

FOSTER PEPPER

# Politics and the Workplace

PRESENTATION MATERIALS  
October 11, 2016

FOSTER PEPPER PLLC  
1111 Third Avenue, Suite 3000  
Seattle, Washington 98101  
[www.foster.com](http://www.foster.com)

# Table of Contents

- Presentation
- Speaker Bios
  - Steven R. Peltin, Foster Pepper PLLC
  - P. Stephen DiJulio, Foster Pepper PLLC
  - Alicia M. Feichtmeir, Foster Pepper PLLC

Presented by:

**FOSTER PEPPER**

FOSTER PEPPER



# Presentation

# POLITICS AND THE WORKPLACE

October 11, 2016

P. Stephen DiJulio  
206.447.8971 | [steve.dijulio@foster.com](mailto:steve.dijulio@foster.com)

Alicia M. Feichtmeir  
206.447.8929 | [alicia.feichtmeir@foster.com](mailto:alicia.feichtmeir@foster.com)

Steven R. Peltin  
206.447.6215 | [steve.peltin@foster.com](mailto:steve.peltin@foster.com)

## What we'll cover today

- Differences between public and private sectors
- Applicable federal, state and local regulations
- Employee political activity on and off the job
- Employer political activity
- Practical tips and useful policies



## Why should employers care?

- “This election year is bringing greater political volatility to the workplace, with slightly more than one-quarter of respondents to a Society for Human Resource Management (SHRM) survey reporting tension, hostility or arguments among co-workers because of political affiliation.”

## What happens when political discussions cross the line?

- Harassment and discrimination concerns
- Bullying/morale problems
- Lost productivity
- On/off duty issues



## Do employees have a First Amendment right to “Free Speech”?

- Applies to government action
- Private sector: no constitutionally protected right to “free speech”
- Public sector: applies in limited circumstances

## First Amendment

- *Karl v. City of Mountlake Terrace*, 678 F.3d 1062 (9th Cir. 2012)



## First Amendment

- *Bland v. Roberts*, 730 F.3d 368 (4th Cir. 2013)



## First Amendment

- *Moss v. City of Pembroke Pines*, 782 F.3d 613 (11th Cir. 2015)



## First Amendment

- *Barry v. Moran*, 661 F.3d 696 (1st Cir. 2011)



## What other laws apply to employees' political activity in the workplace?

- Local
  - City of Seattle prohibits discrimination in employment on the basis of "political ideology"



## What other laws apply to employees' political activity in the workplace?

### ■ State

- Prohibits voter interference/intimidation
- Prohibits discrimination on the basis of employees' political activities
- Confirms public employees' right to private political expression
- Prohibits use of public resources for political purposes



## What other laws apply to employees' political activity in the workplace?

### ■ Federal

- National Labor Relations Act
- Voter intimidation/coercion regulations
- First Amendment
- Hatch Act of 1939



## Can an employer prohibit political campaigning and solicitation at work?

### ■ Private Sector:

- Can bar campaigning/solicitation of money or support during work time, using work supplies and in work spaces
- Can prohibit communications/solicitations that disrupt operations or productivity or are violent/extreme
- Must consider NLRA implications

## Can an employer prohibit political campaigning and solicitation at work?

### ■ Public Sector:

- Public employees cannot engage in solicitation or use public resources for political purposes
- With three very narrow exceptions, public facilities may NOT be used to advocate a political campaign or any other ballot measure. The definition of “public facilities” is very broad, and encompasses anything paid for by or belonging to the public agency, including employees during working hours.

## Can an employer prohibit political displays or paraphernalia at work?

- Private Sector:

- Can restrict purely political displays/paraphernalia by policy, but application must be even-handed
- Must consider NLRA implications and nexus of political advocacy with terms and conditions of employment

## Can an employer prohibit political displays or paraphernalia at work?

- Public Sector:

- Agencies/local governments can set their own rules
- Employees should be careful not to give members of the public the impression that employee's view is favored by the public employer



## Can an employer restrict employees' off duty political activities?

- No – state laws protect employees' ability to engage in political process outside of work



## Does an employer have to provide employees time off to engage in the political process?

- Not in Washington
  - No special leave laws (e.g. voting)
  - Voting leave is not necessary due to WA vote by mail process



## Can an employer require its employees to support the employer's political views?

- Federal

- FEC regulations
- Prohibitions on political coercion
- Impact of *Citizens United*



## Can an employer require its employees to support the employer's political views?

- Washington

- Prohibits employers from discriminating/retaliating against an employee for failure to support a political position
- Public employers cannot use staff time or resources on behalf of a particular political position

## What happens when religion and politics intersect at the workplace ?

- Title VII, WLAD, and local regulations address religious accommodation and prohibit religious discrimination
- Strong policies/careful training of managers to navigate these issues
- Employer religious/political views

## Useful policies

- Anti-discrimination/anti-harassment
- Non-solicitation
- Social media
- Political activity policy?
- Be mindful of NLRA protections

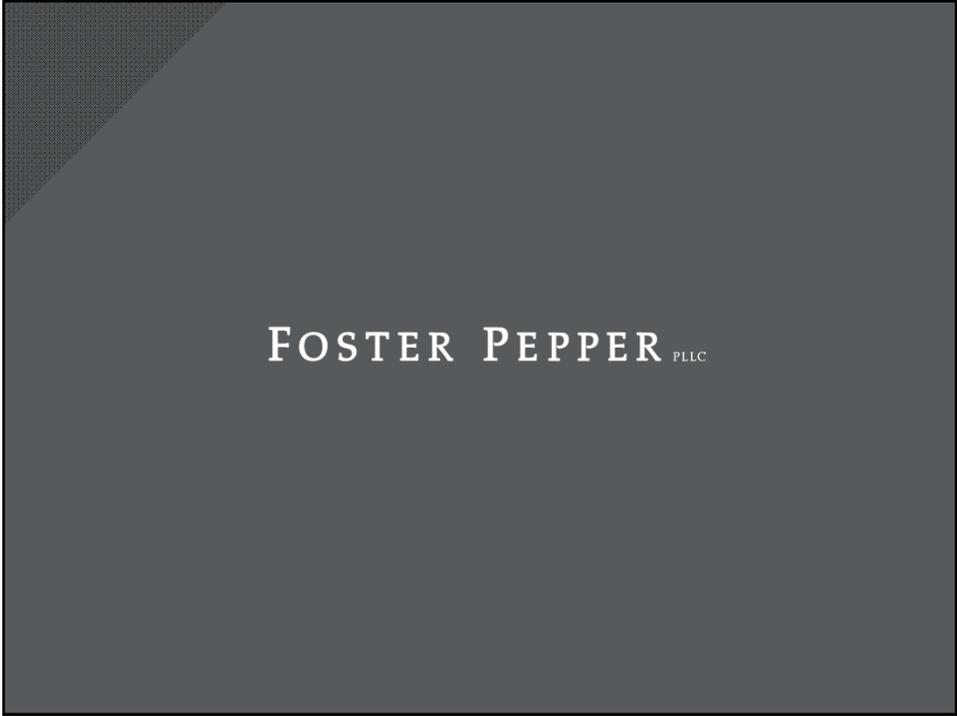
## Management best practices

- Update policies and provide refreshers during election season
- Train managers/supervisors to respond effectively to hot-button issues and complaints
- Consider the implications of any discipline that may be related to employee's political activity
- Evaluate pros/cons of corporate political activity

## Q&A discussion

- Q&A discussion with panel



The logo features a dark gray square with a thin black border. The top-left corner of the square is cut off by a diagonal line, creating a triangular section filled with a fine, light gray dot pattern. The text "FOSTER PEPPER" is centered in the square in a white, serif font. The word "PLLC" is positioned to the right of "PEPPER" in a smaller, white, sans-serif font.

FOSTER PEPPER PLLC

FOSTER PEPPER



# Speaker Bios

# Steven R. Peltin

**MEMBER**



## SEATTLE

T 206.447.6215

F 206.749.2094

[steve.peltin@foster.com](mailto:steve.peltin@foster.com)

## SERVICES

Business (Chair)

Employment & Labor  
(Chair)

Financial Institutions

Nonprofit & Tax-Exempt  
Organizations

## PRACTICE OVERVIEW

Steve chairs the firm's Business and Employment & Labor practices. His work covers the gamut of employment and labor law. His advice practice is dedicated to helping employers solve problems such as employee discipline and discharge, leaves of absence, discrimination and harassment claims, and threats of employee violence. Steve enhances employee handbooks and prepares and negotiates employment, confidentiality and non-compete agreements. He also counsels executives and professionals on employment and separation agreements, and assists with corporate transactions such as purchases and sales of businesses.

Steve has extensive litigation experience and represents public and private employers in lawsuits claiming discrimination, harassment, wrongful discharge and violations of wage and hour, employee benefits, trade secrets and non-compete obligations. He also appears before local, state and federal administrative agencies and arbitrators in employment and labor matters.

## REPRESENTATIVE WORK - Cases

- Won jury trial for an employer accused of age discrimination by laid-off union employee.
- Prevailed in hearing before the U.S. Department of Labor brought by a union business agent who claimed that the company conspired with the union to discharge him.
- Co-counsel in class action claiming pay for commuting in company vehicle; certification defeated and individual claim resolved promptly.
- Co-counsel for large employers in two U.S. Department of Labor collective actions claiming that employees worked off the clock; summary judgment obtained in one case, and the other settled favorably.
- Won summary judgment on discrimination / harassment claims for financial services companies.
- Obtained temporary restraining orders in two cases where employees refused to return computerized documents and information.
- Won summary judgment on sex bias claim by male employee of performing arts client.

Steven R. Peltin MEMBER

SEATTLE T 206.447.6215 F 206.749.2094 [steve.peltin@foster.com](mailto:steve.peltin@foster.com)

---

- Convinced OSHA that a safety whistleblower on a construction site was not subject to a hostile work environment.
- Obtained anti-harassment orders against former employees. Defended company in ERISA cases brought by former executive seeking payments under a Supplemental Executive Retirement Plan and by pension funds seeking payment of withdrawal liability.

## REPRESENTATIVE WORK – Transactions

- Employment and labor counsel in sales of business, including due diligence drafting of purchase agreement language, preparation of offer letters, executive employment agreements and employee communications.
- Assistance to client in reductions in force.
- Counseling of clients facing threat of workplace violence.
- Creation of documentation for background investigations, hiring, leaves of absence, requests for disability accommodation, last chance agreement and severance agreements.
- Preparation of policies such as travel pay, use of cell phones and social media.
- Management training on employment law topics, including avoiding harassment and discrimination, performance management and hiring.

## RECOGNITION

- *The Best Lawyers in America*®
  - + Labor Law – Management, 2012-2017
  - + Litigation – Labor & Employment, 2013-2017
- Best in the Business: Leading Lawyers in the Puget Sound Region, *Seattle Business* magazine
  - + Labor – Management, 2013
  - + Litigation – Labor & Employment, 2013

## ACTIVITIES

- Seattle Theatre Group
  - + Board of Directors
- University Preparatory Academy
  - + Board of Directors, 2011-2012
  - + Chair of Personnel Committee, 2011-2012

## QUOTED

- [“Court Overturns Loan Officer Overtime Ruling in ‘Win’ for MBA,”](#) Quoted in *Reverse Mortgage Daily*, July 2013
- [“‘In Person’ Feature - Best Practices for Employers to Comply with the City of Seattle’s Paid Sick and Safe Time Ordinance,”](#) Interviewed in *Puget Sound Business Journal* - November 2012
- [“It’s Not Just Paid Time Off – It’s the Law: Attorneys explain what Seattle’s new sick leave ordinance means for employers,”](#) Quoted in *Puget Sound Business Journal* - September 2011
- “Your Office Away from the Office,” Quoted in *Utah CEO Magazine*
- “Keeping violent employees out of the workplace,” Quoted in *Risk Management* magazine
- “10 Considerations in Developing Telecommuting Policies and Agreements,” Quoted in HR.COM

Steven R. Peltin MEMBER

SEATTLE T 206.447.6215 F 206.749.2094 [steve.peltin@foster.com](mailto:steve.peltin@foster.com)

---

## PUBLICATIONS

Steve Peltin is a frequent contributor to Foster Pepper's [Washington Workplace Law](#) blog.

- [“Family and Medical Leave Guide for Washington Employers,”](#) Author, July 2016
- “Effective Negotiation of Executive Employment Agreements,” Author, *Inside the Minds: Negotiating and Employment Agreements, Leading Lawyers on Constructing Effective Employment Contracts*, 2012 Edition
- “Employers: Beware of High School Diploma Requirements,” Author, *WIB HR & Training Digest*, February 2012
- [“Hidden Threats – There are steps you can take to prevent violence in the workplace,”](#) Co-author, *Washington CEO* magazine
- “Bad Acts: Smaller Employers Should Confront Threats of On-The-Job Physical Assaults,” Author, *Washington Journal*
- “Telecommuting: Legal and Management Risks For Employers,” Author, *Corporate Counsel Magazine*
- “Reducing Telecommuting Management Risks,” Author, *National Underwriter* magazine
- “How To Reduce Workplace Violence,” Author, *National Underwriter* magazine
- “50-State Survey of Employment Libel and Privacy Law, Washington Chapter,” Author, Media Law & Resource Center
- “Hiring Employees: Disability Questions and Medical Exams,” Author, *Realty & Building*

## PRESENTATIONS

- “Employment Law Considerations for New U.S. Employers,” Speaker, Chinese Chamber of Commerce of Washington State, October 2016
- [“Evaluating Potential Employee Violence: Protecting the Employer and Co-Workers,”](#) Speaker, Lorman Education Services, September 2016
- “Bullying and Violence in the Workplace: Legal and Practical Considerations,” Speaker, Washington Housing Authorities Accounting Professionals Conference, September 2016
- [“FMLA and Leave Law Update,”](#) Speaker, 19<sup>th</sup> Annual Labor & Employment Law Conference, The Seminar Group, August 2016
- [“Legalization of Marijuana: Impact on the Washington Workplace,”](#) Speaker, Foster Pepper Client Briefing, June 2016
- “Bullying and Violence in the Workplace: Legal and Practical Considerations,” Speaker, Association of Washington Housing Authorities, April 2016
- [“My Ex-Employee Did WHAT?’ – Preventing and Addressing Post-Employment Misconduct,”](#) Moderator and Speaker, Foster Pepper Client Briefing, October 2015
- [“Top Emerging Issues in Employment and Labor Law,”](#) Speaker, 2015 WHAAP Annual Conference, October 2015
- [“Employee Handbooks: 2015 and Beyond,”](#) Speaker, American Public Power Association, September 2015
- [“FMLA and Leave Law Update,”](#) Speaker, 18<sup>th</sup> Annual Labor & Employment Law, The Seminar Group, August 2015
- [“Top 3 Employment Law Issues for 2015 That Should Keep You Up at Night,”](#) Speaker, Foster Pepper’s 10<sup>th</sup> Annual Bankers Briefing, May 2015
- [“Thriving Through Legal Resilience,”](#) Speaker, Washington State Nonprofit Conference, May 2015
- [“Association of Washington Housing Authorities Spring Meeting,”](#) Speaker, April 2015
- [“Is Your Employee Handbook Ready for Prime Time?”](#) Speaker, Foster Pepper Client Briefing, April 2015
- [“Privacy in the Workplace: Managing Employees in the Digital Age,”](#) Moderator and Speaker, Foster Pepper Client Briefing, November 2014
- “The Alphabet Soup of Federal Employment Law,” Speaker, Tribal Employment Rights & Law: Sovereignty, Jurisdiction and Best Practices, July 2014

Steven R. Peltin MEMBER

SEATTLE T 206.447.6215 F 206.749.2094 [steve.peltin@fooster.com](mailto:steve.peltin@fooster.com)

---

- [“Social Media and the Workplace - Protecting the Hospital in the Digital Age,”](#) Speaker, Washington State Hospital Association’s NW Council’s Hot Topics Meeting, June 2014
- “Filling the Empty Chairs: Legal and Effective Hiring,” Presenter, Northwest Marine Trade Association - Professional Development Series
- “What You Should Know About Executive Director Employment Agreements,” Speaker, Association of Washington Housing Authorities
- [“Bullying and Violence in the Workplace: Prevention and Intervention Strategies,”](#) Speaker, Foster Pepper Client Briefing, March 2014
- “Legalization of Marijuana - The Impact on Washington Employers”
  - + Speaker, South King County Human Resources Association December Meeting, 2013
  - + Speaker, Employee Assistance Professionals Association Pacific Northwest Chapter November Meeting, 2013
- [“Employment Discrimination Law – Hear From The Agencies,”](#) Speaker/Moderator, Foster Pepper Client Briefing
- [“Managing Employee Performance While Reducing Legal Risks,”](#) Speaker, Northwest Marine Trade Associations
- [“Wage & Hour Compliance – Beyond the Basics \(Part I\),”](#) Speaker/Moderator, Foster Pepper Client Briefing
- [“Wage & Hour Compliance – Beyond the Basics \(Part II\),”](#) Speaker/Moderator, Foster Pepper Client Briefing
- [“Filling the Empty Chairs: Legal and Effective Hiring,”](#) Speaker/Moderator, Foster Pepper Client Briefing
- “Out of Sight But Not Out of Mind: Untangling Leave of Absence Requirements,” Speaker, 14<sup>th</sup>, 15<sup>th</sup> and 16<sup>th</sup> Annual Labor & Employment Law Seminar, The Seminar Group
- “Understanding Seattle Paid Sick and Safe Time”
  - + Speaker, Washington Trucking Associations
  - + Speaker, Northwest Marine Trade Association
- [“Seattle Paid Sick and Safe Time: Practical Guidance Employers Need to Know,”](#) Speaker/Moderator, Foster Pepper Client Briefing
- “Legal Issues for Startups: Employment Law,” Speaker, SURF Incubator
- “Employment Law Challenges for Public Employers and Current Developments under the Public Employees Collective Bargaining Act,” Speaker, 2012 Association of Washington Housing Authorities (AWHA) Meeting
- [“Reasonably Accommodating Employees with Disabilities,”](#) Speaker/Moderator, Foster Pepper Client Briefing
- “High-Stakes Employment and IP Protections: Protect your Company from Increasing Employment Risks and Shield Your Valuable Intellectual Property,” Speaker, Foster Pepper and Washington State Chapter of ACC America
- [“Conducting Effective Workplace Investigations,”](#) Speaker/Moderator, Foster Pepper Client Briefing
- “Managing the Process of Labor Negotiations,” Speaker, Washington Fire Commissioners Association 63rd Annual Conference
- [“Out of Sight but Not Out of Mind: Untangling Employer Obligations under FMLA and Other Leave Statutes,”](#) Speaker/Moderator, Foster Pepper Client Briefing
- [“Social Media in the Workplace,”](#) Speaker/Moderator, Foster Pepper Client Briefing
- “Payroll Management,” Speaker, Lorman Educational Services
- “Time Off: State and Federal Laws on Employee Leave, Vacations and Holidays,” Speaker, Lorman Educational Services
- “Recent Developments under the Family and Medical Leave Act,” Speaker, National Council of State Housing Agencies
- “10 Scary Issues You Need to Know About Your Employees,” Speaker, ASTRA Women’s Business Alliance
- “New Developments in Employment Law,” Speaker, Seattle CFO Arts Roundtable
- “Best Practice in FMLA Administration,” Speaker, Council on Education in Management
- “Conducting Effective Investigations Into Employee Complaints,” Speaker, PUD and Municipal Attorneys Association
- “Cyberstalking: The Washington Employer’s Perspective,” Speaker, King County Bar Association

Steven R. Peltin MEMBER

SEATTLE T 206.447.6215 F 206.749.2094 [steve.peltin@foster.com](mailto:steve.peltin@foster.com)

---

– “Workplace Investigations,” Speaker, Council on Education in Management

## EXPERIENCE

- Foster Pepper PLLC, Member, 2010-Present
- K&L Gates LLP (formerly Preston Gates & Ellis, LLP), Partner, 1998-2010
- Georgia-Pacific Corporation, Senior Counsel, 1996-1998
- Altheimer & Gray (Chicago, IL), Associate and Partner, 1986-1996
- Isham Lincoln & Beale (Chicago, IL), Associate, 1983-1986
- U.S. District Court for the Western District of Wisconsin, Law clerk for the Hon. John C. Shabaz, 1982-1983

## BAR ADMISSIONS

- Washington, 1999
- Illinois, 1983 (Inactive)

## EDUCATION

- J.D., Cornell Law School (*cum laude*), 1983
- B.A., University of Wisconsin-Madison (with distinction), 1978
  - + Phi Beta Kappa



P. Stephen DiJulio

MEMBER

**SEATTLE**

T 206.447.8971

F 206.749.1927

[steve.dijulio@foster.com](mailto:steve.dijulio@foster.com)

**SERVICES**

- Municipal Government
- Construction
- Employment & Labor
- Environmental & Natural Resources
- Environmental Litigation
- Infrastructure
- Land Use, Planning & Zoning
- Litigation & Dispute Resolution
- Ports
- Real Estate
- Right-of-Way (Chair)
- School Districts
- Sports Law
- Transportation
- Wine, Beer & Spirits

**PRACTICE OVERVIEW**

Steve's practice focuses on litigation involving state and local governments; civil service and public employment; and, land use and environmental law. His particular experience includes representation of jurisdictions on eminent domain, utilities (water, wastewater, storm water, solid waste systems), local improvement districts, facility siting and contractor litigation.

**REPRESENTATIVE WORK**

- *Brower v. State/Football Northwest*, 137 Wn.2d 44 (1998) (Successful defense of public-private stadium project and legislative referendum)
- *Central Puget Sound Regional Transit Authority v. Miller*, 156 Wn.2d 403 (2006) (successful defense of Sound Transit eminent domain action)
- *HTK v. Seattle Popular Monorail*, 155 Wn.2d 612 (2005) (successful defense of municipal condemnation authority)
- *Servais v. Port of Bellingham*, 127 Wn.2d 820 (1995) (amicus for Washington Public Ports Association in defense of protected public records)
- *Klickitat Citizens v. Klickitat County*, 122 Wn.2d 619 (1993) (Defense of comprehensive plan and environmental impact statement for regional landfill)
- *Rabanco v. King County*, 125 Wn. App. 794 (2005) (successful defense of county solid waste management authority)
- *Wong, et al. v. City of Long Beach*, 119 Wn. App. (2004) rev. denied 152 Wn.2d 1015 (2004) (successful defense of city trail project)
- *Washington Waste Systems, Inc. v. Clark County*, 115 Wn.2d 74 (1990) (Defense of multi-million dollar government contract procurement)
- *Barnier v. City of Kent*, 44 Wn. App. 868 (1986) (Defense of development assessment process)
- *Tiffany Family Trust v. City of Kent*, 155 Wash.2d 225 (2005) (successful defense of assessments and rejection of civil rights claims)
- *Grant County Fire District No. 5 v. Moses Lake*, Supreme Court, 150 Wn.2d 791 (2004) (Court reconsiders and unanimously reverses earlier ruling; affirms city annexation authority)

- *Jensen v. Torr*, 44 Wn. App. 207 (1986) (Defense of government permit process and immunity of government officials)
- *Prater v. City of Kent*, 40 Wn. App. 639 (1985) (Defense of claims of discrimination in employment)
- *Babcock v. Mason County Fire Dist. No. 6*, 144 Wn.2d 774 (2001) (amicus for Fire Commissioners Association regarding public duty doctrine)
- *Little Deli Marts, Inc. v. City of Kent*, 108 Wn. App. 1, 32 P.3d 286 (2001); 107 Wash. App. 1011 (2001) rev. denied 145 Wn.2d 1030 (2002) (successful defense of local improvement district process)
- *City of Seattle v. Auto Sheet Metal Workers Local*, 38727 Wn. App. 669, 620 P.2d 119 (1980) (Defense of City charter and personnel system reorganization)
- *Leonard v. Civil Service Commission of City of Seattle*, 25 Wn. App. 699, 611 P.2d 1290 (1980) (Judicial review of administrative proceedings)
- *Silver Firs Town Homes, Inc. v. Silver Lake Water Dist.*, 103 Wn. App. 411, 12 P.3d 1022 (2000) rev. denied 143 Wn.2d 1013 (2001) (successful defense of connection charges)
- *Petersen v. City of Seattle*, 21 Wn. App. 108, 583 P.2d 1259 (1978) (Constitutionality of reckless driving laws upheld)
- *City of Seattle v. Platt*, 19 Wn. App. 904, 578 P.2d 873 (1978) (Prosecution and public record defense in criminal proceedings)
- *City of Seattle v. Shepherd*, 93 Wn.2d 861, 613 P.2d 1158 (1980) (upholding crime victims' rights to recovery of stolen property)

## RECOGNITION

- *The Best Lawyers in America*® Appellate Practice, 2012-2017
- Best in the Business: Leading Lawyers in the Puget Sound Region, *Seattle Business* magazine, Appellate Practice, 2013
- Washington Super Lawyers list, 2002-2016
- 2010 Top Lawyer, *Seattle Metropolitan* magazine
- Martindale-Hubbell AV rating

## ACTIVITIES

- Municipal League, Board of Trustees, 2010-2013
- Washington State Association of Municipal Attorneys
- International Municipal Lawyers Association
- American Bar Association, State and Local Government Law and Labor and Employment Law Sections, Member
- Washington State Bar Association
  - + Environmental and Land Use Law and Administrative Law Sections, Member
  - + Amicus Brief Committee, Member
- King County Bar Association, Trustee, 1986-1989
- South King County Bar Association, Trustee, 1986-1988
- South King County Legal Clinic
  - + Attorney Coordinator, 1985-1986
  - + Volunteer, 1978-1989
- University of Washington
  - + Lecturer, Evans Graduate School of Public Affairs

## QUOTED

- [“Breaking Down Freedom of Information Laws,”](#) The Willis Report, FOX Business News, July 2010

## PUBLICATIONS

- Foster Pepper [Local Open Government](#) Blog
  - + Steve DiJulio is a contributor to Foster Pepper's Local Open Government Blog.
- [“Washington Supreme Court Levels the Playing Field in Real Estate and Land Use Litigation,”](#) Co-author, Foster Pepper News Alert, June 2015
- [“Washington Initiative I-517 Impacts Retailers, Public Facility Access and Local Government Elections,”](#) Co-author, Foster Pepper News Alert, September 2013
- [“U.S. Supreme Court Decision Expands Scope of Takings Clause,”](#) Co-author, Foster Pepper News Alert, June 2013
- [“Court of Appeals Reaffirms Public Utility District Authority to Condemn State School Trust Lands,”](#) Co-author, Foster Pepper News Alert, May 2013
- [“Pollution Control Hearings Board Clarifies Use of Overriding Consideration of Public Interest Statute,”](#) Co-author, Foster Pepper News Alert, March 2013
- [“Curing a Violation of the Open Public Meetings Act?”](#) Co-Author, Advisor Column, Municipal Research and Services Center of Washington, March 2013
- “A Blessing on Your Meeting?” Co-Author, MRSC In Focus: Council/Commission Advisor, April 2012
- [“Giving for the City: Constitutional Limits on Municipal Economic Development Programs,”](#) Cityvision Magazine, March/April 2012
- 2011 Washington Real Property Deskbook: Causes of Action, Taxation, Regulation, Editor
- “Council Meeting Conduct and Citizen Rights under the First Amendment,” Author, Municipal Research and Services Center of Washington, November 2009

## PRESENTATIONS

- “Basic Training for New Commissioners and Staff; Annual Legal Update,” Presenter, Civil Service Conference, 1986-2016
- Bidding Public Works and Construction Contracts, Program Co-Chair, The Seminar Group
  - + [May 2016](#)
  - + [March 2016](#)
- Elected Officials Essentials Live Webinar, Speaker, Association of Washington Cities, December 2015
- “Form, Structure and Content of Non-Land Use Proceedings and Decisions,” Speaker, Hearing Examiners Association of Washington’s 2015 Annual Conference, October 2015
- “Condemnation Public Trust Land,” Speaker, International Municipal Lawyers Association’s 80<sup>th</sup> Annual Conference, October 2015
- “Managing the Record and the Okanogan PUD Litigation,” Speaker, PUD Municipal Attorney Conference, June 2015
- “The Judiciary and Government Policy,” Guest Speaker, UW Political Science, May 2015
- [“Is Your Employee Handbook Ready for Prime Time?”](#) Speaker, Foster Pepper Client Briefing, April 2015
- “Open Government and Anti-SLAPP Litigation,” Speaker, LSI Open Government Seminar, January 2015
- “Labor Relations and Public Record Disclosure,” Speaker, Washington State Office of the Attorney General CLE, December 2014
- [“The Okanogan PUD Litigation: The Pitfalls of Life in One of Washington’s Great Scenic Locations and Condemnation of State Lands,”](#) Speaker, PUD-Municipal Attorney Conference, June 2014

P. Stephen DiJulio MEMBER

SEATTLE T 206.447.8971 F 206.749.1927 [steve.dijulio@foster.com](mailto:steve.dijulio@foster.com)

---

- “[Infrastructure Development - Managing Property Acquisition and Procurement](#),” Speaker, Washington Public Utility District Association, Managers Committee Meeting, May 2014
- “[Labor Relations and Public Record Disclosure](#),” Speaker, Washington Association of Public Records Officers Spring Training, May 2014
- “Litigating Open Government Cases: A Well-Stocked Tool-Kit for Public and Private Practitioners”
  - + Program Co-Chair and Speaker, February 2014
    - Legal Ethics: Managing Conflicts and Understanding Privileges; What To Do When The Client Does Not Disclose
    - Continue the Exchange of Ideas: Reception for Faculty and Attendees
- “Privilege and the PRA: Freedom Foundation v. Gregoire,” Speaker, Law Seminar International, One-Hour Expert Analysis, December 2013
- “[Wage & Hour Compliance – Beyond the Basics \(Part I\)](#),” Presenter, Foster Pepper Client Briefing, February 2013
- “LIDs: Nuts and Bolts,” Speaker, Washington State Association of Municipal Attorneys (WSAMA), May 2008
- “Newly Elected Officials Workshop,” Speaker, Association of Washington Cities, January 2008
- “Eminent Domain,” Speaker, Lorman Seminar, September 2006
- “Knowing the Legal Territory,” Association of Washington Cities, 1988-2006 (Newly Elected Officials Workshop)
- “Road and Access Law in Washington,” National Business Institute, 1999 and 2001
- “Inverse Condemnation Issues in the Direct Condemnation Setting,” Law Seminars International, December 2000; December 1999; December 1998
- “Washington State Association of Fire Chiefs,” Executive Officer Labor Relations Training Courses, 1998, 1993, 1992, 1989
- “The People's War: In the Trenches with Nuisances, NIMBYs, and Essential Public Facilities,” Washington State Bar Association, Environmental & Land Use Law Section, May 1997
- “The ABCs of LUDs,” Washington Public Utility Districts Association, July 1996, 1997

## EXPERIENCE

- Foster Pepper PLLC
  - + Member, 1990-Present
  - + Associate, 1986-1990
- City of Kent, City Attorney, 1982-1986
- City of Seattle, Assistant City Attorney, 1977-1982

## BAR ADMISSIONS

- Washington, 1976
- U.S. District Court
  - + Eastern Division of Washington, 1993
  - + Western Division of Washington, 1976
- 9th Circuit U.S. Court of Appeals, 1980
- Supreme Court, State of Washington, 1976

## EDUCATION

- J.D., Seattle University, 1976
- B.A., University of Washington (Oval Club Scholastic Honorary), 1973

# Alicia M. Feichtmeir

## ASSOCIATE



### SEATTLE

T 206.447.8929

F 206.749.2003

[alicia.feichtmeir@foster.com](mailto:alicia.feichtmeir@foster.com)

### SERVICES

Litigation & Dispute  
Resolution

Emerging Companies &  
Venture Capital

Employment & Labor

Media, Entertainment &  
Games

Nonprofit & Tax-Exempt  
Organizations

Ports

Retail & Consumer  
Products

Transportation

### PRACTICE OVERVIEW

Alicia's litigation practice focuses on resolution of civil cases, including employment, commercial litigation, environmental and regulatory disputes. She counsels clients on all aspects of the litigation process, including case strategy, risk evaluation, discovery and trial planning.

In her employment practice, Alicia advises public and private employers on compliance with various federal, state and local employment laws including wage-and-hour, leave, and anti-discrimination regulations. She has defended employers in agency and court proceedings involving harassment and discrimination, whistleblower actions, wrongful discharge, trade secret misappropriation, and unemployment claims. She regularly assists employers in drafting and revising employee handbooks, management policies, and employment agreements, including talent and production agreements for local and national film projects.

### RECOGNITION

– Rising Star, Washington Super Lawyers list, 2014-2016

### ACTIVITIES

– ArtsWest Gallery and Playhouse, Board Intern, 2014-Present

– ArtsFund Associates Program, 2012-Present

– Federal Bar Association of the Western District of Washington,  
Website/Communications Committee Co-Chair, 2011-2013

– Solid Ground Family Assistance Program, Advisory Board Member, 2009-2011

### QUOTED

– “Are WYLD Members Too Green for Pro Bono?” Three young lawyer volunteers are proving otherwise DeNovo, Washington State Bar Association, August 2011

## PUBLICATIONS

– Foster Pepper [Washington Workplace](#) Blog

+ Alicia Feichtmeir is a contributor to Foster Pepper's Washington Workplace Law blog. Recent blog posts include:

- [City Auditor Report: Seattle Sick and Safe Leave Compliance Leaves Room for Improvement - for Employers and Office of Civil Rights](#), October 2014
  - [Seattle \\$15 Minimum Wage Update: Referendum Efforts Rejected, and Airport Workers Get a Raise](#), July 2014
  - [Seattle Passes \\$15 Minimum Wage, Highest of Any Major U.S. City](#), June 2014
  - [The Minimum Wage Debate Rages in Seattle, Washington state, and the Nation](#), February 2014
  - [Will Seattle Really Have a \\$15 Minimum Wage?](#) December 2013
  - [Food for Thought: Wage Theft Protests Serve As Reminder of Importance of Wage & Hour Compliance](#), October 2013
  - [Revenge of the Intern: Wage and Hour Class Actions Keep Employers on Their Toes](#), May 2013
  - [Access Denied: Legislation Prevents Employers from Demanding Employees' Social Media Passwords](#), April 2012
  - [Preventing and Addressing Workplace Bullying](#), March 2012
  - [Washington State Supreme Court Orders Disclosure of Investigative Reports Alleging Police Misconduct](#), September 2011
  - [Check Your Files: U.S. Supreme Court Narrows FOIA Exemption for Internal Personnel Rules](#), March 2011
- [“Defend Trade Secrets Act \(DTSA\) Signed Into Law: Federal Law Offers Greater Protections and New Obligations for Employers,”](#) Author, Foster Pepper News Alert, May 2016
- “Judicial Candidates Pledge Ethical Campaigns,” Foster Pepper News Alert, May 2010
- “Advocating for the Native American Child: Comprehensive Overview of the Indian Child Welfare Act,” Chapter Contributor, Native American Practice Group and CASA CLE Manual, November 2008

## PRESENTATIONS

- [“Legalization of Marijuana: Impact on the Washington Workplace,”](#) Speaker, Foster Pepper Client Briefing, June 2016
- [“Is Your Employee Handbook Ready for Prime Time?”](#) Speaker, Foster Pepper Client Briefing, April 2015
- [“Privacy in the Workplace: Managing Employees in the Digital Age,”](#) Presenter, Foster Pepper Client Briefing, November 2014
- [“Bullying and Violence in the Workplace: Prevention and Intervention Strategies,”](#) Presenter, Foster Pepper Client Briefing, March 2014
- [“Employment Discrimination Law – Hear from the Agencies,”](#) Presenter, Foster Pepper Client Briefing, September 2013
- [“Wage & Hour Compliance – Beyond the Basics \(Part II\),”](#) Presenter, Foster Pepper Client Briefing, May 2013
- “Intellectual Property Ownership and Public Employment,” Co-presenter, Association of Washington Cities, 33rd Annual AWC Labor Relations Institute, May 2013
- [“Wage & Hour Compliance – Beyond the Basics \(Part I\),”](#) Presenter, Foster Pepper Client Briefing, February 2013
- “Mandatory/Permissive Bargaining and Public Records/Information Disclosure,” Presenter, Managing the Process of Labor Relations, October 2011

Alicia M. Feichtmeir ASSOCIATE

SEATTLE T 206.447.8929 F 206.749.2003 [alicia.feichtmeir@foster.com](mailto:alicia.feichtmeir@foster.com)

---

## EXPERIENCE

- Foster Pepper PLLC
  - + Associate, 2010-Present
  - + Summer Associate, 2008
- Solid Ground (Fremont Public Association), Legal Intern, 2007-2008
- Immigrant Families Advocacy Project, University of Washington School of Law, Volunteer Advocate, 2007-2009
- Seattle Art Museum, Community Campaign Coordinator, 2005-2006
- Seattle Children's Museum, Group Sales Manager, 2003-2005

## BAR ADMISSIONS

- Washington, 2009
- U.S. District Court
  - + Eastern District of Washington, 2011
  - + Western District of Washington, 2011
- 9th Circuit U.S. Court of Appeals, 2012

## EDUCATION

- J.D., University of Washington School of Law, 2009
  - + *Washington Law Review*, Articles Editor
  - + Law Women's Caucus, Alumnae Event Chair
- B.A., Wesleyan University, 2003