JOSEPHINE B. VESTAL MEMBER

Josephine B. Vestal

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JOSEPHINE VESTAL'S practice is focused on labor and employment law. She is a Member in the Seattle office and is chair of the firm's Labor & Employment practice group. She counsels employers ranging from multinational corporations to public employers to small private employers on regulatory compliance, their employment contracts, benefits and personnel policies, decision-making, and strategic planning. In addition, she litigates cases involving all aspects of employment law, including discrimination, sex harassment, wrongful termination, wage and hour matters and employee benefits. Ms. Vestal also has an extensive background in training and in investigation of employee complaints for both public and private employers.

Ms. Vestal appears at all levels of state and federal trial and appellate courts, before various administrative agencies, and in labor arbitration and mediation. She received advanced mediation training from National Employment Mediation Services.

Ms. Vestal has an AV® Preeminent™ 5.0 out of 5 rating in Martindale-Hubbell® Peer Review Ratings™ and has been recognized by the *Seattle Met* magazine as a "Top Lawyer" in Labor and Employment.

Experience

- Advising and training regarding all aspects of employee relations including hiring, termination, nondiscrimination, employee benefits, severance agreements, investigations, FLSA, FMLA, disability accommodation, etc.
- Advising and representing employers with regard to labor and employment considerations during strategic planning and in corporate acquisitions.
- Developing and advising regarding handbooks, employee benefits and personnel policies and procedures, including drug/alcohol testing programs and ADA compliance.
- Investigating employee complaints regarding harassment, discrimination, retaliation, and other employment issues for both public and private employers.

- Litigating and mediating wrongful termination, employment discrimination, sexual harassment, wage and hour, employee benefit, and ERISA claims for public and private employers before agencies, and trial and appellate courts.
- Creation and enforcement of employment contracts and non-competition, confidentiality, and intellectual property agreements.

Professional Experience

1988 - Present	Williams Kastner, Member
1981 - 1987	Williams Kastner, Associate
1974 - 1980	Private law practice

Education

University of Washington, JD, 1974
Mount Holyoke College, BA, 1971
Williams College, 1969 - 1970

Admitted to Bar

Washington
United States District Court, Western District of Washington
United States District Court, Eastern District of Washington
United States Court of Appeals for the Ninth Circuit
United States Court of Appeals for the District of Columbia Circuit

Memberships

Washington State Bar Association
    Labor and Employment Section
American Bar Association
    Labor and Employment Section
    Alternative Dispute Resolution Section
Defense Research Institute
    Labor and Employment Section
Safe Crossings Foundation
    Board of Directors

Recent Articles

- "How would the Supreme Court's decision on the constitutionality of the Defense of Marriage Act (DOMA) impact Washington employers with employees in same-sex marriages?" *Puget Sound Business Journal*, March 29, 2013.
- "As a non-union employer, do I have to be concerned about the National Labor Relations Act (NLRA)?" *Puget Sound Business Journal*, September 26, 2012.
- Co-Author, "As Hospitals Trend Toward Employee Physicians, What Are the Employment Law Consequences?" *Washington Healthcare News*, June 2012.

- "Are employers prohibited from taking action against employees who claim to be due overtime or make other claims under the Fair Labor Standards Act (FLSA)?" *Puget Sound Business Journal*, February 24, 2012.
- "Are there legal issues when an employer attempts to restrict its employee's use of social media to discuss issues in the workplace?" *Puget Sound Business Journal*, September 30, 2011.
- Co-Author, "Employment Law Update 2011 – The Year in Review," *The Metropolitan Corporate Counsel*, May 2011.
- "What is new regarding an employer's collection of employee health information?" *Puget Sound Business Journal*, December 24, 2010.
- "Does the health care legislation (the Patient Protection and Affordable Care Act, or 'PPACA') signed by the President on March 23, 2010, impact the employee-employer relationship?" *Puget Sound Business Journal*, April 30, 2010.
- "Should employers addressing harassment allegations be concerned about claims by the accused harasser as well?" *Puget Sound Business Journal*, June 26, 2009.
- Co-Author, "Obama Administration Changes Employment Rules of the Game," *The Metropolitan Corporate Counsel*, April 2009.
- "Employer Beware: 2009 to Bring Significant Employment Law Changes," *Washington Healthcare News*, February 2009.

Lectures and Seminars

- Presenter, "New State & Local Laws: Criminal History, Minimum Wages, Paid Family & Medical Leave, Paid Sick Leave and Pregnancy Accommodations," *Williams Kastner Labor & Employment Seminar*, Seattle, WA, November 1, 2017.
- Presenter, "The Non-Traditional Workforce - Heightened Risk?" *Williams Kastner Labor & Employment Half-Day Seminar,* Seattle, WA, October 22, 2015.
- Presenter, "Best Practices in Hiring: Challenges to Background Checks and Asking About Criminal History," *Williams Kastner Labor & Employment Half-Day Seminar*, Seattle, WA, October 15, 2014.
- Co-Presenter, "What Does DOMA Mean for You?" *Williams Kastner Labor & Employment Half-Day Seminar*, Seattle, WA, November 13, 2013.
- Presenter, "At-Will Employment: Fact or Fiction? Recent Developments Employers Should Consider When Disciplining or Discharging an At-Will Employee," *Williams Kastner Labor & Employment Breakfast Seminar*, Seattle, WA, April 24, 2013.
- Co-Presenter, "Post-Election Washington State" *Williams Kastner Labor & Employment Half-Day Seminar*, Seattle, WA, December 12, 2012.
- Co-Presenter, "I Hear You Knocking—Preparation and Compliance Tips When Federal and State Agencies Are At the Door," *Williams Kastner Labor & Employment Breakfast Seminar*, Seattle, WA, October 7, 2011.
- Panelist, "'Safe' Hiring: Best Practices," *Williams Kastner Labor & Employment Half-Day Seminar*, Seattle, WA, May 11, 2011.
- Co-Presenter, "Employer Social Media Policies - Why You Can't Be Friends," *Williams Kastner Labor & Employment Breakfast Seminar*, Seattle, WA. March 3, 2011.
- Panelist, "The Collision of FMLA, Worker's Compensation and ADA," *Williams Kastner Labor & Employment Fall Half-Day Seminar*, Seattle, WA, October 22, 2010.
- Panelist, "Employee Privacy in the Age of Social Networking," *Williams Kastner Labor & Employment Spring Half-Day Seminar*, Seattle, WA, April 22, 2010.

- Panelist, "The Labor & Employment Rules Change: Current and Future Compliance Issues Under the Obama Administration," *Williams Kastner Labor & Employment Fall Half-Day Seminar*, Seattle, WA, October 29, 2009.

- Panelist, "Reductions in Force: Reducing the Legal and Personal Risks," *Williams Kastner Labor & Employment Half-Day Seminar*, Seattle, WA, March 12, 2009.
- Co-Presenter, "New Developments in Disability Law," *Williams Kastner Labor & Employment Fall Update Seminar*, Seattle, WA, October 29, 2008.
- Co-Presenter, "Leave Update," *Williams Kastner Labor & Employment Half-Day Seminar*, Seattle, WA, May 29, 2008.
- Co-Presenter, "Retaliation in the Employment and Labor Law Areas," *Williams Kastner Labor & Employment Half-Day Seminar*, Bellevue, WA, November 14, 2007.
- Co-Presenter, "Tips and Traps in Employee Handbooks," *Williams Kastner Labor & Employment Breakfast Seminar*, Seattle, WA, January 24, 2007.
- Co-Presenter, "Emerging Computer Issues in Employment Law," *Williams Kastner Labor & Employment Fall Update Seminar*, Bellevue, WA, October 19, 2006.
- Co-Presenter, "Employer Preparations for Possible Avian Flu Pandemic," *Williams Kastner Labor & Employment Breakfast Seminar*, Seattle, WA, September 21, 2006.
- Co-Presenter, "Issues with Undocumented Workers," *Williams Kastner Labor & Employment Half-Day Seminar*, Seattle, WA, March 22, 2006.
- Presenter, "Absent Employees," *Williams Kastner Labor & Employment Breakfast Seminar*, Seattle, WA, January 18, 2006.
- Co-Presenter, "Emerging Issues in Employment Law," *Williams Kastner Labor & Employment Fall Update Seminar*, Bellevue, WA, September 21, 2005.

Media Coverage

"It's not just paid time off – it's the law," *Puget Sound Business Journal*, September 16, 22, 2011.