



David E. Worley

 Special Counsel

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“When addressing clients’ legal issues on a daily basis, it is important to remember the most important aspect of representation—that these are real people with problems needing solutions. Keeping this in mind, I strive to build long-lasting relationships through reasoned advice, ongoing dialogues, and responsiveness to arising issues. Our clients deserve no less.”

David Worley is on the firm’s employment & labor relations practice team, providing both litigation and counselling services. David represents employers of all sizes in state and federal court against claims of wage and hour disputes, employment discrimination, harassment, and hostile work environment issues. He also represents businesses with labor issues, including collective bargaining, contract interpretation and negotiation, grievance arbitration, and other traditional labor matters. David has represented institutions, public entities, and individuals in state and federal courts, including respective appellate courts. He also appears before state and federal regulatory authorities on behalf of clients, focusing on employment and labor issues.

Additionally, David counsels private and public employers, offering strategic employment and labor advice to help prevent problems before they become lawsuits. He frequently advises clients on compliance issues, works with various regulatory and administrative agencies on behalf of clients, and conducts compliance and policy audits. He reviews and drafts employment agreements, employee handbooks, collective bargaining agreements, and all manner of labor- and employment-related documents. David also serves as outside general counsel for clients, offering employment and labor support on an as-needed (and typically daily) basis.

David is licensed and practices in Washington, Oregon, and Alaska. Prior to joining Miller Nash, David was a commissioned Sheriff’s Deputy with the King County Sheriff’s office, earning valuable experience and perspective. During law school, David clerked for a union-side labor law firm, in addition to focusing his studies on labor and employment law.

Education

J.D., Seattle University
School of Law, *cum laude*,
2013

B.A., University of
Washington and
Washington State
University, 2007

Bar Admissions

Alaska, 2021
Oregon, 2021
Washington, 2013

Court Admissions

U.S. District Court, Eastern
District of Washington

U.S. District Court,
Western District of
Washington

Washington Supreme
Court

U.S. Court of Appeals for
the Ninth Circuit

Professional Activities

- Washington State Bar Association, Member
- King County Bar Association, Member
- Washington Defense Trial Lawyers, Member

Civic Activities

- University of Washington Varsity Boat Club
- University of Washington Board of Rowing Stewards
- Washington Trails Association
- Toastmasters

Representative Experience

Employment Litigation

- Obtained summary judgment dismissal of employment discrimination claim, when employee failed to return to work following exhaustion of injury leave, alleging disability discrimination.
- Obtained favorable settlement in pay equity lawsuit in early stages of litigation, with terms beneficial to client's long-term management and operations.
- Defended wage and hour class action litigation on behalf of restaurant industry employers.
- Defended employment discrimination and wrongful termination litigation on behalf of a broad range of employers, including public entities.
- Represented employers in multiple administrative hearings before BIIA, BOLI, and other state administrative agencies.

Labor Relations and Litigation

- Favorably resolved an Unfair Labor Practice charge brought by NLRB against small, non-unionized employer, including training for employer related to NLRA issues and concerted activities to prevent future claims.
- Negotiated collective bargaining agreement on behalf of historic Washington State confectionary employer.
- Conducted grievance investigations and related contract analysis for public entities, including negotiating and resolving grievances with union prior to arbitration.

Employment Counsel, Advice, and Services

- Conducted full payroll and policy audit for growing construction company, identifying and mitigating considerable potential liability.
- Frequently advised employers on changes of employment laws, including pay equity, transparency, and independent contractor regulations.
- Drafted, revised, and audited employment policies and handbooks for multiple employers, including ensuring legal compliance for local and state wage and hour regulations, leave laws, and benefits.
- Drafted noncompete agreements for large technology employers, sport franchises, and other employers, and reviewed existing restrictive covenants to determine enforceability and legality in a quickly changing legal landscape.

Publications

- "NLRB Turns Union Representation Process Upside Down, Preferring Card Check Recognition Over Elections: Practical Considerations for the New Rule," Miller Nash, *Employment Law in Motion* (Sept. 2023)
- "Minimum Wage and Payroll Tax Changes Effective July 1, 2023, in Oregon and Washington," Miller Nash, *Employment Law in Motion* (Apr. 2023)

- “‘No Spanish’ Rule is National Origin Discrimination and Retaliation, Says EEOC,” Miller Nash, *Employment Law in Motion* (Apr. 2023)
- “As Time Goes by...Pay Practices Which May Be a Surprising Risk for Employers—Part 2,” Miller Nash, *Employment Law in Motion* (Jan. 2023)
- “Potential Challenges to Contractual Arbitration Grow,” Washington Defense Trial Lawyers, *The Defense News* (Fall 2022)
- “As Time Goes by...Pay Practices Which May Be a Surprising Risk for Employers—Part 1,” Miller Nash, *Employment Law in Motion* (Dec. 2022)
- “Washington Court of Appeals Voids Class Action Waivers in Some Wage and Hour Claims,” Miller Nash, *Employment Law in Motion* (Sept. 2022)
- “Seattle Alert: New Independent Contractor Protections Go Into Effect September 1, 2022,” Miller Nash, *Employment Law in Motion* (Sept. 2022)
- “The NLRB Reawakened: Part One—New Obstacles to Settlement of Unfair Labor Practices,” Miller Nash, *Employment Law in Motion* (July 2022)
- “Washington Employers Should Prepare for Historically High Increases in the Minimum Wage and Exempt Salary Requirements,” Miller Nash, *Employment Law in Motion*, coauthor (July 2022)
- “Use it or Lose it: SCOTUS Eases Arbitration Waiver Analysis in Most Circuits, States,” Miller Nash, *Employment Law in Motion* (June 2022)
- “Washington Court of Appeals Expands Possibility for Attorney’s Fees Claim Under Wage Statute as Separate Cause of Action,” Miller Nash, *Employment Law in Motion* (June 2022)

Presentations

David conducts numerous presentations on employment and labor issues, including periodic updates to industry groups and individual client presentations. Following is a list of presentations since 2022.

- “Creatures of Contract: Best Practices for Managing Grievances and Arbitrations,” Association of Washington Cities, Labor Relations Institute (May 2024)
- “Understanding the Relationship Between the New NLRB and Private Sector Employers,” Lake Washington Human Resource Association, Legal Update Seminar (Nov. 2023)
- “The Newlywed Game: Employers and the National Labor Relations Board,” Miller Nash, Employment Law Seminar (Oct. 2023)
- “Being Comfortable with the Uncomfortable: Employment Law Updates Near and Far,” RIMS Washington Chapter Webinar (Feb 2023)
- “Employment Law Update for the Washington Hospitality Industry: Tips and Tricks for Staying Out of Hot Water in 2023,” Washington Hospitality Association Webinar (Feb. 2023)
- “Full Steam Ahead: Keeping the Track Clear in Today’s Divided Workplace,” Miller Nash, Employment Law Seminar (Oct. 2022)

Recognition & Honors

- Selected for inclusion in *Best Lawyers: Ones to Watch*[®] (Seattle, WA)
 - Commercial Litigation, 2024-present
 - Mass Tort Litigation/Class Actions—Defendants, 2024-present
 - Transportation Law, 2023-present
 - Labor and Employment Law—Management, 2022-present
 - Product Liability Litigation—Defendants, 2022-present
 - Litigation—Construction, 2021-present

Personal Activities

As a long-time Seattle-ite, David competed on the rowing team for the University of Washington where he earned a number of accolades including Pac-10 Newcomer of the Year, All-Conference Athlete, and an undefeated Varsity National Championship. After graduating, David rowed for the United States, narrowly missing the Olympic team by just over one second. He is still active in the rowing community and is involved with both the University of Washington Varsity Boat Club and the Board of Rowing Stewards.

David is very active, and enjoys enduro mountain biking, trail running with his dog, and golf in the summer. In the winter, David is an avid skier, and also enjoys traveling to warm destinations to surf.