



Eric A. Gordon



Partner **Chair, Labor & Employment Practice Group**

777 South Flagler Drive
Suite 1100 West Tower
West Palm Beach, FL 33401

Tel: 561.671.3651

Fax: 561.659.6313

eric.gordon@akerman.com

Practice

Labor & Employment

Education

J.D., St. Thomas University
School of Law, 1995; *St.*
Thomas Law Review, Notes
and Comments Editor,
1994-1995

B.A., University of Florida,
1991

Bar Admissions

Florida

Eric Gordon is the Akerman Labor & Employment Practice Group Chair. He has devoted himself and his practice to the representation of employers in labor and employment matters for more than 15 years. His clients vary in size from small startups to Fortune 500 companies and public agencies in many diverse industries such as hospitality, healthcare, retail, and banking. Eric has represented his clients in federal and state jury trials, in arbitrations, and before administrative agencies. In addition, Eric provides his clients with valuable day-to-day preventative counseling and frequently provides his clients with in-house training programs on such topics as hiring/firing, sexual harassment, and diversity. He is a frequent lecturer on both the local and national level, and the creator and moderator of the HR Hospitality Roundtable, a continuing program specially designed for human resource professionals in the hospitality field. Eric also handles a variety of commercial litigation and products liability litigation matters for his clients.

Areas of Experience

Disability, Medical & Other Leaves

Drug & Alcohol Testing

Employee Handbooks, Policies & Forms

Employment Counseling & Workplace Claims Prevention

Employment Discrimination, Harassment & Retaliation

Employment Investigations & Audits
Employment Litigation
Employment, Separation & Consulting Agreements
Independent Contractor Issues
Labor & Employment Training in the Workplace
Non-Competes & Trade Secrets
Reductions-in-Force & WARN Act
Regulated Substances Task Force
Wage & Hour Issues
Whistleblower & Retaliation Claims
Workplace Privacy Rights

Representative Experience

Employment Discrimination

- Representation of quasi-public state agency at trial in case filed on the basis of age and sex discrimination and retaliation.
- Representation of national health club company in case filed by the EEOC on the basis of alleged pregnancy and sex discrimination.
- Representation of national funeral services and cemetery company in a case filed on the basis of alleged national origin discrimination and retaliation.
- Representation of leading independent power producer in a case filed on the basis of alleged age discrimination and retaliation.
- Representation of leading Florida construction debris hauler in a case filed on the basis of alleged discrimination and retaliation under the federal FMLA.
- Representation of national design and manufacturing company in a claim made by a former employee on the basis of alleged violations of the ADA and the FMLA.
- Representation of local hospital in a claim made on the basis of pregnancy discrimination and the FMLA.
- Panel counsel for numerous insurers handling all claims of employment related litigation.

Whistleblower Claims

- Defended national online marketing company in a claim filed by its former assistant general counsel pursuant to Florida Whistleblower Act.
- Representation of a national restaurant chain in a matter involving three former, female employees at a local restaurant who made claims under the Florida Whistleblower Act as well as claims for alleged sexual harassment.
- Representation of an international hotel chain in an arbitration filed by the former director of housekeeping at a local property based on alleged violations under the Sarbanes-Oxley Act and the Florida Whistleblower Act.

Non-Compete/Trade Secrets/Independent Contractor

- Drafted company-wide non-competition and confidentiality agreement for national retail sales company, a 10,000 employee company with employees located throughout the United States.
- Representation of national accounting, finance, and consulting company in matter sought to enforce its non-competition agreement against a former employee.
- Representation of national engineering company in review, analysis, and revision of company-wide independent contractor agreements.
- Representation of national aviation services company in trial based on alleged violations of non-competition and non-solicitation agreement.

Wage and Hour

- Representation of local country club in a matter brought under the federal FLSA by a former sous chef seeking recovery of unpaid wages due to misclassification and off the clock work.
- Representation of regional landscaping company in a multi-plaintiff matter brought under the federal FLSA by former supervisory and non-supervisory employees seeking recovery of unpaid wages due to misclassification and off the clock work.
- Representation of numerous small, mid-size, and large businesses in matters brought under the federal FLSA by former employees claiming violations of the federal FLSA and seeking recovery of unpaid wages due to misclassification and off the clock work.

Preventative Counseling and Compliance

- Provide counseling to one of the world's leading producers, marketers, and distributors of fruits and vegetables on issues such as compliance with the FMLA and other employee-related issues.
- Provide counseling to regional yacht brokerage company regarding issues involving workplace violence; how best to legally discipline and terminate employees; and issues involving alleged claims of discrimination and harassment in the workplace.

Employment Training

- Provided training to supervisors at local news station regarding the relevant regulations under the federal FLSA and how those regulations applied in the television news business.
- Regularly provide training to employers on issues including discrimination and harassment in the workplace; employee privacy rights; compliance with ADA, FMLA, and worker's compensation laws; and how to legally interview, hire, discipline, and terminate employees.

Worker's Compensation Retaliation

- Representation of large, international retailer in matter brought by a former employee who claimed that she was terminated by the company due to the filing of a worker's compensation claim.

Commercial Litigation

- Representation of privately held healthcare company in a case filed by a former shareholder against the company and its current shareholders alleging contractual and other claims.
- Representation of national medical products manufacturer in various cases filed against product lessees for breach of contract and related claims.

Products Liability Litigation

- Representation of national automobile battery manufacturer and distributors in various cases arising from the alleged explosion of the product and resulting injuries.

Awards & Recognition

- *The Best Lawyers in America*, 2017, Listed in Florida for Employment Law - Management
- *Super Lawyers Magazine* 2010-2016, Listed in Florida for Employment & Labor and Business Litigation
- *South Florida Business Journal* 2014, Recognized as a "Top Power Leader in Law"
- *South Florida CEO Magazine* 2007, Selected as an "Up and Comer"
- Martindale-Hubbell, AV Rated

Published Work & Lectures

- Coulter Hospitality, Presenter, "The Newest Salary Regulations - Are You Ready?" July 28, 2016
- *South Florida Business Journal*, Presenter, "Overtime: Calculating the Cost for Your Business," July 26, 2016
- South Palm Beach County Bar Association (SPBCBA) Diversity & Inclusion Committee and the South Palm Beach County Chapter of FAWL (Florida Association of Women Lawyers Joint Event, Speaker, "Having it All: Strategies for Success," May 25, 2016
- Akerman Seminar, Presenter, "Employment Discrimination and the New Face of Diversity in 2016," January 2016
- Akerman Seminar, Presenter, "Hot Employment Topics Impacting the Hospitality Industry," December 2015
- Akerman Twentieth Annual Labor & Employment Law Seminar, Presenter, "The eWorkplace: Balancing Employer & Employee Rights," September 2015
- Florida Institute of CPAs, Presenter, "Medical Marijuana and Other Top 'Hits' of 2014," December 2014
- Human Resource Association of Palm Beach County, Presenter, "Medical Marijuana and Other Top 'Hits' of 2014," November 2014
- Akerman Seminar, Presenter, "The Effect of Changing Marijuana Laws on Employment Policies and Practices," September 2014
- The Palm Beach County Bar Association's Employment Law

Committee Seminar, Presenter, "Florida Whistleblower Act, Defendant's Perspective," May 2014

- Akerman Nineteenth Annual Labor & Employment Law Seminar, Presenter, "Conducting Effective Workplace Investigations: Case Studies," April 2014
- The Florida Bar Continuing Legal Education Committee and the Labor and Employment Law Section's Navigating the World of ADR Seminar, Presenter, "Proving and Defending Against Damage Claims in Arbitration," March 2014
- South Palm Beach County Bar Association Labor & Employment Law Committee Seminar, Speaker, "Top 13 for 2013," May 2013
- Akerman Eighteenth Annual Labor & Employment Law Seminar, Presenter, "Social Media in the Workplace," April 2013
- Human Resource Association of Palm Beach County, Presenter, "Burning Questions in Labor and Employment Law," November 2012
- Akerman Seventeenth Annual Labor & Employment Law Seminar, Presenter, "Understanding and Avoiding Retaliation and Whistleblower Claims," April 2012
- Lorman Education Services, Presenter, "Electronic Devices in the Workplace: Best Practices and Policies to Avoid Legal Risk," December 2011
- Akerman Seminar, Presenter, "Emerging Issues for Employers in the Electronic Age," November 2011
- South Palm Beach County Bar Association Labor & Employment Law Committee Seminar, Co-Presenter, "The ABCs of the Americans with Disabilities Act (ADA)," November 2011
- Akerman Labor & Employment Law Seminar, Presenter, "Wage & Hour Explosion: Misclassification of Contractors and Employees," October 2011
- Sterling Education Services' 8th Annual Employment Law: Beyond the Basics Seminar, Presenter, "Privacy and Social Media in the Workplace," September 2011
- Florida Institute of Certified Public Accountants' 26th Annual Accounting Show, Speaker, "The Continuing Explosion of Employee/Contractor Misclassification and Off-the-Clock Claims," September 2011

- Akerman Sixteenth Annual Labor & Employment Law Seminar, Presenter, "Tweeting, Poking & Posting: Social Media Issues in the 2011 Workplace," April 2011
- Human Resource Association for Palm Beach County, Presenter, "Burning Questions for 2010: A Year-End Update of Labor and Employment Laws," November 2010
- South Palm Beach County Bar Association's Labor & Employment Law Committee Seminar, Panelist, "Law and Order: Workplace Edition - Penalties, Liabilities and Enforcement," September 2010
- Akerman Internal Seminar, Presenter, "Restrictive Covenants in Health Care Contracts," June 2010
- Akerman Fifteenth Annual Labor & Employment Law Seminar, Presenter, "The Family and Medical Leave Act: What's Old, What's New, and What's Coming to a Workplace Near You" May 2010
- Human Resource Association of Martin County, Presenter, "The 111th Congress: Recent Changes and Pending Legislation in Employment Law," February 2010
- Lorman Education Services, Presenter, "Developing a Policy for Employee Use of Mobile Devices," February 2010
- South Palm Beach County Bar Association, Presenter & Panel Speaker, "Ten for '10: Top 10 Issues in Employment Law Counseling for the New Year," January 2010
- Florida Institute of Certified Public Accountants, Presenter, "The Obama Agenda: Recent Changes and Pending Legislation in Employment Law," January 2010
- Human Resource Association of Palm Beach County, Presenter, "The Obama Agenda: Recent Changes and Pending Legislation in Employment Law," November 2009
- Akerman Client Seminar, Presenter, "The Obama Agenda: Recent Changes and Pending Legislation in Employment Law," October 2009
- South Palm Beach County Bar Association Seminar, Moderator, "Examining Non-Compete, Confidentiality and Independent Contractor Agreements Under Employment, Tax and IP Law," September 2009
- On-line presentation delivered to clients of ADP Total Source,

Presenter, "Legal Challenges for HR: The First 100 Days of the Obama Administration," May 2009

- South Palm Beach County Bar Association Seminar, Moderator, "Handle With Care: Employee Performance Reviews, Discipline and Termination," May 2009
- Akerman Fourteenth Annual Labor & Employment Seminar, Speaker, "Employee Background Checks in the Internet Era," April 2009
- South Palm Beach County Bar Association Seminar, Moderator, "Americans with Disabilities Act: New Detours and Old Intersections," January 2009
- Human Resource Association of Palm Beach County Seminar and Palm Beach County Workforce Alliance Forum, Speaker, "Legal Challenges in a Changing World," November 2008
- South Palm Beach County Bar Association Seminar, Moderator, "Workplace Violence: True Stories from the Trenches - How to Avoid Headlines and Keep Your Workplace Safe," September 2008
- South Palm Beach County Bar Association Seminar, Moderator, "Caught in the Legal Crossfire: Changes to Immigration and Employment Law in 2008," January 2008
- Lorman Education Services National Teleconference/Webinar, Presenter, "Personal Electronics in the Workplace," March 2008
- Akerman Thirteenth Annual Labor & Employment Seminar, Presenter, "The Family and Medical Leave Act: Changing Regulations in 2008," April 2008
- Gold Coast Chapter of the EAPA Seminar, Presenter, "Mental Illness and Drug/Alcohol Addiction as Disabilities under the ADA," October 2007
- "The Business Counselor," AM Radio 1230 WBZT Show, Special Guest, "What Small Businesses Need to Know About Labor and Employment Law," May 2007
- Client Training Seminar, Presenter, "What Managers Need to Know About Employee Overtime and Minimum Wage Requirements," April 2007
- Akerman Twelfth Annual Labor & Employment Law Seminar, Presenter, "An Employee's Right to Privacy Versus an Employer's Right to Conduct Business: Where is the Line

Drawn'," April 2007

- South Palm Beach County Bar Association Seminar, Presenter, "Blackberry Users, Overtime Abusers & Internet Perusers: Overtime Exemptions and Off the Clock Work in 2007," January 2007
- Sterling Education Services Seminar, Presenter, "Enforcement of Restrictive Covenants and Protection of Trade Secrets: How to Protect Your Company's Most Valuable Assets," July 2006
- Human Resource Association of Palm Beach County 40th Anniversary Conference, Speaker, "Employee Privacy Rights - Do They Exist'," May 2006
- Akerman Eleventh Annual Labor & Employment Law Seminar, Presenter, "Employee Privacy Rights - Do They Exist'," April 2006
- Seminar given to managers and supervisors of regional client, Presenter, "Dealing With Harassment in the Workplace," March 2006

Court Admissions

- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Eastern District of Michigan
- U.S. District Court, Middle District of Florida
- U.S. District Court, Southern District of Florida

Professional Memberships & Activities

- Human Resource Association of Palm Beach County, Past Membership Chair, 2004-2005; Past Legislative Chair, 2005-2006; President, 2012; Past President, 2013
- American Bar Association, Labor & Employment Law Committee, Technology in the Practice and Workplace Committee, Member
- Florida Bar Association, Labor & Employment Law Committee, Member
- Palm Beach County Bar Association, Member
- South Palm Beach County Bar Association, Labor & Employment Law Committee, Chair, 2004-Present; Board of Directors, 2008-Present

- Economic Council of Palm Beach County, Board of Directors, Member
- Education Foundation of Palm Beach County, Board of Directors, Member
- Society for Human Resource Management, Legislative Chair, 2007-2008
- Greater Boca Raton Chamber of Commerce, Trustee Member, 2003-Present; Leadership Boca, 2003
- Wheels for Kids, Co., Founder; Board of Directors, Past Member
- The Children's Museum of Boca Raton, Past Board Member
- Anti-Defamation League, Glass Leadership Institute, Graduate, 2007