PEM LAW LLP

Peter F. Berk
Partner

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Overview

Peter F. Berk, Partner at the Firm, specializes in employment litigation, HR counseling, and wage and hour compliance.

In the area of employment litigation, Mr. Berk represents employers in a broad range of employment law litigation matters in state and federal courts, including claims involving discrimination, harassment, wrongful termination, whistleblowing, employment-related torts, violations of restrictive covenants, unfair competition, theft and disclosure of trade secrets.

Mr. Berk also counsels employers on a wide range of human resource issues, including drafting of employment contracts, restrictive covenants and severance agreements. He has a particular interest in wage and hour compliance and litigation. Mr. Berk assists clients in proactively addressing wage and hour issues before a government investigation or litigation is commenced. He counsels management and human resources to audit existing pay practices and to design policies and pay practices that reduce exposure for wage and hour claims. Mr. Berk also represents clients when wage and hour claims are filed against them in court or with an agency.

Matters

- Successfully litigated and obtained summary judgment dismissing a complaint brought by 88 police officers against a municipality under the Fair Labor Standards Act (FLSA). The dismissal was affirmed by the Third Circuit Court of Appeals in a published opinion that addressed, as a matter of first impression, the manner by which a municipality can qualify for the partial overtime exemption applicable to law enforcement personnel and whether the donning and doffing of police uniforms is compensable under the FLSA.
- On behalf of the operator of a major entertainment venue, obtained summary judgment of two former employees' claims of race discrimination under the New Jersey Law Against Discrimination.
- On behalf of a global snack food company, won a Motion to Dismiss that dismissed plaintiff's complaint alleging disability discrimination claims.
- On behalf of a national pharmacy chain, successfully litigated and obtained summary judgment on plaintiff's complaint that alleged several violations of the Conscientious Employee Protection Act.

Education

- Seton Hall University Law School, J.D., 2000
- Connecticut College, B.A., 2000

Bar Admissions

- New Jersey
- United States District Court, District of New Jersey
- United States Court of Appeals for the Third Circuit

Clerkship

- Judge Carol Ferentz, J.S.C.(ret.) , 2000 to 2001