

## Joshua C. Vaughn

Shareholder

One PPG Place  
Suite 2400  
Pittsburgh, PA 15222  
main: (412) 201-7600  
direct: (412) 201-7677  
fax: (412) 456-2377  
jvaughn@littler.com



---

## 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 healthcare, 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, opposed class certification under Rule 23, 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, waiting-time penalties, and wage statement and wage notice violations.

Josh also has significant experience assisting clients with reviewing, drafting, and rolling out arbitration agreements; enforcing arbitration agreements; and representing clients in individual and mass arbitrations.

As the shareholder in charge of Littler’s Home Care Toolkit, Josh also 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 practice defending and advising employers with respect to complex wage and hour litigation, Josh has helped employers enforce noncompete 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, provide advice regarding complex litigation strategy, and assist clients with conducting employment law due diligence related to mergers and acquisitions.

In the fall 2018 and 2021, Josh served as an adjunct professor at the University of Pittsburgh School of Law, where he taught a course on Technology and Employment law. Josh also regularly writes and speaks at seminars on employment topics facing employers.

## 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 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

### **Home-Based Care Workers ‘More Comfortable’ Bringing Lawsuits Against Current, Former Employers**

*Home Health Care News*

January 30, 2022

### **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**

**Lunch & Learn: Navigating Background Checks**

Pennsylvania Homecare Association

July 23, 2024

**Home Health Care Challenges in the Post-Pandemic Age of Substance Abuse**

October 10, 2023

**Tips to Create a Best-in-Class Onboarding Packet**

September 7, 2023

**Selling A Home Care Agency – M&A Valuations and Important Employment Law Due Diligence to Conduct to Avoid Hurting the Deal**

August 1, 2023

**The Pregnant Workers Fairness Act and The PUMP Act - What Employers Need to Know When Employees Are Expecting**  
June 6, 2023

**The FTC Proposed Noncompete Rule and Its Impact on Home Care**  
April 11, 2023

**Legal Updates**

Pennsylvania Homecare Association Compliance Webinar Series  
November 4, 2022

**Changing the Game – How Employers Can Use Arbitration Agreements to Avoid Striking Out in Litigation**  
October 4, 2022

**Littler AI Summit**  
Washington, DC  
September 28, 2022

**Why a Well-Written Employee Handbook Is Worth Its Weight in Gold**  
June 7, 2022

**Late Night with Littler: A Healthcare Industry Roundtable**  
Littler Executive Employer Conference  
May 4, 2022

**Homecare Consolidation: Employment Law Considerations That Can Kill Deals When Buying or Selling a Homecare Business**  
April 5, 2022

**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