

January 29, 2025

Former NLRB GC Abruzzo's Parting Words on the Complementary Relationship between NLRA and EEOC Statutes

Littler ASAP

January 28, 2025

New Executive Order Issued on AI; Prior AI Order Revoked

Littler ASAP

January 27, 2025

AI in the Garden State: New Guidance on Algorithmic Discrimination and the New Jersey Law Against Discrimination

Littler ASAP

January 27, 2025

The Global Guide Quarterly (Quarter 4, 2024)

Littler Global Guide Quarterly

January 23, 2025

New York's Digital Replica Law and its Impact on Artificial Intelligence and the Entertainment Industry

Littler ASAP

January 21, 2025

4 Tips To Help Employers Address LA Wildfires, Aid Workers

In the News

January 17, 2025

What HR leaders can expect from Trump's picks for DOL leadership

In the News

January 15, 2025

Trump Chooses Former DOL Official As Its Deputy

In the News

January 15, 2025

Former EEOC Commissioner and Acting WHD Administrator Keith Sonderling Announced as Pick for Deputy Secretary of Labor

Littler ASAP

January 15, 2025

What Does the 2025 Artificial Intelligence Legislative and Regulatory Landscape Look Like for Employers?

Littler ASAP

January 14, 2025

Everything You Always Wanted to Know About Woody Allen's Former Private Chef's USERRA Lawsuit* (*but were afraid to ask)

Littler ASAP

January 13, 2025

How Trump Admin May Approach AI In The Workplace

External Publication

January 6, 2025

EEOC Fact Sheet on Wearable Technologies Indicates Growing Concern over Employee Monitoring

Littler ASAP

January 2, 2025

5 Employer Defenses To Military Status Discrimination Claims

External Publication

December 10, 2024

Artificial Intelligence and the Incoming Trump Administration: What Employers Need to Know

Littler ASAP

December 9, 2024

Reservist's Pay Case Puts Spotlight on Financial Cost of Service

In the News

December 6, 2024

USERRA Case Highlights Employer Defenses to Allegations of Anti-Military Bias

Littler ASAP

December 2, 2024

Working Well: Practicing Humility and Finding Support Can Help When Political Tensions Rise at Work

In the News

November 28, 2024

DOL Revival Of Wage Letters Hints At Fortifying Before Trump

In the News

November 19, 2024

US employers warn staff to remain civil to avoid election conflict

In the News

November 4, 2024

How The Presidential Election Will Affect Workplace AI Regs

In the News

November 4, 2024

AI in the Workplace: Labor Department Issues Best Practices for Employers

In the News

October 31, 2024

The Global Guide Quarterly (Quarter 3, 2024)

Littler Global Guide Quarterly

October 23, 2024

The Impact of the Presidential Election on Artificial Intelligence Regulations in the Workplace

Littler ASAP

October 22, 2024

DOL Issues Guidance on AI and Worker Well-Being Best Practices

Littler ASAP

October 21, 2024

Cos. Should Focus On State AI Laws Despite New DOL Site

External Publication

October 11, 2024

Strikes in the Age of Automation and AI: How HR Can Prepare for the Future

In the News

October 10, 2024

DOD imposes new requirements for employers participating in SkillBridge military internship program

External Publication

October 7, 2024

Politics In California Workplaces: What Employers Must Know

External Publication

October 4, 2024

Politics in a California Workplace

Littler ASAP

September 30, 2024

DOL Issues “AI & Inclusive Hiring Framework” Through Non-Governmental Organization

Littler ASAP

September 25, 2024

Under half of US firms have AI policies, report finds

In the News

September 24, 2024

Littler’s 2024 AI C-Suite Survey Report

Littler Report

September 24, 2024

DOD Imposes New Requirements for Employers Participating in SkillBridge Military Internship Program

Littler ASAP

September 23, 2024

The artificial intelligence angle: Loper Bright’s impact on federal and state AI legislation, regulations, and guidance

External Publication

September 18, 2024

The ADA turns 34: The intersection of technology, AI, and individuals with disabilities

External Publication

September 13, 2024

The Risks Of Employee Political Discourse On Social Media

In the News

September 12, 2024

Minding Wage and Hour Laws in Your Drycleaning Business (Conclusion)

In the News

September 12, 2024

Politics in the Workplace and the Risks of Social Media

Littler ASAP

September 10, 2024

Minding Wage and Hour Laws in Your Drycleaning Business (Part 2)

In the News

September 10, 2024

Employers Should Not Neglect Paid Military Leave Compliance

External Publication

September 6, 2024

Minding Wage and Hour Laws in Your Drycleaning Business (Part 1)

In the News

September 5, 2024

The Artificial Intelligence Angle: Loper Bright's Impact on Federal and State AI Legislation, Regulations, and Guidance

Littler ASAP

September 4, 2024

Littler's Workplace Policy Institute Releases 2024 Labor Day Report

Press Release

September 3, 2024

Ten Employment Issues This Labor Day

Littler ASAP

September 2, 2024

USERRA Short-term Paid Military Leave Class Action Revived by Federal Appeals Court

Littler ASAP

August 26, 2024

The ADA Turns 34: The Intersection of Technology, AI, and Individuals with Disabilities

Littler ASAP

August 21, 2024

What Awaits Harris on AI and Labor

POLITICO Pro

August 7, 2024

Slurs, Smears, and Stereotypes: Rocky Election Road Ahead

Littler Podcast

August 5, 2024

How CEOs Can Address Politics In The Workplace Ahead Of The 2024 Election

External Publication

August 2, 2024

The Global Guide Quarterly (Quarter 2, 2024)

Littler Global Guide Quarterly

July 24, 2024

Defending Against Aggressive DOL Child Labor Enforcement

External Publication

July 23, 2024

Federal Court Denies DOL a “Hot Goods” Injunction over Child Labor Allegations

Littler ASAP

July 16, 2024

Service Member and Veteran Employment Protections for a New Era of Global Conflict

External Publication

July 15, 2024

Deploying AI for Worker Safety Needs Legal Prep From Employers

In the News

July 15, 2024

Labor Department releases AI principles. Here's what they mean for businesses.

In the News

July 3, 2024

Attys Looking To States For Movement On AI Bias

In the News

June 25, 2024

Politics In The Workplace: What Employers Need To Know

External Publication

June 11, 2024

Labor Department releases AI principles. Here's what they mean for businesses.

In the News

June 6, 2024

Politics in the Workplace: What Employers Need to Know

Littler ASAP

June 4, 2024

DOL Issues Artificial Intelligence Principles

Littler ASAP

May 21, 2024

Artificial intelligence executive order WHD and OFCCP guidance issued

External Publication

May 16, 2024

Contractors Must Tackle Artificial Intelligence Head on, Not Wait for Government

External Publication

May 2, 2024

Artificial Intelligence Executive Order WHD and OFCCP Guidance Issued

Littler ASAP

May 1, 2024

What Artificial Intelligence Means for the Construction Workplace

External Publication

April 12, 2024

NYC's AI chatbot caught advising employers to break the law

In the News

April 9, 2024

Divergent Paths on Regulating Artificial Intelligence

Littler ASAP

April 1, 2024

AI In Accounting Raises OT Exemption Questions

External Publication

March 28, 2024

How AI may make more employees eligible for overtime pay

In the News

March 21, 2024

How Artificial Intelligence Tools Can Increase Diversity

Littler ASAP

March 6, 2024

'Everyone Ignores' New York City's Workplace AI Law

In the News

March 1, 2024

Build Back Botter: What Artificial Intelligence Means for the Construction Workplace

Littler ASAP

February 29, 2024

Ten reasons employers should pay more attention to USERRA

External Publication

January 29, 2024

Ten Reasons Employers Should Pay More Attention to USERRA

Littler ASAP

January 16, 2024

AI and Workplace Monitoring

External Publication

January 8, 2024

All Along the New Watchtower: Artificial Intelligence, Workplace Monitoring, Automation, and the National Labor Relations Act

External Publication

December 20, 2023

President Biden's AI executive order will impact private entities

External Publication

December 1, 2023

NLRB General Counsel Offers Some Clarity on Responding to Union Organizing Demands for Bargaining

Littler ASAP

November 13, 2023

What To Know About Veterans In The Workforce

In the News

November 9, 2023

Veteran Wins Lawsuit Over Lack of Disability Accommodation

In the News

November 8, 2023

\$2.49 million verdict underscores expansive USERRA protections

External Publication

November 6, 2023

What Employers Should Know About Biden's AI Order

In the News

November 3, 2023

President Biden's sweeping executive order on AI "explicitly pro-union"

In the News

November 2, 2023

President Biden Issues Landmark Artificial Intelligence Executive Order

Littler ASAP

October 31, 2023

Litigator Filling EEOC's Long-Vacant General Counsel Post Will Be First Blind Person in Role

In the News

October 19, 2023

\$2.49 Million Verdict Underscores Expansive USERRA Protections

Littler ASAP

October 10, 2023

Why Big Law Is Further Tweaking Partner Pay

In the News

October 6, 2023

EEOC-Initiated Lawsuits Shot Up 52% in Latest Fiscal Year

In the News

October 3, 2023

What a Government Shutdown Means for Employers: Many Agencies Will Sharply Curtail Operations, Delaying New and Pending Cases

Littler ASAP

September 29, 2023

Labor Agency Unity Makes Talking To One Like Talking To All

In the News

September 26, 2023

OFCCP Preparing to Scrutinize Federal Contractors' Use of AI Hiring Tools and Other Technology-based Selection Procedures

Littler ASAP

September 7, 2023

WPI Labor Day Report 2023

Littler Report

September 5, 2023

Littler's Workplace Policy Institute Releases 2023 Labor Day Report

Press Release

September 5, 2023

DoD reopens unpaid military internship program to new employers

External Publication

September 1, 2023

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

Littler ASAP

August 30, 2023

DoD Reopens Unpaid Military Internship Program to New Employers

Littler ASAP

August 15, 2023

Former EEOC Chief Counsel and AI Pro Joins Littler in Washington, D.C.

Press Release

July 24, 2023

Filling the Void: Artificial Intelligence and Private Initiatives

24 North Carolina Journal of Law & Technology 153

2023

Wage Against the Machine: Artificial Intelligence and the Fair Labor Standards Act

34 Stanford Law & Policy Review 261

2023

The Promise and the Peril: Artificial Intelligence and Employment Discrimination

71 University of Miami Law Review 1

2022

For Whom the Leave Tolls: Short-Term Paid Military Leave and USERRA

127 Penn State Law Review 57

2022

The Sword and the Shield: The Benefits of Opinion Letters by Employment and Labor Agencies

86 Missouri Law Review 1171

2022

Veterans Employment Discrimination Guidance Updated

Military Times

February 3, 2021

Are Torts Getting Railroaded? Whether the Interstate Commerce Commission Termination Act (ICCTA) Preempts State Tort Claims Against Railroads

82 Journal of Transportation Law, Logistics and Policy 1

2016