



## Andrew M. Gordon

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For over a decade, businesses and their management teams throughout the United States have entrusted Andrew Gordon to help accomplish their goals through litigation, negotiation, and day-to-day counseling.

As a litigator, Andrew represents employers in federal and state courts, in arbitration, and before government agencies on issues involving discrimination, harassment, and retaliation; wage and hour, including class and collective actions; FMLA, ADA, and other federal, state, and local leave obligations; breach of contract; whistleblowing; restrictive covenants, non-competes, and non-solicits; social media use; OSHA, WARN; Families First Coronavirus Response Act (FFCRA) and emerging COVID-19 legislation; and other employment law matters.

Andrew provides in-person and web-based employment law training to corporate executives, managers/supervisors, HR professionals, and other employees on employment law requirements and trends, including:

- harassment
- discrimination and retaliation
- the use and pitfalls of social media
- accommodation and leave-related issues
- customized issues unique to the organization

As trusted counsel, he imparts day-to-day advice to employers on all employment law issues from hiring to firing:

- drafts and reviews employment and severance agreements
- reduction-in-force plans
- employee handbooks and individual policies
- non-compete and non-solicit agreements
- other documents used in conjunction with the employer-employee relationship

A thought leader who is regularly quoted by media outlets on workplace legal issues and developments, Andrew also conducts webinars and podcasts on workplace and return-to-work issues. During the COVID-19 pandemic, he was a go-to source for businesses and local governments on how to safely remain open, re-open, operate, and comply with various pandemic-related rules and laws enacted at the federal, state, and local levels.

### Practices

Labor & Employment  
Commercial Litigation  
Sustainability & ESG

### Industries

Aviation & Aerospace

### Education

J.D., *cum laude*, St. Thomas University School of Law, 2009

B.A., International Affairs & Political Science, Florida State University, 2006

### Admissions

Florida

U.S. District Court for the Middle, Northern, and Southern Districts of Florida



Andrew also has extensive complex business litigation experience spanning contract disputes, business disputes, aviation security litigation, commercial landlord/tenant disputes, federal and state fair housing claims, class action litigation, and other various complex business litigation matters.

Andrew is the partner-in-charge of the firm's Ft. Lauderdale office, a member of the Executive Committee, and is active in the firm's mentoring program.

## Professional Affiliations

- Broward County Bar Association

## Honors & Awards

- Selected by his peers for inclusion in *The Best Lawyers in America*® for Commercial Litigation, 2023 – 2024
- Recognized as a "Top Lawyer" in the area of Labor & Employment by *South Florida Legal Guide*, 2021
- Appointed by Fort Lauderdale Mayor Dean J. Trantalis to serve on 23 member Working Group tasked with developing COVID-19 business reopening plan for the city, 2020
- Recognized on the Rising Stars list by *Florida Super Lawyers* magazine, 2013 – 2019
- "On the Rise" Professional Excellence Award from the *Daily Business Review*, 2018
- Finalist, "Up and Comer Award," *South Florida Business & Wealth Magazine*, 2018
- Recognized as "Florida's Legal Elite Up and Coming" by *Florida Trend*, 2016

## Representative Matters

### Whistleblower Litigation

- Secured dismissal, with prejudice, of COVID-19/workplace injury whistleblower claims filed under the OSH Act against a prominent resort and spa.
- Obtained summary judgment in a retaliation case involving a whistleblower on behalf of a Florida public charter school. Successfully argued that plaintiffs were public employees and, as such, should have filed their claims for retaliation under Florida's Public Whistleblower Act, not Florida's Private Whistleblower Act. The plaintiffs were unable to refile under the appropriate statute because more than 180 days had passed, which is the statute of limitations for Florida's Public Whistleblower Act.
- Successfully convinced former employee's counsel that his client's claims that he had been terminated in retaliation for blowing the whistle were frivolous. The suit was never filed.
- Secured dismissal in a retaliation case involving a whistleblower on behalf of our client, a well-known local doctor, based on the argument that Florida's Private Whistleblower Act does not provide for liability against individuals.

### Discrimination and Retaliation Claims

- Successfully obtained summary judgment in arbitration for a large tire store chain in a case involving discrimination, failure to accommodate, and retaliation under the ADA. The plaintiff, a former employee, alleged the tire store discriminated against him by terminating his employment because of a disability and failing to provide reasonable accommodation. The plaintiff also alleged the tire store retaliated against him by terminating his employment after he requested an accommodation. Additionally, secured a federal court confirmation of the arbitration award in favor of the tire store despite the plaintiff's attempts to have it vacated.
- Secured a summary judgment on behalf of a Florida-based car dealership in a discrimination and retaliation case. The plaintiff, a former employee, claimed the dealership had discriminated against him based on an English-only policy and also retaliated against him when he complained about the English-only policy.



- Obtained a non-monetary settlement in a retaliation case involving a whistleblower on behalf of our client, a well-known local doctor.
- Represented a nonprofit in an FMLA retaliation case, which included claims of racial, sexual, and disability discrimination. Obtained a non-monetary settlement of the charging party's claims.
- Represented a dental practice in a retaliation case involving sexual harassment. We argued that the plaintiff, an employee, resigned prior to allowing the dental practice an opportunity to investigate her claims of sexual harassment. The court agreed and granted summary judgment in favor of our client.
- Obtained a no reasonable cause determination from the Florida Commission on Human Relations relating to a former employee's claims of race discrimination. Although the former employee had 35 days to appeal to preserve her right to possibly file suit, she did not appeal, and a suit was never filed.

### **Department of Labor (DOL) Investigation**

- Persuaded the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) that there was no reasonable cause and secured dismissal of a complaint filed by a former employee. The complaint had alleged that the former employee was discharged from a public transportation company in retaliation for raising safety concerns, which would violate the National Transit Systems Security Act.
- Assisted client with DOL investigation into whether an employee's rights were violated, as they alleged, after taking FMLA leave. Ultimately, the DOL found that there were no violations.

### **Wage and Hour Violations**

- Represented a national chain restaurant against FLSA overtime claims resulting in a full defense verdict at trial based on the administrative exemption.
- Defended education management company in a wage theft case. Successfully convinced the Broward County Professional Standards Division that the employee's claims were false and based on a misunderstanding of the employee's own agreed-to-pay structure as a teacher.
- Represented a local restaurant against FLSA overtime claims resulting in a full defense verdict at trial based on the administrative exemption.

### **Breach of Contract**

- Obtained dismissal on behalf of an airline facing a stock dispute with a terminated employee.

### **Non-Compete Agreement**

- Negotiated and protected an insurance brokerage firm's interests in not having new employees bound by a previous non-compete agreement.

## **Presentations**

Andrew is regularly invited to speak at national conferences, webinars, industry/trade associations, on television and radio/internet programs.

A selection of presentations:

- Co-Presenter, "L&E Regional Law Updates: East Coast," Hinshaw & Culbertson LLP, Virtual Event, January 10, 2024
- "Employment Law 101 – Understanding Employment Law and its Impact on the Workplace," National Education Institute, Charter Schools USA, Orlando, Florida, November 2, 2022
- Co-Moderator, "Navigating the Stop W.O.K.E. and Don't Say Gay Acts," Hinshaw & Culbertson LLP, Ft. Lauderdale, Florida, Chicago, Illinois, Virtual, October 28, 2022
- Co-Presenter, "East Coast/South Labor & Employment Regional Law Update," Hinshaw & Culbertson LLP, Virtual Event, July 26, 2022



- Panelist, "[Office Space: Post-COVID Concerns Behind Bringing Employees Back](#)," Associate Financial Consultants' *Associated Talk Series*, Virtual Event, June 8, 2021
- "Labor and Employment Law in the Age of COVID-19," Paralegal Association of Florida, Inc. CLE, Virtual Event, April 7, 2021
- "[What You Need to Know About Title VII](#)," Coral Gables Chamber of Commerce's *IMPACT Seminar Series for Small Businesses*, Virtual Event, February 17, 2021
- "[Possibility of Employer-Mandated COVID Vaccines on the Forefront of Workers' Minds](#)," *CBS4 Miami*, December 14, 2020
- Co-Presenter, "The Labor & Employment Year in Review: Is It Over Yet?" East Coast Session, Hinshaw's 25th Annual Labor & Employment Seminar, Virtual Event, October 26, 2020

## Publications

Andrew is regularly quoted in national and local trade journals and media outlets on employment law developments and trends.

Andrew's legal analysis of a sexual harassment case and its implications for employers was the subject of a Corporate Counsel article for its In-House Straight series, titled "Policies and Procedures Lower Sex Harassment Liability."

Other publications include:

- Co-Author, "The PUMP Act: How Will It Impact Florida Employers?," *Daily Business Review*, June 14, 2023
- Co-Author, "FTC's Proposed Rule Banning Noncompetes: How the Rule, If Enacted Will Impact Florida," *Daily Business Review*, February 2, 2023
- Co-Author, "Stop WOKE Act: The End to Workplace Diversity & Inclusion Training in Florida?," *Daily Business Review*, March 10, 2022
- Co-Author, "Understanding the FLSA and Its Exemptions," *Daily Business Review*, November 30, 2021
- Co-Author, "[Workplace safety: What if you want your employees to take a COVID-19 test?](#)" *The Miami Herald*, November 27, 2020
- Co-Author, "[Takeaways for Employers From SCOTUS' Landmark LGBTQ+ Ruling](#)," *The Miami Herald*, July 17, 2020
- Co-Author, "[Here are some key considerations for employers as the workplace begins to reopen](#)," *The Miami Herald*, May 15, 2020
- Co-Author, "Work Environments in Medical Marijuana Age: What Employers Can and Cannot Do," *Daily Business Review*, May 6, 2020
- Co-Author, "CARES Act is a big step forward," *The Miami Herald*, April 3, 2020
- Co-Author, "Employer Obligation During Closings and Layoffs: Don't Forget the WARN Act," *Daily Business Review*, March 27, 2020
- Co-Author, "South Florida employers should brace for the potential impact of Covid-19," *The Miami Herald*, February 14, 2020

## Community/Civic Activities

Andrew is active in his community through a number of civic organizations, including:

- Hinshaw University, Supervisor
- Anti-Defamation League (ADL), Florida Chapter – Summer Associate Research Program
- City of Ft. Lauderdale Board of Adjustment
- City of Ft. Lauderdale Civil Service Board
- Greater Ft. Lauderdale Chamber of Commerce



- Former Governmental Affairs Committee
- Business First Committee
- Riverwalk Ft. Lauderdale, Advisory Board
  - Master Plan and Projects Committee
- Victoria Park Civic Association, President, Former Vice President, and Former Representative to the Council of Ft. Lauderdale Civic Associations