LCW Liebert Cassidy Whitmore

Briefing Room

News and developments in employment law and labor relations for California Law Enforcement Management.

October 2018

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Briefing Room is published monthly for the benefit of the clients of Liebert Cassidy Whitmore. The information in ***Briefing Room*** should not be acted on without professional advice.

Please note: There will not be a November Issue of the Briefing Room newsletter.

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FLSA

LCW Attorneys Win Dismissal of Two FLSA Collective Action Lawsuits.

Liebert Cassidy Whitmore attorneys succeeded in decertifying two Fair Labor Standards Act (FLSA) cases brought by approximately 2,500 City of Los Angeles police officers seeking overtime pay for a 13-year period. This victory means that the City will not incur the tremendous costs that would have been required to proceed to trial on these two collective action lawsuits.

An employer is liable for FLSA overtime worked if the employer has actual or constructive knowledge that FLSA overtime work is occurring. Here, the police officers claimed that the City's Police Department knew or should have known that they were working uncompensated overtime. The Department argued that it had no knowledge that its officers were not following its overtime policy.

Both sides in these two cases agreed that the Department maintained a written, widely-disseminated FLSA-compliant policy that required officers to accurately report all overtime worked in six minute increments, whether or not the overtime was approved in advance by a supervisor. The policy further provided that failure to report overtime could result in discipline. The Department's evidence showed that it had paid 330,000 reports for overtime worked in amounts of less than one hour during the relevant time period, including 64,000 such reports from the police officers who opted into these lawsuits.

Nevertheless, the officers claimed that the Department maintained an unwritten policy of requiring them to perform extra work, while discouraging or rejecting their claims for small amounts of overtime pay for less than one hour of overtime worked. Following extensive discovery and exchange of information between the parties, the federal trial court granted the City's motion to decertify these FLSA collective actions and dismissed the officers' claims. The officers appealed the decertification to the Ninth Circuit.

Under the FLSA, multiple employees cannot join together in a collective action unless they are "similarly situated." The FLSA does not define "similarly situated," and the federal circuits have taken different approaches in applying the standard. Here, the Ninth Circuit reasoned that a standard similar to that used for a motion for summary judgment should apply for decertifying a collective action if the basis

LCW Welcomes New Partners!

Liebert Cassidy Whitmore is pleased to announce Linda Adler, Jennifer Rosner, and Max Sank have been named partners.
For more information, turn to page 7

for the collective action is also the basis for the underlying FLSA claim. That was the case in these two lawsuits. The officers' allegations of an unwritten policy discouraging overtime reporting went to their FLSA claims and to the issue of whether the City knew that the unpaid overtime work was occurring. Additionally, because the policy was claimed to be Department-wide, the officers' allegations were also a basis for potentially certifying the cases as collective actions.

The volume of evidence presented in the cases was significant. The Ninth Circuit described the Department's evidence of FLSA compliance as "overwhelming." The Department's evidence included a statistical analysis of the 6.6 million overtime reports that the officers submitted during the 13 years at issue in the case. The officers' evidence included 232 declarations describing their individual experiences, but the officers failed to tie their individual experiences to the work force generally. Only a few of the declarations actually identified specific instances when officers were discouraged from claiming overtime. The officers did not present evidence of any directives, conversations, or emails from Department leadership that contradicted the Department's well-known policy on reporting all overtime worked in six minute increments.

Thus, the Ninth Circuit found that the officers had failed to prove that any unwritten policy discouraging overtime reporting existed on a Department-wide level. Given the Department's overwhelming evidence of conforming to its FLSA-compliant overtime policy, the Ninth Circuit ruled that no reasonable trier of fact could conclude that the Department fostered or tolerated a tacit policy of non-compliance with the FLSA.

Campbell v. City of Los Angeles, 903 F.3d 1090 (9th Cir. 2018).

NOTE:

LCW attorneys **Brian P. Walter**, **Geoffrey S. Sheldon**, **David A. Urban**, *and* **Danny Y. Yoo** *successfully represented the City of Los Angeles in this case.*

POBR

Court of Appeal Clarifies What Triggers Right to Representation During Interrogation.

The Public Safety Officers Procedural Bill of Rights Act (POBR) sets forth a series of rights that must be afforded to peace officers by their employing agencies. These rights include the opportunity, upon request, to have a representative present for any interrogation focusing on matters that are likely to result in "punitive action." (Gov. Code, section 3303, subd. (i).) The POBR defines "punitive action" as "any action that may lead to dismissal, demotion, suspension, reduction in salary, written reprimand, or transfer for purposes of punishment." (Gov. Code, section 3303.)

Allen v. City of Burbank, an unpublished Court of Appeals case, offers some guidance regarding the circumstances in which the right to representation under the POBR applies.

Pete Allen was a detective with the Burbank Police Department. After exhausting internal appeal procedures, Allen was terminated for having misled internal investigators by denying knowledge of excessive use of force by another officer. Allen filed a writ petition seeking reinstatement, arguing that his misleading statements should have never been considered because he made them during an interrogation that did not conform to the POBR. Specifically, Allen claimed that the Department told him prior to the interrogation that the POBR did not apply because he was merely a witness in the investigation, even though the Department suspected at the time that Allen may have improperly failed to report an excessive force violation.

The trial court denied the writ petition, finding that there was no POBR violation and even if there had been, it did not justify suppressing the statements as a remedy. The trial court held that the POBR's right to representation only triggers when the investigator has knowledge that the interviewee is likely to make statements during the interview that may lead to punitive action against him or her. Based on this interpretation, the court concluded that Allen's POBR rights never came into effect because the internal affairs investigators were, at the time, only investigating "rumors" of an excessive force violation and nothing that Allen said during the interview

suggested he was providing information that would turn him into a subject of the investigation.

The Court of Appeals reversed the trial court, finding that the Department interfered with Allen's right to a representative during the investigative interview. The Court of Appeals disagreed with the trial court's interpretation that the right to representation under the POBR depends on whether the investigator knows that the interviewee is likely to make statements during the interview that may lead to punitive action. Rather, the Court of Appeals found that the right to representation applies if the questions that the investigator asks during the interview focus on matters that, if proven, are likely to result in punitive action. Because Allen's interview focused on what he knew about the rumored use of excessive force by another officer, the Court of Appeals held that the POBR entitled him to obtain representation for the interview.

The Court of Appeals also rejected the trial court's finding that there was no POBR violation since Allen had never requested representation for the interview. It found that the trial court's interpretation of the request requirement did not adequately account for the effect of the Department's pre-interview communications to Allen, i.e., the Department expressly told Allen that he had no POBR rights because he was a mere witness.

Although the Court of Appeals reversed the trial court on the POBR violation issue, it found that the trial court had properly exercised its discretion by rejecting suppression of Allen's misleading statements as a remedy. The POBR grants trial courts broad discretion to fashion "appropriate" equitable remedies to redress POBR violations and deter future ones. Here, the trial court explained that Allen was not substantially prejudiced by the alleged POBR violation, because he understood his duty and obligation as a peace officer to be honest during the investigation. It also concluded that the adverse consequences of excluding the statements would have vastly outweighed the deterrent value of suppression. That is, excluding the statements would have effectively sanctioned dishonesty by a peace officer, meanwhile having little deterrence value, since the Department had already expelled the principal who made the decision to withhold Allen's POBR rights.

The Court of Appeals found the trial court's reasoning sound on the suppression issue. Thus, it remanded the case to the trial court for further proceedings to determine what relief is appropriate – other than suppression of Allen's statements – to remedy the POBR violation.

Allen v. City of Burbank (Cal. Ct. App., Sept. 7, 2018) 2018 WL 4275453.

NOTE:

Although this case is unpublished, and therefore generally not citable, it may signal how other courts may decide cases that address similar POBR issues .

DISABILITY

Employer Must Pay Cost of Medical Testing It Required of an Applicant with Perceived Disability.

Russell Holt applied for a position with the BNSF Railway Company (BNSF) and received a conditional job offer. As part of the application process, BNSF required Holt and other applicants to undergo a medical exam. Holt's exam revealed he had injured his back several years earlier. In response to BNSF's request for additional information, Holt submitted his medical records and a note from his medical provider that stated Holt was able to function normally. BNSF's medical representative requested further information, including a current MRI of Holt's back.

When Holt learned that an MRI costs more than $2,500, he requested that BNSF waive the MRI requirement. BNSF informed Holt that he would not be hired without the MRI, and rescinded its job offer when Holt declined to undergo an MRI. Holt filed an EEOC complaint alleging that BNSF violated restrictions within the Americans with Disabilities Act (ADA) on the use of medical exams.

The ADA generally prohibits employers from discriminating against a qualified individual on the basis of a disability in terms of job application procedures, hiring, and other terms, conditions, and privileges of employment.

The issues in this case were whether Holt had an ADA-covered disability (or perceived disability) and, if so, whether BNSF discriminated against him because of such disability. The parties did not dispute that Holt was qualified.

The Ninth Circuit found that BNSF perceived Holt as an individual with a physical impairment, namely a back injury. The ADA's definition of "perceived impairment" encompasses "situations where an employer assumes an employee has an impairment or disability." In this case, BNSF requested that Holt complete an MRI examination, conditioned his employment offer on completion of the MRI, and treated him like an applicant whose MRI revealed a physical impairment. Therefore, Holt had a perceived disability as defined in the ADA.

Next, the court found that under the ADA, an employer must pay the cost of post-offer, pre-employment medical testing for an applicant with a perceived impairment, since the cost of such testing imposes "an additional financial burden on a person with a disability because of that person's disability." The court noted, however, that an employer would not violate the ADA if it required all applicants receiving a conditional offer to participate in follow-up medical testing at their own expense. The court concluded that, in this case, BNSF discriminated against Holt because of his perceived lower back impairment when it required him, and not all other applicants, to undergo further medical testing at his own expense.

Finally, the court rejected BNSF's argument that the company was simply attempting to confirm the condition of Holt's back through the MRI. ADA regulation 12112 allows employers to require post-offer medical exams, and allows employers to condition an offer upon the results of the exam, but states that these medical exams can only be given if "all entering employees are subjected to such an examination regardless of disability." BNSF's treatment of Holt did not meet these requirements.

Thus, the Ninth Circuit affirmed the trial court order granting summary judgment in favor of Holt, and finding BNSF liable for disability discrimination.

EEOC v. BNSF Railway Company, 902 F.3d 916 (9th Cir. 2018).

NOTE:

Agencies should pay for post-offer, pre-employment medical testing that does not apply to all job applicants. Be sure to follow the reasonable accommodation process by considering all accommodations that may be available to an applicant with an actual or perceived disability. The employer should document the reason(s) why a particular accommodation is or is not reasonable.

Employee Had to Prove to the Jury that a Reasonable Accommodation Was Available.

Danny Snapp worked for Burlington Northern Santa Fe Railway Co. (BNSF) as a trainmaster. After being diagnosed with sleep apnea, and undergoing two failed surgeries to correct the condition, a fitness for duty evaluation concluded Snapp was totally disabled. Snapp took a disability leave for approximately five years, after which his disability benefits were discontinued for lack of evidence of a continuing disability. At that point, Snapp did not request reinstatement or a reasonable accommodation, and instead demanded that BNSF reinstate his disability benefits. BNSF informed Snapp that he had 60 days to secure a position under BNSF's long term disability program. After he failed to do so, BNSF terminated Snapp's employment.

Snapp sued BNSF, claiming the company failed to accommodate his alleged disability in violation of the Americans with Disabilities Act (ADA). At trial, the jury decided in favor of BNSF, finding no disability discrimination occurred.

On appeal, the Ninth Circuit affirmed the jury's determination and rejected Snapp's assertion that BNSF was required to prove that no reasonable accommodation was available to Snapp. The Ninth Circuit confirmed that to prevail at trial, an employee alleging disability discrimination due to the employer's alleged failure to accommodate must prove: 1) that the employee is a qualified individual; 2) the employer received notice of the employee's disability; and 3) a reasonable accommodation was available that would not create an undue hardship for the employer. Thus, Snapp's claim that it was BNSF's burden to prove a reasonable accommodation was unavailable in order to avoid liability failed. The Ninth Circuit affirmed the jury's decision in favor of BNSF.

Snapp v. United Transportation Company, 889 F.3d 1088 (9th Cir. 2018).

NOTE:

California's Fair Employment and Housing Act (FEHA) provides employees and applicants greater rights than the ADA does. The FEHA, unlike the

ADA, makes it unlawful for an employer to fail to provide an interactive process. By contrast, the ADA contains no standalone cause of action for failure to provide an interactive process; there is only liability if a reasonable accommodation was possible and the employer did not provide it. California employers must provide an interactive process upon an appropriate request to avoid liability.

FIRST AMENDMENT

Last Chance Agreement Violated Public Employee's Free Speech Rights.

Thelma Barone began working as a Community Service Officer (CSO) for the City of Springfield Police Department in 2003. She served as a victim advocate and as a Department liaison to the City's minority communities. In that role, she received community members' complaints and reported them to Department leadership. Many complaints that Barone received were from members of the Latino community alleging racial profiling, and these complaints began to increase in volume in 2013. In 2014, the Department investigated Barone for two incidents of alleged misconduct: 1) improperly allowing students to take photos in restricted areas of the Department during a tour; and 2) failing to appropriately relay a report of a potential crime.

In 2015, Barone was featured at a Department-sponsored community outreach event. Barone was in uniform and paid for her time. Her supervisor also attended. During a Q&A at the event, Barone acknowledged that she was aware of increased complaints of racial profiling.

A week after the event, the Department placed Barone on administrative leave for alleged dishonesty during the investigation of the photo and crime report incidents. Barone was ultimately also suspended without pay and asked to sign a Last Chance Agreement (LCA) that stated:

"…Employee will not speak or write anything of a disparaging or negative manner related to the Department/Organization/City of Springfield or its Employees. Employee is not prohibited from bringing forward complaints she reasonably believes involves discrimination or profiling by the Department."

When Barone refused to sign the LCA, the Department terminated her employment. Barone sued, claiming that she was terminated in retaliation for exercising her First Amendment right to free speech at the outreach event, and that the LCA was an unlawful prior restraint on her right to speak.

The Ninth Circuit agreed with the federal trial court that Barone's comments at the event were made in her capacity as a public employee, and therefore were not protected by the First Amendment. It was significant that Barone was at the event as a Department representative, had special access to the event because of her position, spoke about complaints she regularly received in the course of her duties, and attended in uniform and for pay. Because Barone commented in her role as a public employee, and not as a private individual, the Department could lawfully discipline Barone for the comments she made at the event.

However, reversing the trial court, the Ninth Circuit found that the terms of the very broad Last Chance Agreement violated Barone's rights to free speech as a private citizen speaking on matters of public concern. The LCA restricted Barone from speaking on topics unrelated to her job duties, and topics of concern to the general public, such as: City or Department misconduct; the City's services, employees, or elected officials; cleanliness, water quality, or tax and revenue policies. The part of the LCA that excluded complaints of discrimination or profiling was insufficient to address this problem. The court noted that it was possible for an employer to unlawfully restrict First Amendment protected speech even without intending to do so. The key question is whether an employee would understand a policy or restriction to prohibit protected speech, and not whether a public employer actually intended to restrict the speech.

Barone v. City of Springfield, Oregon, 902 F.3d 1091 (9th Cir. 2018).

NOTE:

Public employees have a First Amendment right to speak out on matters of public concern in their roles as private citizens. Any rule or agreement that limits a public employee from communicating must be carefully drafted to allow a public employee to speak out as a private citizen on matters of public concern.

LCW LIEBERT CASSIDY WHITMORE

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- Public Safety Labor Negotiations

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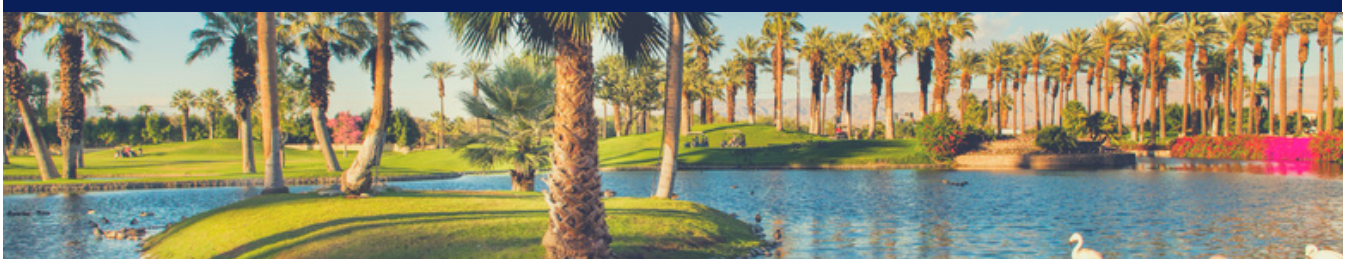

Linda Adler Jennifer Rosner Max Sank

OUR NEW PARTNERS

Liebert Cassidy Whitmore (LCW) is pleased to announce that Linda Adler, Jennifer Rosner, and Max Sank have been named Partner effective October 1, 2018.

"We are extremely proud to welcome this group to the partnership," said J. Scott Tiedemann, Managing Partner of LCW. "Linda, Jennifer and Max are experts in their respective areas of law and embody the qualities that our clients expect from LCW. We are very fortunate to call them our partners and look forwards to their contributions for years to come."

Linda Adler advises on business and risk management practices and policies in the areas of preventing harassment claims, student discipline and expulsion, faculty and staff discipline and termination, equal employment opportunity law compliance, and contracts. She also regularly conducts training classes for faculty, staff and administrators on sexual harassment, discrimination, retaliation, and disability accommodations. Adler received her JD from Santa Clara School of Law.

Jennifer Rosner is a prolific litigator with experience in lawsuits involving discrimination, harassment and retaliation, disciplinary and due process issues. Jennifer has considerable experience with law enforcement issues, incldluing the POBR, and in defending public safety agencies om officer discipline, section 1983 claims and *Pitchess* motion hearings. She has been successful in obtaining summary judgments on behalf of clients in both state and federal court and has extensive appellate and administrative appeal experience. Rosner also works closely with local agencies on every facet of the disability accommodation process. Rosner received her JD at Loyola Marymount University School of Law.

Max Sank's areas of expertise include the interactive process and reasonable accommodations for employees and students, workplace and student investigations, employment/enrollment agreements (including arbitration agreements), and student discipline. He is passionate about advising clients on employment law and student matter issues to help them avoid disputes when possible. Sank is also one of the firm's top litigators and has successfully defended schools in matters brought by employees and students, such as racial harassment, age discrimination, and breach of employment and enrollment agreements. Sank received his JD from the University of Southern California School of Law.

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NEW TO THE FIRM

Tony Carvalho is a new associate in our Fresno office and assists clients in matters pertaining to employment law, wage and hour, and litigation. His main areas of focus include harassment and discrimination of all types, wage and hour claims, and wrongful termination claims. He is also fluent in Spanish and Portuguese. Tony can be reached 559-256-7803 or tcarvalho@lcwlegal.com.

Lars T. Reed is a new associate in our Sacramento office where he provides counsel and representation to clients on matters involving employment law and litigation. Lars has experience in all aspects of the litigation process from pre-litigation advice to enforcement and appeals. He is fluent in Norwegian, and also speaks Swedish and Danish. Lars can be reached at 916-584-7011 or lreed@lcwlegal.com.

Ronnie Arenas is a new associate in our Los Angeles Office where he assists clients in matters regarding labor and employment law. Ronnie has experience in all phases of litigation, from the pleading stage through trial. He represents cities, counties, and public schools in legal matters arising out of public employment, including issues involving discrimination, harassment, wrongful termination, and retaliation. Ronnie is fluent in Spanish. He can be reached at 310-981-2038 or rarenas@lcwlegal.com.

Bryan Rome joins our Fresno office where he provides advice and counsel as well as civil litigation assistance to the firm's public entity clients. Bryan is experienced in all aspects of discovery and motion practice, including drafting demurrers, motions for summary judgment, appellate briefs, and writ petitions. Bryan has also represented public entities in administrative hearings and appeals, in Pitchess motions, and in criminal prosecutions. Bryan has experience conducting legal research, preparing written analysis on legal matters, and conducting mediations.
He can be reached at 559.256.7816 or brome@lcwlegal.com.

Emanuela Tala joins our Los Angeles office where she provides representation and legal counsel to clients in matters related to employment law and litigation. She has defended employers in litigation claims for discrimination, harassment, retaliation, wage and hour, and other employment claims. Emanuela has successfully argued dispositive motions, including motions for summary judgment.
She can be reached at 310-981-2000 or etala@lcwlegal.com.

Firm Activities

Consortium Training

Nov. 1	**"The Future Is Now - Embracing Generational Diversity and Succession Planning" and "Moving Into the Future"** Monterey Bay ERC | Morgan Hill | Drew Liebert
Nov. 1	**"Maximizing Supervisory Skills for the First Line Supervisor"** South Bay ERC | Redondo Beach | Kristi Recchia
Nov. 6	**"Accommodating Bad Behavior: The Limits on Disciplining Disabled Employees"** Imperial Valley ERC | El Centro | Laura Drottz Kalty
Nov. 6	**"Privacy Issues in the Workplace"** San Mateo County ERC | Webinar | T. Oliver Yee
Nov. 7	**"Managing the Marginal Employee" and "Maximizing Performance Through Evaluation, Documentation and Discipline"** Bay Area ERC | Campbell | Suzanne Solomon
Nov. 7	**"Maximizing Performance Through Evaluation, Documentation and Discipline" and "A Guide to Implementing Public Employee Discipline"** Central Valley ERC | Fresno | Michael Youril
Nov. 7	**"The Disability Interactive Process" and "The Meaning of At-Will, Probationary, Seasonal, Part-Time and Contract Employement"** Coachella ERC | Coachella | Danny Y. Yoo
Nov. 8	**"Workplace Bullying: A Growing Concern" and "Advanced Investigations of Workplace Complaints"** East Inland Empire ERC | Fontana | Laura Drottz Kalty
Nov. 8	**"Moving Into the Future"** Gateway Public ERC | Pico Rivera | Kevin J. Chicas
Nov. 8	**"Difficult Conversations" and "The Art of Writing the Performance Evaluation"** San Diego ERC | La Mesa | Danny Y. Yoo
Nov. 14	**"Moving Into the Future" and "12 Steps to Avoiding Liability"** Central Coast ERC | Arroyo Grande | Jesse Maddox
Nov. 14	**"Labor Negotiations from Beginning to End"** Gold Country ERC | Placerville and Webinar | Gage C. Dungy
Nov. 14	**"An Agency's Guide to Employee Retirement"** Humboldt County ERC | Eureka | Jack Hughes
Nov. 14	**"A Supervisor's Guide to Labor Relations"** Orange County Consortium | Buena Park | Melanie L. Chaney
Nov. 15	**"Prevention and Control of Absenteeism and Abuse of Leave"** Humboldt County ERC | Eureka | Jack Hughes
Nov. 15	**"Labor Code 101 for Public Agencies"** North State ERC | Webinar | Heather R. Coffman
Nov. 15	**"Administering Overlapping Laws Covering Discrimination, Leaves and Retirement"**

West Inland Empire ERC | Rancho Cucamonga | Danny Y. Yoo

Nov. 20 **"Employees and Driving" and "The Future is Now: Embracing Generational Diversity and Succession Planning"**
North San Diego ERC | Vista | Christopher S. Frederick

Nov. 29 **"Maximizing Supervisory Skills for the First Line Supervisor Part I"**
LA County HR Consortium | Los Angeles | Kristi Recchia

Nov. 29 **"Issues and Challenges Regarding Drugs and Alcohol in the Workplace" and "Human Resources Academy"**
Napa/Solano/Yolo ERC | Napa | Richard Bolanos

Customizing Training

Oct. 30 **"Preventing Workplace Harassment, Discrimination and Retaliation and Mandated Reporting"**
East Bay Regional Park District | Oakley | Lisa S. Charbonneau

Nov. 1 **"MOU's, Leaves and Accommodations"**
City of Santa Monica | Laura Drottz Kalty

Nov. 2 **"Ethics in Public Service"**
City of Yuba City | Gage C. Dungy

Nov. 6 **"Ethics in Public Service"**
Metropolitan Water District of Southern California | Los Angeles | Christopher S. Frederick

Nov. 8 **"Preventing Workplace Harassment, Discrimination and Retaliation"**
City of Tracy | Kristin D. Lindgren

Nov. 13 **"Legal Update"**
County of Fresno | Fresno | Shelline Bennett

Nov. 13 **"Legal Aspects of Violence in the Workplace"**
City of Glendale | Mark Meyerhoff

Nov. 13 **"Unconscious Bias and Microaggressions"**
City of Stockton | Kristin D. Lindgren

Nov. 14 **"Preventing Workplace Harassment, Discrimination and Retaliation and Mandated Reporting"**
East Bay Regional Park District | Oakland | Erin Kunze

Nov. 14 **"Bias in the Workplace"**
ERMA | Ceres | Kristin D. Lindgren

Nov. 14 **"FLSA"**
Los Angeles World Airports (LAWA) | Elizabeth Tom Arce

Nov. 14 **"Public Service: Understanding the Roles and Responsibilities of Public Employees"**
Southern California Regional Rail Authority | Los Angeles | Jennifer Rosner

Nov. 15 **"Public Service: Understanding the Roles and Responsibilities of Public Employees"**
Southern California Regional Rail Authority | Pomona | Jennifer Rosner

Nov. 16 **"Ethics in Public Service"**
City of San Carlos | Lisa S. Charbonneau

Nov. 29 **"Preventing Workplace Harassment, Discrimination and Retaliation"**
City of Glendale | Laura Drottz Kalty

Speaking Engagements

Nov. 6 **"HR Boot Camp for Special Districts"**
California Special Districts Association (CSDA) HR Boot Camp | Sacramento | Gage C. Dungy

Nov. 14 **"Nuts & Bolts: Navigating Common Legal Risks for the Front Line Supervisor"**
California District Attorneys Association (CDAA) Conference | Paso Robles | Michael Youril

Seminars/Webinars

Oct. 30 **"Bona Fide Plan Assessment & the Cash-In-Lieu Conundrum"**
Liebert Cassidy Whitmore | Webinar | Peter J. Brown

Nov. 7 **"Nuts & Bolts of Negotiations"**
Liebert Cassidy Whitmore | Citrus Heights | Kristi Recchia & Jack Hughes

Nov. 12 **"Critical Considerations When Changing or Evaluating a New Payroll System"**
Liebert Cassidy Whitmore | Webinar | Brian P. Walter

Nov. 13 **"2019 Legislative Update for Public Agencies"**
Liebert Cassidy Whitmore | Webinar | Gage C. Dungy

Nov. 15 **"Regular Rate of Pay Seminar"**
Liebert Cassidy Whitmore Seminar | Buena Park | Peter J. Brown

LCW Webinar:
Managing Increased Public Access to Peace Officer Personnel Records after SB 1421 and AB 748

Monday, November 5, 2018 | 10 AM - 11 AM

For decades, California peace officer personnel records could only be obtained through the *Pitchess* motion procedure. This regime will change dramatically in 2019, when Senate Bill 1421 and Assembly Bill 748, signed by Governor Jerry Brown on September 30, 2018, take effect. These new laws allow members of the public to obtain certain, frequently high-profile and controversial, categories of peace officer personnel records by submitting a California Public Records Act (CPRA) request. These records include audio and video recordings of critical force incidents and incidents in which an officer discharges his or her firearm at a person. Agencies should expect major influxes of CPRA requests in the new year. The new laws also set out specific timelines for disclosure and exceptions to the production requirements. This webinar will offer practical guidance from leading experts to prepare your agency to navigate these new laws.

Who Should Attend?
Police Chiefs, Sheriffs, City Attorneys, County Counsels, and any sworn and civilian law enforcement personnel with records management responsibilities.

Workshop Fee:
Consortium Members: $70 | Non-Members: $100

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Live
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Presented by:

J. Scott Tiedemann

&

Paul D. Knothe

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