



Joshua C. Vaughn

Shareholder

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Focus Areas

Wage and Hour
Home Health and Home Care
Littler Home Care Toolkit

Overview

Joshua C. Vaughn, a Pittsburgh employment defense attorney, represents employers in collective, class, and hybrid actions brought under the federal Fair Labor Standards Act and state wage and hour laws. He has defended employers in the health care, financial services, retail, and technology industries in state and federal courts throughout the United States.

Josh has successfully defeated conditional certification in threatened nationwide collective actions, won summary judgment pre-certification, and has successfully resolved many other cases involving complicated legal and business issues that arise in wage and hour litigation. Josh has significant experience defending against claims for overtime (exemption misclassification, off-the-clock, overtime rate calculation), misclassification of independent contractors, minimum wage, meal and rest breaks, "suitable seats," reporting time and split shifts, expense reimbursements and waiting-time penalties.

As the Shareholder in charge of Littler's Home Care Toolkit, Josh counsels and defends home care agencies on the unique pre-employment, ongoing employment, and end-of-employment issues. He has represented home care agencies in class and collective action litigation brought by private plaintiffs and the U.S. Department of Labor, investigations by federal and state labor departments, investigations by federal and state equal employment agencies, investigations by the U.S. Office of Inspector General, and has presented seminars and webinars to multiple home care franchise systems, associations, and industry groups.

In addition to his substantial practice defending and advising employers with respect to complex wage and hour litigation, Josh has helped employers enforce non-compete agreements, and has defended employers against a variety of single plaintiff claims, including claims involving race, age, gender, disability discrimination, harassment, retaliation, breach of contract, wrongful termination, intentional and negligent infliction of emotional distress, and unjust enrichment.

Josh regularly partners with clients to conduct wage and hour and employment practices audits, provide guidance regarding hiring and terminations, conduct supervisor and management training related to wage-and-hour compliance, and provide advice regarding complex litigation strategy.

In addition to his legal practice, Josh regularly writes and speaks at seminars on employment topics facing employers. In the fall 2018, Josh served as an adjunct professor at the University of Pittsburgh School of Law, where he taught a course on Technology and Employment law.

Selected Matters

- Defended “gig economy” clients in class and collective actions, and successfully moved to compel individual arbitration under the Federal Arbitration Act.
- Defended staffing company in collective action alleging failure to compensate for all hours worked under the Fair Labor Standards Act, and obtained a complete dismissal of the FLSA claim on a Motion to Dismiss.
- Defended steel manufacturer in single plaintiff action alleging exempt misclassification under the Fair Labor Standards Act and age discrimination under the Age Discrimination in Employment Act claims, and obtained a complete dismissal of all claims on summary judgment.
- Represented multiple long-term care facilities in investigations by the U.S. Department of Labor;
- Represented multiple home care agencies in investigations by the U.S. Department of Labor;
- Represented steel manufacturer in audit by the U.S. Department of Labor related to bona fide profit sharing plans under 29 U.S.C. 207(e)(3)(b);
- Represented a hotel in an audit by the U.S. Department of Labor;
- Represented home care agency in investigation by the U.S. Office of Inspector General related to OIG Exclusion List;
- Defended steel manufacturer in a putative collective action asserted on behalf of exempt supervisors;
- Defended transportation industry client in single plaintiff action alleging disability discrimination under the Rehabilitation Act, and obtain a complete defense verdict after jury trial;
- Defended transportation industry client in single plaintiff action alleging violations of the Family and Medical Leave Act, and obtained dismissal of FMLA claims on summary judgment.

Professional and Community Affiliations

- Member, Labor and Employment Law Section, American Bar Association

- Member, Pennsylvania Bar Association
- Member, Labor and Employment Law Section, Allegheny County Bar Association
- Member, Board of Directors, Dollar Energy Fund
- Member, Board of Governors, Allegheny HYP Club

Education

J.D., Duquesne University School of Law, 2006

B.S., Grove City College, 2003

Bar Admissions

Pennsylvania

Courts

U.S. Supreme Court

U.S. Court of Appeals, 3rd Circuit

U.S. Court of Appeals, 7th Circuit

Pennsylvania Supreme Court

U.S. District Court, Western District of Pennsylvania

U.S. District Court, Eastern District of Pennsylvania

U.S. District Court, Middle District of Pennsylvania

U.S. District Court, Northern District of Ohio

Publications & Press

Littler Elevates 28 Attorneys to Shareholder

Littler Press Release

January 6, 2020

Pennsylvania Moves One Step Closer to Substantially Increasing White Collar Exemption Salary Threshold

Littler ASAP

October 17, 2019

Pennsylvania Commission Comments on Proposed Amendments to the Commonwealth's White Collar Exemption Regulations

Littler ASAP

October 2, 2018

Pennsylvania Department of Labor and Industry Proposes Amendments to the State's White Collar Exemption Regulations

Littler Insight

June 14, 2018

Third Circuit's Paid Breaks Ruling a Bright Line, but Not an Open Door

New Jersey Law Journal

November 28, 2017

Pregnancy, Parenting, and Careers – Leave, Pay and Promotion Bias

ABA National Conference on Equal Employment Opportunity Law

April 2013

Oral Complaints May Be Considered Protected Activity Under FLSA Anti-retaliation Provision

California Labor and Employment Bulletin, Vol. 11, No. 5

May 2011

Ethical Issues in Class Action Litigation

Practicing Law Institute's California Employment Law Update

2010

Speaking Engagements

The Top 5 Lawsuit Trends in Homecare for 2022 – and How to Help Avoid Them

January 25, 2022

The Critical Importance of Arbitration Agreements for a Home Care Workforce

December 15, 2021

Littler Home Care Webinar Series – November 2021 Legal Update

November 2, 2021

Giving It Your Best Shot! The Legal and Practical Implications of Vaccinating a Home Care Workforce

September 7, 2021

When Every Day is "Blursday" - Wage and Hour Compliance for a Remote Workforce

September 2, 2021

Home Care Industry Legal Update: Avoiding Common Pitfalls Before and During U.S. DOL Wage-and-Hour Audits

June 1, 2021

Pennsylvania Act 24 of 2020 - Funds for Necessary COVID-19 Related Expenses

Client Presentation

July 31, 2020

Reopening the Workplace: Addressing the Challenges Employers Will Face When Operations Resume

Client Presentation

May 22, 2020

A Discussion of Issues Facing the Home Care Industry in 2020

February 10, 2020

Wage & Hour Law Update, Course Planner and Speaker

Pennsylvania Bar Institute

June 25, 2019

Traps for the Unwary Under the Pennsylvania Minimum Wage Act

Pennsylvania Bar Institute Employment Law West, Pittsburgh, PA

November 13-14, 2018

Pennsylvania's Proposed Changes to Overtime Exemption Eligibility Regulations

August 8, 2018

How PA's Proposed Overtime Rule Could Affect Your Company

Pennsylvania Chamber of Business and Industry

July 19, 2018

Wage and Hour Essentials - Federal, State and Local Issues

National Business Institute, Pittsburgh, PA

August 9, 2017

Employment Law 101: The ABCs of Employment Law and Human Resources

Pennsylvania State Association of Township Supervisors (PSATS)

February 2016; March 2016

A Legal Perspective on Making Accommodations Work for You and Your Workforce

Pennsylvania Rehabilitation Association's 2015 Professional Development Institute

April 2015

Books & Book Chapters

- Managing Executive Compensation and 'Clawbacks', *The Regulation of Compensation: Proceedings of the New York University 66th Annual Conference on Labor*, NYU Center for Labor and Employment Law, coauthor, chapter 9
- *Employment Law Yearbook 2008 – 2012*, Practising Law Institute, co-editor, 2014
- *Fair Labor Standards Act, 2009 Cumulative Supplement*, ABA Section of Labor and Employment Law, contributing editor