



JACQUELINE C. TULLY is a Principal in the Jackson Lewis P.C. Washington, D.C. Region office. Since entering private practice in 2003, Ms. Tully has focused on advising clients on state and federal employment laws, and she represents employers in litigation and administrative procedures. Her practice focuses on management-side wage and hour law. Ms. Tully's extensive experience both litigating and providing counsel regarding wage and hour matters informs her practical and holistic approach to each practice area.

Ms. Tully's practice includes providing day-to-day advice and counsel regarding various wage and hour issues including: exempt/non-exempt classification, permissible pay deductions, regular rate calculations, identifying and capturing working time, establishing pay and job duties for tipped employees, and related policies and practices. She has performed preventative compliance reviews and audits ranging from individual employees to enterprise-wide evaluations of the status of thousands of workers. Ms. Tully seeks to understand each employer's culture, industry, and unique business concerns to develop strategies for change management to minimize risks and enhance compliance.

Ms. Tully also maintains an active litigation practice. She has extensive experience litigating complex class and collective actions, including regional and nationwide FLSA collective actions. Ms. Tully has served as the lead attorney or co-counsel for numerous class actions pending in federal district courts and appellate courts across the country. She has initiated and implemented defense strategies that have led to efficient and successful resolutions of litigation and threatened litigation. She has established protocols and managed discovery for substantive and procedural defense strategies in large regional and nationwide collective actions.

Ms. Tully has conducted trainings and seminars regarding recent changes to the Fair Labor Standards Act. She has also counseled clients through internal and DOL FLSA audits ranging from three to over one thousand employees.

Ms. Tully has represented employers before the Equal Employment Opportunity Commission, the National Labor Relations Board, and the Department of Labor. She is a member of the New York, Virginia and District of Columbia bars.

After graduating *magna cum laude* from Loyola College in 1998, Ms. Tully received her law degree from the Georgetown University Law Center in 2003.

Ms. Tully has been selected for inclusion in *Virginia Super Lawyers—Rising Stars*, every year since 2012.

SELECTED LITIGATION EXPERIENCE

- 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 Fair Labor Standards Act. *Dinkel v. MedStar Health, Inc.*, No. 11-998 (CKK), 2015 U.S. Dist. LEXIS 49819 (Apr. 16, 2015).
- Persuaded plaintiffs in a putative multi-state 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. *Baker v. R.K. Administrative Services, LLC*, No. 3:13-cv-00144-RLY-WGH (S.D. Ind. 2013).
- 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. *Amir v. Sunny's Executive Sedan Service, Inc.*, No. 1:13-cv-001610CMH-TCB (E.D. Va. July 30, 2013) (denial of conditional certification) and (Oct. 16, 2013) (dismissal of misjoined plaintiffs).
- Defeated plaintiff's motion to conditionally certify a nationwide FLSA opt-in class of retail shoe store managers. *Drew v. Shoe Show, Inc.*, No. 3:10-cv-00656-JPG-PMF, 2011 U.S. Dist. LEXIS 106503 (S.D. Ill. Sept. 19, 2011).
- Obtained summary judgment in a collective action, with the court holding that pharmaceutical sales representatives are exempt under the FLSA's administrative exemption. *Jackson v. Alparma, Inc.*, 16 Wage & Hour Cas. 2d (BNA) 751 (D.N.J. 2010).
- While plaintiff's motion to conditionally certify an FLSA opt-in class of security guards was pending, persuaded plaintiff's counsel to voluntarily dismiss the complaint, and without any payment by our client. *Johnson v. Chenega Security & Protection Services LLC*, No. 1:09-cv-419 (E.D. Va. 2009).
- While representing a national retailer in a putative collective and class action by employees of a cleaning company in which workers also sued the retailer that contracted with the cleaning company, obtained a settlement in which our client paid no money in exchange for a full release. *Gonzales v. Prestige Maintenance USA, Inc.*, No. 8:07-cv-1949 (D. Md. 2009).

PRESENTATIONS

- *Keeping it "Legal": How Understanding Attorney-Client Privilege Can Increase Benefits And Reduce Risks Related To Compliance Reviews*, Jackson Lewis 2015 Employment Class Action Spring Summit (New York, New York, June 2015) (panelist)
- *Executive Order Implications for Government Contractors*, Northern Virginia Society for Human Resources Management (Reston, Virginia, Oct. 2014) (co-presenter)

- *Federal Wage and Hour Enforcement Initiatives: 2014 and Beyond*, Global Cold Chain Alliance Assembly of Committees (Washington, D.C., July 2014)
- *Don't Trust Your Instincts: Guidance Regarding Computing the Regular Rate, Identifying Compensable Time, & Little-Known Facts About Travel Time*, Jackson Lewis Workplace Law Symposium (Bethesda, Maryland, Oct. 2013) (co-presenter)

PUBLICATIONS

- Co-Author, "Half-Time or Time and a Half? Calculating Overtime in Misclassification Cases," EMPLOYER'S GUIDE TO THE FAIR LABOR STANDARDS ACT, Nov. 2008, at 3 (cited with approval in *Urnkis-Negro v. American Family Property Services*, 616 F.3d 665 (7th Cir. 2010)).

Jackson Lewis Updates

- [How to Comply with D.C. Wage Theft Amendment Act](#), March 25, 2015
- [D.C. Wage Theft Prevention Act Amended by Council to Remove Certain Exempt-Employee Mandates](#), February 5, 2015
- [Amended D.C. Wage Theft Prevention Act Effective February 26](#), January 16, 2015
- [New York Employers Relieved of Annual Wage Theft Prevention Act Notice Requirement](#), January 8, 2015
- [Amended D.C. Wage Theft Prevention Act Adds Employer Obligations and Onerous Penalties for Violations](#), December 16, 2014
- [DOL Provides Guidance Regarding Hours Worked Under FLSA](#), June 13, 2008
- [FLSA Preempts Duplicative State Law Claims, Fourth Circuit Rules](#), January 25, 2008

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