

Fisher Broyles

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Practice Areas: Appellate; Civil Pretrial & Trial Services; Employment; Litigation & Risk Management; Regulatory Law & Government Contracts; Trade Secrets

Bar Admissions: Pennsylvania; US Court of Appeals, Second Circuit; US Court of Appeals, Third Circuit; US Court of Appeals, Fourth Circuit; US District Court for the Eastern District of Pennsylvania; US District Court for the Middle District of Pennsylvania; US District Court for the Western District of Pennsylvania; US District Court for the Northern District of Ohio

Education: Duquesne University School of Law, J.D., *Summa Cum Laude*, 2011; University of Pittsburgh College of Business Administration, B.S. in Business Administration, *Summa Cum Laude*, 2008

Experience: Leech Tishman Fuscaldo & Lampl LLC; Jackson Lewis P.C.; Post & Schell, P.C.; National City Bank; PNC Bank

Dave is a trusted advisor and litigator for employers across all industries, including in the retail, energy, hospitality, construction, manufacturing, oil & gas, financial services, and healthcare sectors. Dave has successfully handled hundreds of cases and claims, litigating and advising on nearly every facet of labor and employment law. Dave is also known for his extensive experience defending EEOC and state enforcement actions, employment class actions, and FLSA collective actions. Clients also rely on Dave for daily advice and counsel on a wide range of issues, including preventive advice, proactive plans and policies, and solutions to dangerous problems in a cost-effective manner. Some examples of the services client's rely on Dave to provide include:

- Wage and hour audits and class/collective actions
 - Agency investigations alleging overtime and other payroll violations
 - Administrative charges of discrimination, harassment, and retaliation
 - Whistleblower and retaliation claims and lawsuits
 - Employee theft of trade secrets
 - Violations of restrictive covenants
 - WARN Act compliance, layoff planning, and severance agreements
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- Guidance for disciplinary and termination decisions
- Guidance during harassment investigations
- Responses to wage claims and unemployment benefit disputes and hearings
- Executive and retention agreements
- Labor relations and grievance defense
- Government contracting, including Executive Order, VEVRAA, and Rehab Act counseling and compliance
- EEO, AAP, and HR policy development
- OFCCP audits and investigations
- FMLA leave management and ADA accommodations
- Employment due diligence consultation for mergers and acquisitions
- Public accommodations under the ADA
- The impact of COVID-19 on employers and COVID-19-related leave management

Dave focuses a large portion of his practice on wage and hour related compliance and litigation under the FLSA and applicable state laws governing wages and pay practices, including individual and class/collective litigation.

Dave also has significant experience litigating and counseling clients on employee/employer restrictive covenant matters, including hiring and firing of employees with restrictive covenants, advising and litigating tortious interference with restrictive covenant matters, and enforcement of non-competes, post-employment solicitation of employees or customers, and confidentiality agreements.

Dave also has significant experience advising on and negotiating executive employment agreements, physician employment agreements, and change-in-control agreements on behalf of employers and executives.

During the COVID-19 pandemic, Dave has been the go-to resource for clients needing help understanding the legal issues impacting employers regarding legal compliance, the FFCRA and its impact on employers, governmental actions surrounding COVID-19, vaccine distribution and policies, and the viable options for employers to deal with the ever-changing and rapid developing landscape of the pandemic.

Dave also has served on the Steering Committees for the Labor and Employment and Young Lawyers Sections of DRI, an international organization of attorneys defending the interests of business in civil litigation, which includes nearly 1,500 management-side attorneys nationwide. Dave currently serves as Young Lawyer Liaison and Membership Vice-Chair to the Employment and Labor Law Committee & Labor and Employment Committee Philanthropy Vice-Chair.

Dave also has a strong desire to give back to his community that started when he was younger, but really took off during college when he co-founded the Tri-Rivers Heritage Foundation - a charitable organization with the goal to provide children within the Pittsburgh community the resources necessary to build a strong foundation for future success. Our efforts to date have raised over \$225,000 for children in the Pittsburgh community. Every dollar raised by the Tri-Rivers Heritage Foundation goes directly to support

Ronald McDonald House Charities of Pittsburgh and Morgantown, Inc. The Tri-Rivers Heritage Foundation's annual golf outing also pairs two outstanding students seeking finance, accounting, or law degrees with two company or firm representatives to network during the event. This format has successfully led to countless students obtaining interviews, internships, and jobs with Pittsburgh companies and firms. For more information regarding Tri-Rivers Heritage Foundation, please visit <https://www.tririversheritagefoundation.org/> .

From 2016 to 2020, Dave has been selected by his peers as a Pennsylvania Super Lawyer Rising Star in the categories of Employment & Labor and Employment Litigation.

Presentations & Teaching Experience

- "Methods for Inclusion, Balancing Free Speech, and Social Justice in the Workplace," DRI's 2020 Employment and Labor Law Virtual Seminar (November 12, 2020)
- "Wage and Benefit Issues," Mini Law School for HR Professionals, National Business Institute (NBI) CLE Webinar (April 23, 2020)
- "Other Employment Laws You Need to Know," Mini Law School for HR Professionals, National Business Institute (NBI) CLE Webinar (April 23, 2020)
- "Discipline and Discharge: Necessary Documentation," Mini Law School for HR Professionals, National Business Institute (NBI) CLE Webinar (April 23, 2020)
- "FMLA Leave Essentials," Pennsylvania Employment Law, National Business Institute (NBI) CLE Seminar, Pittsburgh, PA (December 10, 2019)
- "ADA - From Accommodation to Discrimination," Pennsylvania Employment Law, NBI CLE Seminar, Pittsburgh, PA (December 10, 2019)
- "Equal Employment Laws (Title VII, ADEA, GINA, EPA, PDA, and More)," Pennsylvania Employment Law, NBI CLE Seminar, Pittsburgh, PA (December 10, 2019)
- "Discrimination, Harassment, and Retaliation Claims," Pennsylvania Employment Law, NBI CLE Seminar, Pittsburgh, PA (December 10, 2019)
- "FLSA Essentials," Pennsylvania Employment Law, NBI CLE Seminar, Pittsburgh, PA (December 10, 2019)
- "Medical Marijuana In PA and NJ: The Legal and Practical Issues," Post & Schell CLE Seminar, Philadelphia, PA (October 14, 2019)
- "Wage and Benefit Issues," NBI CLE Seminar, Pittsburgh, PA (April 10 and 15, 2019)
- "Employment Laws You Need to Know," NBI CLE Seminar, Pittsburgh, PA (April 10 and 15, 2019)
- "Discipline and Discharge - Necessary Documentation," NBI CLE Seminar, Pittsburgh, PA (April 10 and 15, 2019)
- "Non-Compete, Non-Solicit, and Confidentiality Agreements," NBI CLE Seminar, Pittsburgh, PA (December 13, 2018)
- "FMLA Complications: Intermittent Leave, Termination, and More," NBI CLE Seminar, Pittsburgh, PA (December 12, 2018)
- "Handling Employee Discrimination and Harassment Claims Under Title VII, the ADA, and the ADEA," NBI CLE Seminar, Pittsburgh, PA (December 12, 2018)

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- "Sexual Harassment in the #metoo Era," Erie Chapter of the Pennsylvania Restaurant & Lodging Association (PR&LA), Erie, PA (September 10, 2018)
- "Current Issues in Human Resources," NBI CLE Seminar, Pittsburgh, PA (August 15, 2018)
- "Time's Up for Sexual Harassment in Hospitality," Keystone Chapter of the Pennsylvania Restaurant & Lodging Association (PR&LA), State College, PA (July 26, 2018)
- "Managing Leaves of Absence under the FMLA," Pennsylvania Chamber of Commerce and Industry's Pittsburgh Human Resources Conference, Pittsburgh, Pa (October 5, 2017)
- Publications: • Quoted in, "Hospitals Bracing for Litigation from Infected ED Providers," ED Legal Letter (June 2020)
- "The Families First Coronavirus Response Act: What Employers Need to Know," The Legal Intelligencer (March 30, 2020)
- "New EEO-1 Pay Data Reporting Requirements: What Employers Need to Know," The Legal Intelligencer (July 29, 2019)
- "'Pay Per Visit' and the Litigation Risk for Home Health Care Organizations," AHLA's Labor & Employment Newsletter, Vol. 14, Issue 1 (June 2015)

Affiliations

- Defense Research Institute (DRI), Young Lawyer Liaison and Membership Vice-Chair to the Employment and Labor Law Committee & Labor and Employment Committee Philanthropy Vice-Chair
- Tri-Rivers Heritage Foundation, Co-Founder and Vice-Chairman of the Board of Directors
- Order of the Barristers