



BRIEFING ROOM

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

SEPTEMBER 2020

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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.



FIRM VICTORY

Court Upholds Peace Officer's Suspension For Making False Statements.

LCW Attorneys **Suzanne Solomon** and **Kelsey Cropper** successfully represented a city in a peace officer's disciplinary appeal.

The officer issued a letter to his union's members while he was the acting union president. The letter was critical of changes the department's chief had implemented. The letter stated that the chief had circulated a memorandum, which allegedly indicated that the department's Internal Affairs investigations needed "process improvements." The letter also stated that the chief removed an Internal Affairs lieutenant and appointed a new lieutenant only two weeks after circulating the memorandum.

Following an investigation, the department issued the officer a 44-hour suspension. The suspension was based on violation of department policy because the officer knew his letter included false or misleading statements that were reasonably calculated to harm the department or its members. The department concluded that the letter created a false impression that the chief removed the lieutenant from his assignment with Internal Affairs due to poor performance. In fact, the lieutenant voluntarily requested to rotate out of his Internal Affairs assignment. The department also alleged: the officer knew this fact before writing the letter; and the letter caused significant disruption because of its implication that the lieutenant was removed for poor performance.

The officer sued. He challenged his suspension on the grounds that the department violated his constitutional right to free speech. The officer argued that although false statements standing alone are not deserving of constitutional protection, erroneous statements are inevitable in free debate and must be protected. Further, the officer alleged that even if his statement about the lieutenant's removal was false, his speech, when examined in its content, form, and context, was a matter of public concern and was therefore deserving of First Amendment protections.

The trial court disagreed. The administrative record showed that before the officer issued the letter, the City Manager had advised the officer that the lieutenant had voluntarily left the Internal Affairs assignment. The court noted that since the officer knew his statement about the lieutenant's removal was false, the statement should not receive constitutional protection. The court also held the false statement was harmful to the reputation and authority of both the lieutenant and the department, given the punitive connotations of a lieutenant being "removed" from an internal affairs assignment. The court found the officer's actions caused actual injury and harm to the legitimate interests of the department in maintaining and promoting the trust and integrity of its members. The court found the officer's statements were not constitutionally protected and upheld the officer's suspension.

**NOTE:**

The misconduct in this case threatened the integrity of the department's internal affairs process, but also drew complex First Amendment free speech and association defenses. This firm victory shows that agencies can count on LCW attorneys to be trusted advisors who protect their department's good order and institutions.

DISCIPLINE

Appellate Court Upholds Deputy's Termination For Failing To Report A Use Of Force.

Meghan Pasos was a deputy sheriff with the Los Angeles County Sheriff's Department (Department) at the Men's Central Jail. Another deputy, Omar Lopez, took an inmate to an area outside of the view of surveillance cameras and pushed the inmate's head against a wall, causing severe bleeding from the inmate's face. The use of force also left blood on the inmate's clothes, the wall and the floor. Pasos was standing approximately four or five feet away at the time of the assault, but claimed she was monitoring inmates in a nearby hallway and was not paying attention to Lopez and the inmate. Pasos then turned around to see the bloodied inmate, and Lopez confirmed he had shoved the inmate's head into the wall. Pasos told Lopez to "handle the paperwork" to which Lopez replied that he would, but he never did so.

The inmate later reported his assault. Since no deputies reported a use of force incident involving the inmate, the Department opened an investigation into the inmate's complaint. During her interview, Pasos admitted she did not report the incident because she was afraid of the repercussions of "ratting on" a fellow deputy.

Following the investigation, the Department discharged Pasos based on her failure to report Lopez's use of force or to seek medical assistance for the inmate. The division's acting chief determined discharge was appropriate because Pasos's conduct violated the Department's policies on general behavior, performance standards, use of force procedures, and safeguarding persons in custody. Further, the chief determined Pasos's conduct perpetuated a code of silence among the deputies, which undermined the Department's operation of the jail and brought embarrassment to the Department. A panel of three commanders from other divisions reviewed Pasos's case and agreed with the chief's decision.

Pasos appealed her discharge to the Los Angeles County Civil Service Commission (Commission). The Commission sustained the discharge based on the grounds that Pasos's behavior was so egregious that it merited the highest level of discipline.

Pasos then challenged her discharge in superior court. The trial court held the Commission abused its discretion in upholding the discharge. The trial court said the chief could not discharge every deputy involved in any aspect of inmate abuse in order to deflect media and public criticism. The trial court said that the chief's job was to impose fair and appropriate discipline for each instance of misconduct. The trial court found for Pasos and directed the Commission to set aside her discharge, award her back pay, and consider a lesser penalty.

The Department appealed, claiming the trial court substituted its own discretion for that of the Department in determining the appropriate penalty. The California Court of Appeal agreed and reversed.

First, the Court of Appeal held the Department followed its written guidelines for discipline by discharging Pasos. Pasos's failure to report the use of force was egregious because it perpetuated a code of silence among deputies in the jail, which encouraged other deputies to ignore their responsibilities, and brought embarrassment to the Department. That type of misconduct violated the Department's general behavior policy, which states that the penalty may range from a written reprimand to discharge.

Second, the Court of Appeal upheld the penalty of discharge because Pasos's conduct harmed the public service. Pasos's claim she had no duty to report ran counter to her initial stated reason for not reporting the use of force—that she did not want to "rat" on her partner. The penalty of discharge was supported because Pasos's actions betrayed the public's trust in peace officers to guard the peace and security of the community. The Court of Appeal noted that California cases often hold that a betrayal of the public trust is grounds for termination. The Court of Appeal noted in a footnote that this misconduct was likely to recur given Pasos's stated fear from the consequences of "ratting" on a fellow deputy, and minimization of her responsibility to report the severe battery.

For these reasons, the Court of Appeal reversed the trial court's order and ordered the trial court to enter a new judgment upholding Pasos's discharge.

Pasos v. Los Angeles County Civil Service Commission, 52 Cal. App.5th 690 (2020).

NOTE:

The public is more keenly aware and critical use of force incidents. This case demonstrates that a "code of silence" regarding these incidents, and the resulting breach of trust between the agency and the public, harms the public service and supports severe discipline.

DISCRIMINATION

Employee Did Not Prove Discriminatory Animus For Supervisors' Age-Related Comments.

Virgina Arnold worked at Dignity Health (Dignity) as a medical assistant. During her employment, Arnold received numerous verbal and written warnings for various performance deficiencies. In September 2012, Arnold's supervisor issued her a final written warning and three-day suspension for failing to follow Dignity's process for addressing scheduling errors. Arnold's union grieved her final warning and a previous warning. Dignity and the union agreed to reclassify Arnold's prior warnings to a lesser level of warning. Under the agreement, Dignity also issued a new final written warning and three-day suspension for additional instances of misconduct that occurred while the grievance was pending.

In June 2013, Arnold's supervisor contended that Arnold threw away a specimen cup still containing patient health information. Arnold refused to take responsibility when her supervisor questioned her and blamed a co-worker. Arnold's supervisor also learned that Arnold kept a photograph of a male model with his shirt unbuttoned in a cupboard near her desk, which her supervisor concluded was inappropriate in the workplace.

Given Arnold's previous discipline, Dignity determined that termination was necessary. Arnold's supervisor provided her with a letter explaining she was being terminated for: (1) failure to safeguard personal health information, a HIPAA violation; (2) display of inappropriate materials in the workplace; (3) careless performance of duties; (4) failure to communicate honestly during the course of the investigation; and (5) failure to take responsibility for her actions.

Following her termination, Arnold initiated a lawsuit against Dignity and other employees alleging discrimination, harassment, and retaliation based on her age and her association with her African-American coworkers in violation of the California Fair Employment and Housing Act (FEHA). Arnold is over seventy and African-American. To support her age claims, Arnold cited multiple instances when her supervisors commented on her age and asked about her plans for retirement. Arnold claimed that after learning she had recently celebrated her birthday, one of her supervisors stated, "Oh, I never knew you were that old" and "Oh, how come you haven't retired?" To support her association claims, Arnold alleged Dignity failed to follow up on a complaint she made that her African-American coworkers were being mistreated.

Ultimately, the trial court decided in favor of Dignity's pre-trial motion, finding that Dignity established legitimate, non-discriminatory reasons that were not pretextual for terminating Arnold's employment. Arnold appealed the trial court's decision regarding her claims for discrimination based on her age and association with African-Americans.

The FEHA makes it unlawful for an employer to discriminate against an employee because of several protected classifications, including age and association with those of a protected status. California courts use a three-stage burden-shifting test to analyze FEHA discrimination claims. Under this test, the employee must first establish the essential elements of a discrimination claim. If the employee can do so, the burden shifts back to the employer to show that the allegedly discriminatory action was taken for a legitimate, non-discriminatory reason. If the employer meets this burden, the presumption of discrimination disappears and the employee then has the opportunity to attack the employer's legitimate reason as pretext for discrimination.

On appeal, Arnold argued that the trial court was wrong to enter judgment in favor of Dignity because Arnold had presented evidence that Dignity's reasons for terminating her employment were not credible. She also argued she presented substantial evidence of age and association discrimination, including that her supervisors repeatedly used age-based discriminatory language and did not respond to her complaints regarding racially prejudiced behavior toward other African-American employees. The Court of Appeal, however, found that the trial court properly entered judgment in favor of Dignity.

Regarding Arnold's age discrimination claim, the court noted that the supervisors who made comments about her age were not materially involved in the decision to terminate her employment. Thus, any comments Arnold's supervisors made did not support the conclusion Dignity terminated her based on discriminatory animus. The court also concluded that age-based comments - such as the supervisors saying they did not know she was "that old" or asking her why she had not retired - did not indicate a discriminatory motive. The court opined that the comments one of Arnold's supervisors made around her birthday occurred during "a natural and appropriate occasion for discussing a person's age and future plans."

As to Arnold's association discrimination claim, the court found that the employee to whom Arnold complained about the mistreatment of other African-American employees was also not involved in Arnold's termination. There was no evidence that anyone involved in the decision to terminate Arnold's

employment knew about her complaint or that it factored into the determination to fire Arnold. Accordingly, the Court of Appeal held that the trial court did not err in entering judgment in favor of Dignity for Arnold's claim for association discrimination.

Arnold v. Dignity Health, 2020 WL 4698097 (Cal. Ct. App., July 17, 2020).

NOTE:

This case concluded that the comments Arnold's supervisors made about her age did not indicate a discriminatory motive, and were "benign and even complimentary." Regardless, it is very poor form for an employer to express surprise that an employee is "that old." LCW advises public agencies to refrain from making comments about an employee's age not only to limit the risk of an age discrimination claim, but to simply be a good employer.

Independent Contractor Surgeon Was Not Entitled To Title VII Protections.

David Henry is a board-certified general and bariatric surgeon licensed to practice medicine in Hawaii. Dr. Henry joined the staff of Adventist Health Castle Medical Center (Castle) in 2015 and performed surgeries there.

During his time at Castle, Dr. Henry signed two agreements with the medical center. Under the first agreement, Dr. Henry agreed to operate a full-time private practice of medicine. The second agreement required Dr. Henry to be on-call in Castle's emergency department for five days each month. Both agreements indicated that Dr. Henry "shall at all times be an independent contractor."

While on call, Dr. Henry was not required to be present at Castle's facility unless there was an emergency. When performing surgeries for Castle, Castle decided which surgical assistants would support him, supervised their performance and pay, and determined which medical record system would be used for care provided at the facility. Castle required Henry to comply with its Code of Conduct and bylaws, and it paid Henry \$100 per 24-hour on-call shift if there was no emergency intervention, and \$500 for each emergency he handled. Castle issued Dr. Henry a 1099 tax form, and it did not provide any employee benefits. Dr. Henry also leased space from Castle for elective surgeries on non-Castle patients, and performed some surgeries at a competing hospital where he had clinical privileges.

While working at Castle, Dr. Henry complained about discrimination. Dr. Henry's complaint initiated a review of his past surgeries, which led to his precautionary suspension and eventually the recommendation that

his clinical privileges be revoked until he completed additional training and demonstrated competency in various areas of concern. Dr. Henry then sued Castle, alleging violations of Title VII of the Civil Rights Act of 1964 for racial discrimination and retaliation.

Castle moved to dismiss the case. Castle argued that because Dr. Henry was an independent contractor and not an employee, he was not entitled to Title VII protections. The district court agreed and found in favor of Castle. Dr. Henry appealed to the U.S. Court of Appeals for the Ninth Circuit.

In deciding whether an individual is an employee under Title VII, courts evaluate "the hiring party's right to control the manner and means by which the product is accomplished." Courts make this determination considering a number of factors including: (1) the skill required; (2) the source of the instrumentalities and tools; (3) the location of the work; (4) the duration of the relationship between the parties; (5) whether the hiring party has the right to assign additional projects to the hired party; (6) the extent of the hired party's discretion of when and how long to work; (7) the method of payment; (8) the hired party's role in hiring and paying assistants; (9) whether the work is part of the regular business of the hiring party; (10) whether the hiring party is in business; (11) the provision of employee benefits; and (12) the tax treatment of the hired party.

Applying these factors to this case, the Ninth Circuit concluded that the district court properly determined Dr. Henry was an independent contractor, and not an employee. First, the court considered Dr. Henry's compensation. The court reasoned Castle only paid Dr. Henry for on-call time—\$100 per shift or \$500 per emergency intervention—which accounted for 10% of his earnings. Castle did not provide any employee benefits. Dr. Henry and Castle also reported his earnings to the IRS as if Dr. Henry were an independent contractor. The court noted that these factors weighed in favor of Dr. Henry's independent contractor status.

Second, the court found that Dr. Henry's limited obligations to Castle also indicated an independent contractor relationship. Dr. Henry had the freedom to run his own private practice, was only required to be on call in Castle's emergency department five days per month, and was free to be elsewhere during his on-call shifts unless an emergency arose. Dr. Henry also leased Castle space for elective surgeries on his own patients and performed general surgeries at a competing hospital. The court noted that employees generally do not have this level of work freedom and that Castle did not have the level of control present in employment relationships.

Finally, the court emphasized that both contracts between Dr. Henry and Castle called him an independent contractor. Dr. Henry argued that the high skill level that surgeries require, Castle's provision of assistants and medical equipment, and Castle's mandatory professional standards weighed in favor of an employment relationship. The court concluded these factors did not outweigh the evidence suggesting he was an independent contractor.

Thus, the Ninth Circuit found that Dr. Henry was not entitled to Title VII protections as an independent contractor.

Henry v. Adventist Health Castle Med. Ctr., 2020 WL 4726540 (9th Cir. Aug. 14, 2020).

NOTE:

This case demonstrates that independent contractor or employee status depends of an analysis of many factors. LCW attorneys regularly help public agencies determine whether individuals are properly classified as independent contractors under the federal standard discussed in this case and under California's more pro-employee standard.

HARASSMENT

Continuing Violation Exception Saves Sexual Harassment Claims.

Daisy Arias worked for Blue Fountain Pools and Spas (Blue Fountain). While Arias was working for Blue Fountain, she experienced sustained, egregious sexual harassment, primarily from a salesperson named Sean Lagrave who worked in the same office. Arias repeatedly complained about Lagrave's conduct over the course of her decade-long employment. In April 2017, Lagrave yelled at her, used gender slurs, and physically assaulted her. Arias told the owner of Blue Fountain at the time, Farhad Farhadian, that she wasn't comfortable returning to work with Lagrave. Farhadian refused to remove Lagrave and subsequently terminated Arias' health insurance. Before Farhadian told Arias to pick up her final paycheck, he had repeatedly ignored her complaints and participated himself in creating a sexualized office environment.

Arias then filed a complaint with the California Department of Fair Employment and Housing (DFEH) and sued Blue Fountain, Farhadian, and Lagrave alleging, among other claims, sexual harassment and failure to prevent sexual harassment. Blue Fountain, Farhadian, and Lagrave filed a motion to have the claims dismissed. The trial court denied their motion. Blue

Fountain, Farhadian, and Lagrave brought a petition for writ of mandate to renew their argument that Arias' claims were barred by the statute of limitations.

Under the Fair Employment and Housing Act (FEHA) at the time this case began, an employee was required to first file a complaint with the DFEH within one year of the alleged misconduct. However, courts recognize an exception for continuing violations. To establish a continuing violation, an employee must show that the employer's actions are: (1) sufficiently similar in kind; (2) have occurred with reasonable frequency; and (3) have not acquired a degree of permanence. In their writ petition, Blue Fountain, Farhadian, and Lagrave argued that Arias could not meet the third element— that Blue Fountain's actions had acquired a degree of permanence — because Arias admitted she felt that further complaints about the hostile work environment were futile after the company's prior management failed to address her numerous complaints. The Court of Appeal disagreed.

First, the Court of Appeal noted that Arias presented evidence of several incidents of sexual harassment that occurred in the one year preceding her termination that were within the complaint-filing period. Accordingly, the court concluded it would have been improper for the trial court to dismiss her claims, even if it determined the incidents outside the limitations period could not be the basis for liability.

Second, the court found that while Arias had been subject to sexual harassment since she started working at Blue Fountain in 2006, Farhadian purchased the company and took over operations in January 2015. Thus, even if the conduct of prior management made Arias' further complaining futile, the arrival of new management created a new opportunity to seek help and Arias could establish a continuing violation with respect to all of the complained of conduct that occurred during Farhadian's ownership.

Finally, the court identified a factual dispute over whether and when Blue Fountain made clear no action would be taken and whether a reasonable employee would have decided complaining was futile. Because Arias continued making complaints and tried complaining to different people, the Court of Appeal reasoned that this question needed to be resolved by a jury, not the trial court.

Accordingly, the court denied Blue Fountain, Farhadian, and Lagrave's writ petition and concluded that Arias' claims could proceed to trial.

Blue Fountain Pools and Spas Inc. v. Superior Court of San Bernardino County, 2020 WL 4581664 (Cal. Ct. App., Aug. 10, 2020).

**NOTE:**

Effective January 1, 2020, an employee now has three years, instead of the one year, from the date of the allegedly discriminatory conduct to file an administrative complaint with the Department of Fair Employment and Housing. (Gov. Code section 12960(e).)

LEGISLATIVE HIGHLIGHTS: **EMPLOYMENT-RELATED, PUBLIC SAFETY BILLS AT A GLANCE**

The peak of California Legislature's lawmaking season has arrived. LCW summarizes some important, employment-related portions of public safety bills that have survived the legislative process so far. Some or all of these bills could be vetoed by the Governor by the September 30, 2020 deadline. Here is where we stand as of the time of publication of this September 2020 issue of Briefing Room.

Peace Officer Qualifications.

AB 846 (Burke D) Expands the minimum standards for peace officers to include that the officer is free from protected- status bias. Requires law enforcement agencies to review and amend peace officer job descriptions to emphasize community-based policing.

Current law (Government Code section 1031) requires peace officers to meet specified minimum standards, including that peace officers be evaluated by a doctor and found to be free from any physical, emotional, or mental condition that might adversely affect the exercise of the powers of a peace officer. This bill would amend Government Code section 1031 to require the mental evaluation to also include bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation. This bill would add new Penal Code section 13651 to require law enforcement agencies to review the job description of peace officers and make changes that emphasize community-based policing, familiarization between law enforcement and community residents, and collaborative problem solving, while de-emphasizing the paramilitary aspects of the job.

Release Or Reporting Of Peace Officer Information And Records.

AB 1299 (Salas D) Requires law enforcement agency to notify POST about peace officer terminations, or resignations or retirements with a pending complaint, charge or investigation of a serious nature. Requires POST reporting of same to law enforcement agencies conducting pre-employment background investigations.

This bill would add a new Penal Code section 13510.6. This bill would require any agency that employs peace officers to notify the Commission on Peace Officer Standards and Training (POST) when a peace officer separates from employment, including details of any termination, or a resignation or retirement with a pending complaint, charge, or investigation of a "serious nature". This bill defines "serious nature" to be something, in the opinion of the agency's head, that would likely result in the termination, demotion, or suspension of that officer for 30 days or more, if the change was sustained and if the officer had remained employed at that agency. The bill would require POST to include this information in an officer's profile and make that information available to both the employing law enforcement agency and any law enforcement agency that is conducting a preemployment background investigation of the subject of the profile.

SB 1220 (Umberg D) As of January 1, 2022, requires law enforcement agencies to notify prosecuting agencies, annually and upon request, of sustained findings of peace or custodial officer sexual assault, some forms of dishonesty, moral turpitude or group bias. Would give peace officers opportunity to challenge Brady listing.

This bill would create a new Penal Code section 832.11. This bill would, on and after January 1, 2022, require a law enforcement agency maintaining personnel records of peace officers or custodial officers to, annually and upon request, provide a prosecuting agency a list of names and badge numbers of officers, employed by the agency in the five years preceding the request, who: have had sustained findings for conduct of sexual assault, dishonesty relating to the reporting or investigation or prosecution of crime, or moral turpitude or group bias; have been convicted of a crime of moral turpitude; are facing currently pending criminal charges; or are on probation for a criminal offense. The bill would define conduct and crimes of "moral turpitude" to be the same as that in published appellate court decisions. The bill would additionally require a prosecuting agency, prior to placing an officer's name on a Brady list, to notify the officer as soon as practicable and provide the officer an opportunity to present information to the prosecuting agency against the officer's placement on the list.

NEW TO THE FIRM

Daniel Bardzell is an Associate in LCW's Sacramento office, where he assists clients with all matters pertaining to labor and employment law, including providing advice and counsel and defending clients in litigation matters. An experienced litigator, Daniel has defended county and local public entities, as well as other employers, against allegations of discrimination, retaliation, sexual harassment, wage & hour violations, wrongful termination and whistleblower violations, including claims under the Fair Employment and Housing Act, in both state and federal courts.

He can be reached at dbardzell@lcwlegal.com.



FIRM PUBLICATIONS

To view these articles and the most recent attorney-authored articles, please visit: www.lcwlegal.com/news.

Partners [Heather DeBlanc](#), [T. Oliver Yee](#) and Associate [Kelly Tuffo](#) authored the *Bender's California Labor & Employment Bulletin* article, "Financial Assistance for Employee Housing: Legal Considerations for California Public Agencies."

Partner [Steven M. Berliner](#) was quoted in *Pensions & Investments* regarding the California Supreme Court ruling on July 30, 2020 against a union of Alameda County sheriff's deputies over the legality of a 2013 law that limited retirement benefits.

Save the Date!

We're Going Virtual in 2021!

Attend the LCW
Conference from
wherever you are!

February 18 - 19, 2021

We're reimagining the LCW
Conference and offering a flexible
lineup to maximize your learning
and networking opportunities.
Stay tuned for more details!

<https://www.lcwlegal.com/events-and-training/lcw-conference>

Upcoming Public Safety Webinars:

Labor Relations for Public Safety Executives in Times of Crisis

FRIDAY, SEPTEMBER 25, 2020 | 10:00 AM - 12:00 PM

Emergencies and change are upon us. Whether in response to COVID or calls for police reform, now more than ever public safety executives need to understand how to operate within the confines of labor relations to legally and efficiently effect change. This two-hour webinar will outline mandatory subjects of bargaining, the meet and confer process, and the emergency exception, using current events as examples – COVID emergency staffing, body camera and use of force policies, and changes to job duties for police officers. We will also discuss the increased exposure to police agencies in light of PERB's newly exercised jurisdiction over police associations.



PRESENTED BY
Adrianna E. Guzman &
Laura Drottz Kalty



2021 Legislative Update for Public Safety

THURSDAY, OCTOBER 22, 2020 | 10:00 AM - 11:00 AM

While every year brings change to the laws that impact public safety, this year the Legislature was busy considering legislation that will materially impact public agencies and their employees, particularly those that work in or for law enforcement. This one hour webinar will cover new legislation driven largely by calls for social justice as well as recent court decisions that will most significantly impact public safety departments in a variety of areas of the law. This webinar will help attendees understand and navigate changes to personnel laws that will most impact the management of public safety departments, including laws affecting hiring, investigation and discipline of personnel, civilian oversight, and civil rights liability issues.



PRESENTED BY
Geoffrey S. Sheldon

[Click here for more information!](#)

MANAGEMENT TRAINING WORKSHOPS

Firm Activities

Consortium Training

- | | |
|-----------------|--|
| Sept. 9 | “Maximizing Performance Through Evaluation, Documentation And Corrective Action”
North State ERC Webinar Monica M. Espejo |
| Sept. 9 | “Maximizing Performance Through Evaluation, Documentation And Corrective Action”
San Gabriel Valley ERC Webinar Monica M. Espejo |
| Sept. 9 | “Managing COVID-19 Issues: Now and What’s Next”
Ventura/Santa Barbara ERC Webinar Peter J. Brown & Alexander Volberding |
| Sept. 10 | “Nuts & Bolts: Navigating Common Legal Risks for the Front Line Supervisor”
Gateway Public ERC Webinar Che I. Johnson |
| Sept. 10 | “Nuts & Bolts: Navigating Common Legal Risks for the Front Line Supervisor”
Imperial Valley ERC Webinar Che I. Johnson |

Sept. 10	“Nuts & Bolts: Navigating Common Legal Risks for the Front Line Supervisor” Monterey Bay ERC Webinar Che I. Johnson
Sept. 10	“Maximizing Supervisory Skills for the First Line Supervisor - Part 1” Mendocino County ERC Webinar Kristi Recchia
Sept. 10	“Maximizing Supervisory Skills for the First Line Supervisor - Part 1” San Diego ERC Webinar Kristi Recchia
Sept. 10	“Maximizing Supervisory Skills for the First Line Supervisor - Part 1” San Joaquin Valley ERC Webinar Kristi Recchia
Sept. 15	“Moving into the Future” San Mateo County ERC Webinar Erin Kunze
Sept. 16	“Moving Into The Future” Central Coast ERC Webinar T. Oliver Yee
Sept. 16	“Moving Into The Future” Central Valley ERC Webinar T. Oliver Yee
Sept. 16	“Maximizing Supervisory Skills for the First Line Supervisor - Part 1” Coachella Valley ERC Webinar Kristi Recchia
Sept. 16	“Maximizing Supervisory Skills for the First Line Supervisor - Part 1” Gold Country ERC Webinar Kristi Recchia
Sept. 16	“Maximizing Supervisory Skills for the First Line Supervisor - Part 1” Humboldt County ERC Webinar Kristi Recchia
Sept. 17	“Management Guide to Public Sector Labor Relations” Bay Area ERC Webinar Richard Bolanos
Sept. 17	“The Future is Now: Embracing Generational Diversity and Succession Planning” East Inland Empire ERC Webinar Danny Y. Yoo
Sept. 17	“The Future is Now: Embracing Generational Diversity and Succession Planning” Orange County Consortium Webinar Danny Y. Yoo
Sept. 17	“Management Guide to Public Sector Labor Relations” West Inland Empire ERC Webinar Richard Bolanos
Sept. 23	“Leaves, Leaves and More Leaves” South Bay ERC Webinar Danny Y. Yoo
Sept. 23	“Leaves, Leaves and More Leaves” Ventura/Santa Barbara ERC Webinar Danny Y. Yoo
Sept. 24	“Maximizing Supervisory Skills for the First Line Supervisor - Part 1” Napa/Solano/Yolo ERC Webinar Kristi Recchia
Sept. 24	“Maximizing Supervisory Skills for the First Line Supervisor - Part 1” North San Diego County ERC Webinar Kristi Recchia
Sept. 24	“Maximizing Supervisory Skills for the First Line Supervisor - Part 1” West Inland Empire ERC Webinar Kristi Recchia

Oct. 1	“Difficult Conversations” Gateway Public ERC Webinar Stacey H. Sullivan
Oct. 1	“Difficult Conversations” Imperial Valley ERC Webinar Stacey H. Sullivan
Oct. 1	“Supervisor’s Guide to Understanding and Managing Employees’ Rights: Labor, Leaves and Accommodations” NorCal ERC Webinar Kelsey Cropper
Oct. 1	“Supervisor’s Guide to Understanding and Managing Employees’ Rights: Labor, Leaves and Accommodations” Sonoma/Marin ERC Webinar Kelsey Cropper
Oct. 7	“Finding the Facts: Employee Misconduct & Disciplinary Investigations” Central Coast ERC Webinar Shelline Bennett
Oct. 7	“Labor Code 101 for Public Agencies” Central Valley ERC Webinar Michael Youril
Oct. 7	“Finding the Facts: Employee Misconduct & Disciplinary Investigations” South Bay ERC Webinar Shelline Bennett
Oct. 8	“Managing the Marginal Employee” East Inland Empire ERC Webinar Christopher S. Frederick
Oct. 8	“Managing the Marginal Employee” Monterey Bay ERC Webinar Christopher S. Frederick
Oct. 8	“Navigating the Crossroads of Discipline and Disability Accommodation” Orange County ERC Webinar Jennifer Rosner
Oct. 8	“Maximizing Supervisory Skills for the First Line Supervisor - Part 2” Mendocino County ERC Webinar Kristi Recchia
Oct. 8	“Maximizing Supervisory Skills for the First Line Supervisor - Part 2” San Diego ERC Webinar Kristi Recchia
Oct. 8	“Maximizing Supervisory Skills for the First Line Supervisor - Part 2” San Joaquin Valley ERC Webinar Kristi Recchia
Oct. 13	“Difficult Conversations” San Mateo County ERC Webinar Heather R. Coffman
Oct. 14	“Supervisor’s Guide to Public Sector Employment Law” North State ERC Webinar Jack Hughes
Oct. 14	“Family and Medical Care Leave Acts” San Gabriel Valley ERC Webinar Danny Y. Yoo
Oct. 14	“Family and Medical Care Leave Acts” Ventura/Santa Barbara ERC Webinar Danny Y. Yoo
Oct. 15	“Principles for Public Safety Employment” Bay Area ERC Webinar Suzanne Solomon
Oct. 21	“Maximizing Supervisory Skills for the First Line Supervisor - Part 2” Coachella Valley ERC Webinar Kristi Recchia

- Oct. 21** **“Maximizing Supervisory Skills for the First Line Supervisor - Part 2”**
 Gold Country ERC | Webinar | Kristi Recchia
- Oct. 21** **“Maximizing Supervisory Skills for the First Line Supervisor - Part 2”**
 Humboldt County ERC | Webinar | Kristi Recchia
- Oct. 21** **“Administering Overlapping Laws Covering Discrimination, Leaves and Retirement - Part 1”**
 Sonoma/Marin ERC | Webinar | Richard Bolanos & Jessica A. Tyndall
- Oct. 28** **“Unfair Practice Charges and PERB”**
 Central Valley ERC | Webinar | Che I. Johnson
- Oct. 28** **“Moving Into the Future”**
 Monterey Bay ERC | Webinar | Erin Kunze
- Oct. 28** **“Human Resources Academy I”**
 Ventura/Santa Barbara ERC | Webinar | Kristi Recchia
- Oct. 29** **“Public Sector Employment Law Update”**
 Orange County ERC | Webinar | Richard S. Whitmore
- Oct. 29** **“Maximizing Supervisory Skills for the First Line Supervisor - Part 2”**
 Napa/Solano/Yolo ERC | Webinar | Kristi Recchia
- Oct. 29** **“Maximizing Supervisory Skills for the First Line Supervisor - Part 2”**
 North San Diego County ERC | Webinar | Kristi Recchia
- Oct. 29** **“Maximizing Supervisory Skills for the First Line Supervisor - Part 2”**
 West Inland Empire ERC | Webinar | Kristi Recchia

Customized Training

Our customized training programs can help improve workplace performance and reduce exposure to liability and costly litigation. For more information, please visit www.lcwlegal.com/events-and-training.

- Sept. 9** **“Key Legal Principles for Public Safety Managers - POST Management Course”**
 Peace Officer Standards and Training - POST | San Diego | Frances Rogers
- Sept. 10** **“Implicit Bias”**
 Inland Empire Utilities Agency | Webinar | Suzanne Solomon
- Sept. 22** **“Performance Management and Due Process”**
 Orange County Sanitation District | Webinar | T. Oliver Yee
- Sept. 22** **“Key Legal Principles for Public Safety Managers - POST Management Course”**
 Peace Officer Standards and Training - POST | San Diego | Stefanie K. Vaudreuil
- Sept. 23** **“Preventing Workplace Harassment, Discrimination and Retaliation”**
 County of San Luis Obispo | Webinar | Christopher S. Frederick
- Sept. 24** **“Conducting Disciplinary Investigations: Who, What, When and How?”**
 City of Stockton | Webinar | Kristin D. Lindgren
- Sept. 30** **“Preventing Workplace Harassment, Discrimination and Retaliation”**
 City of Stockton | Webinar | Gage C. Dungy

- Sept. 30** **“Preventing Workplace Harassment, Discrimination and Retaliation”**
City of Tracy | Webinar | Erin Kunze
- Oct. 13** **“Unconscious Bias”**
Riverside County District Attorney’s Association | Webinar | Suzanne Solomon
- Oct. 20** **“Legal Aspects of Violence in the Workplace”**
City of Stockton | Webinar | Kristin D. Lindgren
- Oct. 27** **“Preventing Workplace Harassment, Discrimination and Retaliation”**
City of Stockton | Webinar | Brian J. Hoffman
- Oct. 27** **“Key Legal Principles for Public Safety Managers - POST Management Course”**
Peace Officer Standards and Training - POST | San Diego | Frances Rogers
- Oct. 28** **“Preventing Workplace Harassment, Discrimination and Retaliation”**
City of Millbrae | Millbrae | Kelsey Cropper

Speaking Engagements

- Sept. 23** **“Police Accountability: The Established Legal Landscape and Evolving Public Expectations”**
International Municipal Lawyers Association (IMLA) Virtual Annual Conference | Webinar | J. Scott Tiedemann & James E. Brown
- Oct. 1** **“FLSA Update”**
Oklahoma Public Employer Labor Relations Association (OKPELRA) Webinar | Peter J. Brown
- Oct. 9** **“Layoffs, Furloughs, & Concessions - Negotiating in Challenging Times”**
League of California Cities 2020 Annual Conference | Webinar | Peter J. Brown & Laura Drottz Kalty
- Oct. 9** **“Telecommuting Policies - Hot Topics & Key Issues to Consider”**
League of California Cities 2020 Annual Conference | Webinar | T. Oliver Yee & Kristi Recchia
- Oct. 22** **“CalPERS”**
Southern California Public Labor Relations Council (SCPLRC) | Webinar | Steven M. Berliner & Michael Youril
- Oct. 28** **“Labor Negotiations from Beginning to End”**
Municipal Management Association of Southern California (MMASC) Annual Conference | Webinar | Kevin J. Chicas

Seminars / Webinars

For more information and to register, please visit www.lcwlegal.com/events-and-training/webinars-seminars.

- Sept. 25** **“Labor Relations for Public Safety Executives in Times of Crisis”**
Liebert Cassidy Whitmore | Webinar | Laura Drottz Kalty & Adrianna E. Guzman
- Oct. 22** **“2021 Legislative Update for Public Safety”**
Liebert Cassidy Whitmore | Webinar | Geoffrey S. Sheldon

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