



## Paul DeCamp

Member of the Firm

**Washington, DC**  
1227 25th Street, NW  
Suite 700  
Washington, DC 20037  
Tel: 202-861-1819  
Fax: 202-861-3571

[PDeCamp@ebglaw.com](mailto:PDeCamp@ebglaw.com)

---

**PAUL DeCAMP** is a Member of the Firm in the Employment, Labor & Workforce Management practice, in the Washington, DC, office of Epstein Becker Green. He is Co-Chair of the firm's national Wage and Hour practice group. A former Administrator of the U.S. Department of Labor's (DOL's) Wage and Hour Division, Mr. DeCamp has more than two decades of experience representing employers and trade associations in the most complex and challenging wage and hour litigations, government investigations, and counseling matters.

Additionally, Mr. DeCamp has served as lead counsel in class and collective actions across the country. His work spans a broad range of industries, including aerospace, financial services, gaming, health care, hospitality, manufacturing, restaurants, retail, and transportation, as well as many others.

Appointed as Wage and Hour Administrator by the President of the United States in 2006, Mr. DeCamp was the chief federal officer responsible for interpreting and enforcing the nation's wage and hour laws, including the Fair Labor Standards Act (FLSA) and a variety of prevailing wage statutes affecting government contractors. Most recently, Mr. DeCamp was a partner at a labor and employment law firm, where he served as National Chair of its Wage and Hour practice for eight years.

Mr. DeCamp's services include:

- Representing employers in wage and hour matters, including complex litigation (class, collective, and hybrid actions)
- Defending clients in wage and hour investigations by federal and state agencies
- Conducting preventive compliance reviews to evaluate current policies, practices, and procedures
- Addressing wage and hour concerns that arise in corporate transactions
- Providing day-to-day advice and counsel on matters ranging from discrete questions involving a single employee to nationwide evaluations affecting thousands of workers and on such issues as exempt/non-

exempt classification; salary basis issues, including permissible deductions; measuring working time; regular rate calculations for premium overtime pay; determining proper pay and duties for tipped employees; complying with state laws concerning meal and rest periods; and independent contractor status

- Developing strategies for change management to capitalize on opportunities to improve compliance while minimizing associated risks

A sought-after speaker at conferences nationwide, Mr. DeCamp has testified before Congress several times on a variety of wage and hour issues, most recently at the hearing, "[Combatting Wage Theft: The Critical Role of Wage and Hour Enforcement](#)." In addition, he has written numerous articles, white papers, and book chapters. His commentary has appeared extensively on NPR and in *The Wall Street Journal*, *The Washington Post*, *The Guardian*, *Politico*, *Daily Labor Report*, *Employment Law360*, and *Employment Law Daily*.

Mr. DeCamp's professional accolades include recognition by *Chambers USA: America's Leading Lawyers for Business*, *The Best Lawyers in America*<sup>®</sup>, and *The Legal 500 United States*, as well as inclusion on the [Washington DC Super Lawyers](#) and [Virginia Super Lawyers](#) lists.

After graduating from law school, Mr. DeCamp clerked for the Honorable Alan E. Norris of the U.S. Court of Appeals for the Sixth Circuit.

## Education

- Columbia University School of Law (J.D., 1995)
  - Notes Editor, *Columbia Law Review*
  - Director and Student Editor, First-Year Moot Court Program
  - Harlan Fiske Stone Scholar
- Harvard College (A.B., magna cum laude, 1992)
  - John Harvard Academic Scholar
  - Harvard College Academic Scholar
  - National Merit Scholar
  - President, Quad Sound Studios, a student-run on-campus recording studio

## Bar Admissions

- District of Columbia
- Virginia
- California

## Practice Areas

- Appellate
- Class Actions
- Employment Litigation
- Employment Training, Practices, and Procedures
- Wage and Hour

### **Industries**

- Financial Services
- Health Care and Life Sciences Industry
- Hospitality
- Retail
- Technology, Media & Telecommunications

### **Court Admissions**

- Supreme Court of the United States
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Fourth Circuit
- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. Court of Appeals for the Seventh Circuit
- U.S. Court of Appeals for the Eighth Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the District of Columbia Circuit
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California
- U.S. District Court, District of Columbia
- U.S. District Court, Northern District of Florida
- U.S. District Court, Northern District of Illinois
- U.S. District Court, District of Maryland
- U.S. District Court, Eastern District of Michigan
- U.S. District Court, Northern District of Ohio
- U.S. District Court, Southern District of Ohio

- U.S. District Court, Eastern District of Virginia
- U.S. District Court, Western District of Virginia
- U.S. District Court, Eastern District of Wisconsin

## Memberships

- American Bar Association, Labor and Employment Law Committee, Fair Labor Standards Legislation Subcommittee
- American Employment Law Council

## Rankings & Recognition

- *The Best Lawyers in America*®: 2019-2020, Employment Law - Management; 2017-2020, Litigation - Labor and Employment
- *Chambers USA*®: 2018-2019, District of Columbia, Labor & Employment; 2011-2017, Virginia, Labor & Employment
- *The Legal 500 United States*: 2018-2019, Labor and Employment Disputes (Including Collective Actions): Defense; Workplace and Employment Counseling
- *Washington DC Super Lawyers*: 2014-2019, Employment Litigation: Defense and Employment & Labor: Employer
- *Virginia Super Lawyers*: 2013-2017, Employment Litigation: Defense and Employment & Labor
- *Virginia Super Lawyers "Rising Stars"*: 2010-2011, Employment Litigation: Defense and Employment & Labor
- Recipient of three Exceptional Achievement Awards from the Secretary of Labor (2007-08)

# Representative Experience

## Selected Litigation Matters

(Note: Not all matters are shown, past results do not guarantee future outcomes, and listed matters include work performed at a prior law firm.)

- Through various lawsuits, including a Ninth Circuit appeal and a declaratory relief action against the U.S. Department of Labor, successfully persuaded the Department to withdraw its “dual jobs” guidance, purporting to limit the amount of side work that tipped employees may perform at a tip credit rate.
- Persuaded the Seventh Circuit to affirm the dismissal of 30 NCAA Division I universities in a putative nationwide collective action by former student-athletes seeking minimum wage for time spent engaged in interscholastic athletics.

- Through a declaratory relief action against the U.S. Department of Labor, successfully persuaded the Department to withdraw all challenged portions of the agency's 2011 FLSA regulations involving tips and the tip credit while the Supreme Court was considering whether to grant certiorari.
- Defeated plaintiffs' motion to conditionally certify an opt-in class of restaurant employees challenging the use of a tip credit wage for time spent performing side work.
- Persuaded plaintiff's counsel to voluntarily dismiss a putative class action alleging failure to pay overtime to retail store department managers, and without any payment by the defendants.
- Persuaded plaintiff's counsel to voluntarily dismiss a putative collective action alleging failure to pay overtime to delivery drivers, and without any payment by the defendants.
- Obtained summary judgment in a collective action with more than 200 opt-in plaintiffs alleging that time spent laundering hospital uniforms is compensable work under the FLSA.
- Prevailed on a motion to dismiss a putative class action complaint seeking compensation under Pennsylvania law by employees allegedly required to remain on their employer's property during unpaid meal periods.
- Obtained summary judgment in a putative class action by a Chicago taxicab driver contending that by virtue of the City's regulation of the taxicab industry, she and all other taxicab drivers in Chicago are employees of the City entitled to minimum wage under federal and Illinois law.
- Persuaded plaintiffs in a putative multistate collective action challenging the exempt status of certain work performed by retail store assistant managers to withdraw their class claims in light of our opposition to their conditional certification motion.
- Defeated plaintiffs' motion to conditionally certify an opt-in class of car service chauffeurs challenging their classification as independent contractors and asserting claims for minimum wage and overtime, and then obtained dismissal of 24 of the 25 named plaintiffs on the basis of misjoinder.
- In a putative statewide collective action, obtained a dismissal on the basis of failure to state a claim regarding allegations that restaurant servers spent time performing supposedly non-tipped duties while earning a tip credit wage, and defeated plaintiff's motion to conditionally certify a collective action alleging insufficient notice of the tip credit.
- While plaintiffs' motion to conditionally certify a nationwide opt-in class of retail store managers was pending, persuaded plaintiffs' counsel to withdraw their complaint alleging failure to pay overtime, and without any payment by our client.
- Obtained summary judgment in a putative collective action by delivery drivers based on the preemption of the Massachusetts Independent Contractor Statute by the Federal Aviation Administration Authorization Act of 1994.
- Defeated plaintiffs' motion to conditionally certify a nationwide FLSA opt-in class of training instructors and field service representatives working for a defense contractor.

- Obtained summary judgment in a putative nationwide collective action, with the court holding that gentlemen's club emcees receive pay in compliance with the FLSA because payments that dancers make to the emcees satisfy the regulatory definition of "tips."
- Successfully opposed plaintiffs' counsel's attempt to consolidate cases pending in federal courts in four different states into a proceeding in the one circuit that had concluded that pharmaceutical sales representatives are non-exempt.
- Defeated plaintiff's motion to conditionally certify a nationwide FLSA opt-in class of retail shoe store managers.
- Defeated plaintiff's motion to conditionally certify a nationwide FLSA opt-in class of pharmaceutical sales representatives based on the named plaintiff's class action waiver as well as the plaintiff's failure to demonstrate that she was similarly situated to other putative class members.
- Obtained enforcement of an arbitration agreement and class action waiver as to two plaintiffs who sought to represent an FLSA opt-in class of exotic dancers.
- Defeated plaintiff's motion to conditionally certify a nationwide FLSA opt-in class of gentlemen's club emcees based on the plaintiffs' failure to demonstrate that other potential plaintiffs are interested in participating in the litigation.
- Won a new trial on all issues in a challenge to what was then the largest single-plaintiff sexual harassment verdict—nearly \$40 million including interest—ever affirmed on appeal in the United States.

### **Congressional Testimony**

- Combating Wage Theft: The Critical Role of Wage and Hour Enforcement: Hearing Before the Subcomm. on Labor, Health and Human Services, Education, and Related Agencies of the H. Comm. on Appropriations, 116th Cong. (2019)
- Improving the Federal Wage and Hour Regulatory Structure: Hearing Before the Subcomm. on Workforce Protections of the H. Comm. on Education and the Workforce, 113th Cong. (2014)
- The Misclassification of Workers as Independent Contractors: What Policies and Practices Best Protect Workers?: Joint Hearing Before the Subcomm. on Health, Employment, Labor and Pensions and the Subcomm. on Workforce Protections of the H. Comm. on Education and Labor, 110th Cong. 9-35 (2007)
- Adequacy of Labor Law Enforcement in New Orleans: Hearing Before the Subcomm. on Domestic Policy of the H. Comm. on Oversight and Government Reform, 110th Cong. (2007)