



CLIENT UPDATE

Monthly news and developments in employment law and labor relations for California Public Agencies.

FEBRUARY 2018

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

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RETIREMENT

CalPERS Raises Pensionable Compensation Caps for 2018.

CalPERS has updated its pensionable compensation limits for Classic and Public Employees’ Pension Reform Act (PEPRA) members for 2018.

The compensation limit for classic members for the 2018 calendar year is \$275,000; raised from \$270,000 in 2017. The compensation limit for new members for the 2018 calendar year is \$121,388 for Social Security Participants and \$145,666 for Non-Social Security Participants. In 2017, the compensation limits for new members was \$118,775 for Social Security Participants and \$142,530 for Non-Social Security participants. Employees with membership dates prior to July 1, 1996 are not impacted by these limits.

These new caps limit the amount of compensation taken into account under a defined benefit retirement plan. When a classic or new member reaches the applicable compensation cap, the public employer is not required to pay retirement contributions on additional compensation earned by the employee above the cap. Thus, for a classic member who earns \$280,000, in 2018, an employer is not obligated to pay retirement contributions on the \$5,000 earned after the \$275,000 cap is reached. Similarly, the employee will not pay retirement contributions on compensation earned above the cap.

Public employers must continue to monitor whether an employee meets or exceeds the 2018 caps and must notify employees when the cap is reached. Employers must also continue to report an employee’s compensation earned to CalPERS, even if the compensation exceeds the applicable cap.

NOTE:

Employers should notify all classic or PEPRA members who are subject to the compensation limit requirements of the changes to the CalPERS caps on earnable compensation. The full CalPERS Circular Letter is available here: <https://www.calpers.ca.gov/docs/circular-letters/2018/200-001-18.pdf>. LCW Attorneys Peter Brown and Steve Berliner are conducting a webinar on February 8, 2018 to assist with this and other CalPERS retirement and bargaining issues. See page 10 of this Client Update for more details.

California Court of Appeal Opinion Injects Uncertainty as to Public Employee Pensions and “Vested Rights”.

A recent California Court of Appeal opinion is contrary to previous opinions regarding California pension benefits and public employee “vested rights.” The January 8, 2018 opinion in *Alameda County Deputy Sheriff’s Assn. v. Alameda County Employees’ Retirement Assn.* addressed the issue of whether pension systems governed by the County Employees Retirement Law of 1937 (CERL) can change the definition of compensation earnable under the Public Employee Pension Reform Act of 2013 (PEPRA) for employees hired before PEPRA’s January 1, 2013 effective date. In addition, the Court addressed the limits of public employee “vested rights” to immutable pension benefits. The case is significant for CERL and CalPERS employers.

The case arose after California enacted the Public Employee Pension Reform Act of 2013 (PEPRA). PEPRA was enacted to address the significant, statewide underfunding of public pension systems. Among other things, PEPRA amended the pension systems governed by the County Employee’s Retirement Law of 1937 (CERL) and expressly excluded several items from CERL’s long-standing definition of “compensation earnable” for employees hired prior to PEPRA’s effective date (“Legacy Members”).

In response to these changes, labor organizations representing members of CERL systems sued to challenge the exclusion of pay items that were previously included as compensation earnable. They also alleged that Legacy Members had a constitutionally protected “vested right” to pension benefits as those benefits existed prior to the enactment of PEPRA, and that PEPRA unconstitutionally interfered with, or “impaired” those vested rights. The trial court largely disagreed with the labor organizations and CERL members, and the multiple parties appealed the trial court’s decision.

On appeal, California’s First District reviewed: whether retirement boards have discretion to

include pay items in compensation earnable that are not listed in CERL’s statutory categories, and whether PEPRA in fact unconstitutionally impaired Legacy Members’ vested pension rights.

First, the Court found that retirement boards do not possess discretion to include additional pay items in compensation earnable. An item of compensation is only includable in a member’s pensionable compensation if it falls within one of CERL’s statutory compensation categories.

Second, the Court’s decision as to whether PEPRA unconstitutionally impaired the vested pension rights of Legacy Members is a significant departure from previous California Court of Appeal cases. *Marin Assn. of Public Employees v. Marin County Employee’s Retirement Assn.* held that public pension system members are not entitled to an immutable, unchanging pension benefit for the entirety of employment, but are entitled only to a “reasonable” pension. The *Marin* opinion further held that detrimental pension modifications need not always be accompanied by comparable new advantages to pensioners. The *Marin* opinion ultimately concluded that PEPRA’s modifications to the CERL definition of compensation earnable for Legacy Members was “reasonable” and therefore, did not impair their constitutionally protected vested rights.

By contrast, the opinion in *Alameda County* rejected the reasoning in *Marin* and instead held that detrimental changes to the vested pension benefits of Legacy Members could only be justified by compelling evidence that the required changes manifest a material relation to the successful operation of the pension system. The Court determined that this analysis must be done on an individualized basis and directed the trial court to conduct the required analysis for each of the retirement systems at issue. The Court of Appeal therefore remanded the cases back to the trial court.

The California Supreme Court had previously granted review of the *Marin* case, but then

put that case in abeyance until the *Alameda County* case was decided, presumably in order to consolidate both cases should the Supreme Court also grant review of the *Alameda County* decision. Unless such a review occurs, the *Alameda County* and *Marin* cases remain as two divergent decisions on the fundamental notion of a vested right to immutable pension benefits in the aftermath of PEPRA.

Alameda County Deputy Sheriff's Assn. v. Alameda County Employees' Retirement Assn.— Cal.Rptr.3d --- [2018 WL 317045].

NOTE:

LCW will continue to provide updates on these, and other decisions relevant to pension benefits and vested rights. A full discussion of the Alameda County decision and related developments in retirement law is available here: <https://www.calpublicagencylaboremploymentblog.com/pension/california-court-of-appeal-issues-a-contrary-decision-addressing-vested-rights-of-public-employees-in-the-aftermath-of-pepra-where-will-the-supreme-court-land/>

DISCRIMINATION

Obesity May Be a Disability or a Perceived Disability under California's Fair Employment and Housing Act.

Ketryn Cornell was an obese woman who was fired from the Berkeley Tennis Club (“Club”) after having worked there for over 15 years. Cornell sued the Club, claiming that: her obesity was a disability; that her termination was disability discrimination; and that a Club manager harassed her due to her disabled status, among other claims.

Cornell was obese since childhood. Beginning in 1997, Cornell worked at the Club as a lifeguard and pool manager and received positive

performance reviews, raises, and bonuses. In 2012, a new manager instituted a requirement that Club employees wear shirts bearing the Club’s logo. When Cornell said she would need a specially-ordered T-shirt size, the manager mocked her, asked her about weight-loss surgery, and ultimately ordered her a shirt that was five sizes too small. Cornell ultimately bought her own shirt, having been humiliated by the manager’s conduct. The manager subsequently denied Cornell’s requests to work extra shifts, refused to consider her for promotions, and paid her less than a newlyhired employee even though the two performed the same duties.

In 2013, the Club terminated Cornell for allegedly secretly recording a Club board meeting held to discuss personnel issues. Managers suspected that Cornell had planted a recording device when she helped set up the meeting room. However, the Club did not fully investigate the matter prior to terminating Cornell.

Upon being terminated, Cornell sued the Club under the Fair Employment and Housing Act (FEHA), alleging disability discrimination and other claims. The trial court granted the Club’s motion for summary judgment and dismissed Cornell’s FEHA claims, holding that Cornell had failed to produce evidence that her obesity qualified as a disability. Cornell appealed. The Court of Appeal reinstated Cornell’s claims of disability discrimination and harassment.

A key issue before the Court of Appeal was whether Cornell could establish that her obesity was a disability within the meaning of FEHA. Under the FEHA, a physical disability is defined as any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that (1) affects one or more of several body systems, and (2) limits a major life activity. Affected body systems may include the neurological, organ, respiratory, musculoskeletal, skin, or digestive systems, among others. A condition limits a major life activity (such as physical, mental or social activities, or working) if the condition makes achievement of the activity difficult.

First, in reinstating Cornell's discrimination claim, the Court of Appeal followed the California Supreme Court's decision in *Cassista v. Community Foods, Inc.*, a case which recognized that obesity can result from a physiological condition affecting a bodily system, and may limit a major life activity. The Court of Appeal agreed that under *Cassista*, an employee claiming a disability due to obesity must be able to produce evidence showing the obesity has some physiological, systemic basis. Cornell presented evidence from a physician who opined that her obesity "is more likely than not caused by a genetic condition affecting metabolism." The Club needed to, but did not provide evidence disproving that Cornell's obesity has a physiological cause. Thus, the Club could not win summary judgment on Cornell's disability claims.

The Court of Appeal also concluded that the Club's failure to conduct a follow-up investigation of the recorder incident, and the manager's comments to Cornell precluded summary judgment on Cornell's discrimination claims. The fact that Cornell's managers did not fully question her about the recorder incident or perform a follow up investigation, raised a question for the jury on the issue whether Club management actually believed that Cornell planted the recorder. A jury could conclude that the recorder incident was a mere pretext for the Club's true discriminatory motive.

Second, the Court of Appeal reinstated Cornell's harassment claim because Cornell's evidence raised a question for a jury to decide: whether the alleged harassment was sufficiently severe or pervasive to constitute harassment. Claims of harassment are actionable under FEHA if an employee shows a "concerted pattern of harassment of a repeated, routine, or generalized nature" that would create a hostile work environment from the perspective of a reasonable person. Isolated, non-severe offensive statements do not generally support harassment claims. The Court of Appeal found that the manager's comments about Cornell's weight, and eating

habits, by themselves, were not extreme and were too isolated to be severe or pervasive. However, the manager had also reduced Cornell's hours, passed her over for internal job openings, and paid her lower wages than an employee performing the same duties. This combination of evidence precluded summary judgment in the Club's favor on Cornell's harassment claim.

Finally, the Court of Appeal noted that obesity may constitute a perceived disability that triggers employer obligations under the FEHA. FEHA defines physical disabilities to include: 1) "[b]eing regarded or treated by the employer . . . as having, or having had" a condition "that has no present disabling effect but may become [an actual] physical disability," and also 2) "any physical condition that makes achievement of a major life activity difficult." It is not necessary for an obese employee to actually be disabled, or for an employer to perceive that a plaintiff's obesity has a physiological cause, in order for FEHA to apply.

Ketryn Cornell v. Berkeley Tennis Club (2017) 18 Cal. App.5th 908.

NOTE:

The Cornell decision makes clear that obesity may be a disability within the meaning of FEHA if it has a physiological cause, or if an employer perceives the condition to be disabling. In light of this decision, employers should be sure to investigate employee complaints of disability discrimination due to obesity, as well as employee requests for accommodation based upon obesity. Additionally, employers who fairly investigate alleged employee misconduct that could serve as the basis for disciplining or terminating the employee, may be in a better position to defend against claims of discrimination if the employer's decision is later challenged.

WRONGFUL TERMINATION

Employer's Use of Criticism, Demotion, and Performance Improvement Plan Did Not Amount to an Employee's Constructive Discharge.

An employee cannot prove a constructive discharge claim based solely on the employee's personal, subjective reactions and objections to the employer's use of standard disciplinary procedures, unless the employee presents evidence that the procedures were used as part of a pattern to mistreat the employee.

A "constructive discharge" occurs when an employer intentionally creates, or knowingly permits the existence of working conditions that are so intolerable that they would compel a reasonable person in the employee's position to resign. But an employee can only prevail on a constructive discharge claim by proving that working conditions were "unusually aggravated" or that they amount to a "continuous pattern of mistreatment." The California Court of Appeal explained that this is an objective standard that focuses on the nature of the working conditions and not on the employee's subjective reaction to the conditions.

In this case, T.J. Simers was a sports columnist for the Los Angeles Times (Times) who wrote a thrice weekly column. He received consistently positive performance reviews and positive feedback. However, following criticism about the tone and substance of several of his columns, Times management decided to reduce the frequency of Simers' columns to two times per week. Subsequently, the paper became aware that Simers may have violated the Times' newsroom ethics guidelines by, among other things, making a pitch for outside work without the necessary approval from a Times editor. The Times suspended Simers' column pending further investigation. Simers was subsequently demoted without a reduction in pay pending the outcome of the investigation, and was provided with a final written warning. Simers ultimately

left the Times, accepted a position at another newspaper, and sued the Times for constructive discharge.

The Court of Appeal reviewed the evidence Simers presented about his working conditions at the Times. Simers' evidence showed, among other things: the Times reduced the frequency of publication of his columns; he was accused of unethical conduct; he was referred to as a "public embarrassment" to the Times in reference to his alleged ethical breach; Times' managers criticized his writing as sloppy and not up to standards; his columns were suspended; he was demoted; the Times issued a final warning; and placed him on a performance improvement plan which could potentially lead to termination.

The Court of Appeal found that Simers' evidence was insufficient to show the required aggravated conditions or pattern of mistreatment for a constructive discharge claim. The problem, the Court of Appeal noted, was that some of Simers' allegations were based solely on his "subjective reaction to standard employer disciplinary actions – criticism, investigation, demotion, performance plan – that ... are well within an employer's prerogative for running its business." Using these methods does not constitute constructive discharge "[u]nless those standard tools are employed in an unusually aggravated manner or involve a pattern of continuous mistreatment..." In reaching this conclusion, the Court of Appeal applied the standards set forth in *Scott v. Pacific Gas & Electric Co.*, and *Turner v. Anheuser-Bush, Inc.*

T.J. Simers v. Los Angeles Times Communications, LLC, (2018) 18 Cal.App.5th 1248.

NOTE:

This case provides encouragement for employers to address employee work performance by using counseling, performance improvement plans and disciplinary action.

Employer Did Not Violate Employee's Liberty Interest by Disseminating Letter that Was Not "Stigmatizing" to Employee.

The Fourteenth Amendment to the U.S. Constitution protects public employees from deprivations of their liberty interests without due process of law. Although at-will or probationary employees lack a constitutional property right in continued employment, they do have a liberty interest to pursue a profession. An employee's liberty interest can be threatened when a public employer brings charges or allegations against the employee that are damaging to the employee's reputation for honesty or morality. If the employer publicly discloses information that is "stigmatizing" to the employee's professional reputation in the course of releasing the employee, and the employee disputes the veracity of that information, the employee is entitled to a "name-clearing" meeting.

The Ninth Circuit of the U.S. Court of Appeals found that a public university did not violate an employee's due process rights by publicly disseminating a letter that, while related to the employee's no-cause release from employment, did not accuse the employee of bad faith, willful misconduct, intentional acts, waste or fraud.

Ronald Kramer served as the Executive Director of the Southern Oregon University (SOU) Public Radio station and a related foundation. Kramer's supervisor, Dr. Mary Cullinan, raised concerns that Kramer's dual role created a conflict of interest when the two entities were parties to a single contract. An audit report confirmed this and recommended against Kramer serving in both roles.

When Kramer proposed (for approval by the foundation's Board) resolutions that would secure his foundation position and cause SOU to lose assets, Cullinan obtained an advice letter from SOU counsel which she made publicly available at a foundation board meeting. The letter recommended against securing Kramer's foundation position. It also stated that "[if]

any actions of Mr. Kramer or the Foundation's directors...are determined to have been made in bad faith or through willful misconduct," it was unlikely that the parties would be covered by the foundation's liability policy. The liability policy, the letter explained, did not cover "intentional acts, waste, or fraud." The board ultimately rejected Kramer's resolutions.

Cullinan subsequently informed Kramer that his appointment would not be renewed; the non-renewal was without cause. Kramer challenged the non-renewal in a hearing before SOU's Grievance Hearing Committee which awarded him salary and benefits to remedy insufficient notice of the non-renewal. Kramer then sued, alleging that the advice letter deprived him of his liberty interest because it was stigmatizing and was circulated publicly.

The Ninth Circuit found in favor of the employer because the letter was not "stigmatizing" within the meaning of the Fourteenth Amendment. The letter did not explicitly allege that Kramer had engaged in dishonest or immoral conduct; the letter merely made conditional statements, such as if Kramer's actions were found to be in bad faith or willful misconduct, they would not be covered by the foundation's insurance policy. Nor was the letter stigmatizing merely because it mentioned potential legal action against Kramer for breach of his fiduciary duty and violations of applicable Standards of Conduct. These statements, the Ninth Circuit explained, are distinct from the category of charges that the Ninth Circuit has found to be stigmatizing to an employee – for example, a coach is charged with "immoral conduct," or a teacher is dismissed for "offensive conduct." Statements referencing "ethics," "honesty," "openness," or "strengthening accountability and transparency" may implicate an employee's honesty, but the letter did not contain these statements.

Thus, the Ninth Circuit found for the public employer and dismissed Kramer's claims.

Kramer v. Cullinan (9th Cir. 2018)878 F.3d 1156.

NOTE:

This case is a reminder to public agencies with at-will employees. In releasing at-will employees without cause, do not make any public statement that would harm the employee's reputation to get another job.

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LCW WEBINAR: HOT TOPICS IN NEGOTIATIONS 2018**Thursday February 22, 2018 | 10 AM - 11 AM**

Negotiation season is underway in many public agencies and with this busy season comes several hot topics. Join us at this upcoming webinar where we will share core areas for review and discussion at the collective bargaining table. In addition to the common subjects of balancing affordability and cost containment against employees' desires for

income improvement, we will look at areas of the MOU that prove to be most problematic with legal compliance and developing strategies and solutions to help you reach a deal. Getting prepared early is critical and developing a strategy and list of priorities can help your time at the table be more efficient and effective. Don't miss this overview of hot topics at the table this year!

Who Should Attend?

Human Resources and Labor Relations professionals, Managers and Directors.

Workshop Fee: Consortium Members: \$70, Non-Members: \$100

Presented by:

[T. Oliver Yee](#)

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for Labor Relations Professionals*

The Liebert Cassidy Whitmore Labor Relations Certification Program© is designed for labor relations and human resources professionals who work in public sector agencies. It is designed for both those new to the field as well as experienced practitioners seeking to hone their skills. These workshops combine educational training with experiential learning methods ensuring that knowledge and skill development are enhanced. Participants may take one or all of the Certification programs, in any order. Take all of the classes to earn your certificate!

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Communication Counts!

February 28, 2018 | San Francisco, CA

This workshop will teach you how to be effective in all types of communication including:

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- communicating up with agency executives;
- crafting clear and concise contract language;
- clarity around the common clauses in labor contracts;
- using comparable surveys and data;
- and verbal/non-verbal techniques at the table.

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LCW WELCOMES NEW ATTORNEYS



Jenny Denny, Associate - Los Angeles

Jenny is a former Presidential Management Fellow who worked on civil rights issues and domestic policy for Vice President Joe Biden. Jenny can be contacted at 310.981.2048 or jdenny@lcwlegal.com.



Victoria McDermott, Associate - Los Angeles

Victoria is an experienced litigator and has represented clients in matters ranging from employment discrimination, wage and hour disputes, wrongful termination and sexual harassment allegations. She joins our Los Angeles office and can be contacted at 310.981.2058 or vmcdermott@lcwlegal.com.



Brett A. Overby, Associate - San Diego

Prior to joining our San Diego office, Brett interned at the Sweetwater Union High School District and the Chula Vista City Attorney's Office. Brett can be contacted at 619.481.5907 or boverby@lcwlegal.com.



Melanie Rollins, Associate - Los Angeles

Melanie brings her litigation experience to the aid of our clients as an associate in our Los Angeles office. Melanie served as a judicial extern to the Honorable Franz E. Miller of the Orange County Superior Court before turning her focus to representing clients in civil litigation including matters pertaining to wage and hour, discrimination, harassment, retaliation and wrongful termination disputes. Melanie can be contacted at 310.981.2020 or mrollins@lcwlegal.com.



Stacey H. Sullivan, Associate - Los Angeles

Stacey, a former Assistant United States Attorney for the United States Department of Justice, has spent her legal career as a litigator. She has first chaired 25 jury trials in state and federal court. In addition to her trial work, Stacey represents clients in arbitration and mediation and has argued cases before the Ninth and Tenth Circuit Court of Appeals. Stacey can be contacted at 310.981.2011 or ssullivan@lcwlegal.com.

LCW WEBINAR: THE CALPERS EXPLOSION RATE: YOUR AGENCY'S ACTION PLAN

Thursday February 8, 2018 |

10 AM - 11 AM

Employer contribution rates for CalPERS contracting agencies are spiraling up toward previously unimaginable levels with no end in sight. For some agencies, the rate increases are more than a mere annoyance, they are crowding out most other uses of public funds and are a threat to the agency's viability as agencies are seeing their expenses outpace their revenue. For employee associations, they will still seek improvements for their members as the cost of living goes up. But increasing compensation that is reportable to CalPERS adds to the problem. You need a plan!

Presented by:



Steven M. Berliner &
Peter J. Brown

Who Should Attend?

Human Resources Professionals and Risk Managers.

Workshop Fee:

Consortium Members: \$70

Non-Members: \$100

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FIRST RECIPIENT OF LCW'S PUBLIC SECTOR EMPLOYMENT RELATIONS CERTIFICATE PROGRAM!



Stacey Simpson

We are excited to announce that **Stacey Simpson** from the Los Angeles County Public Library is the first to complete LCW's Public Sector Employment Relations Certificate Program.

Stacey is an Employee Relations Representative for the Library, where she has worked for the past two and a half years. She took her first workshop for the Program in June 2016 to help improve her knowledge of employment law and labor relations. One of her favorite parts of the workshops is the handouts that are provided to all participants. She has saved every handout and often refers to them when an issue comes up at work. Stacey also enjoys sharing what she has learned with her co-workers. Stacey completed the certificate in less than the allotted time by joining workshops that were part of other nearby Consortiums (which is a unique benefit of being a Consortium member). Upon completion of the Program this December, Stacey received acknowledgement from her supervisor, as well from top managers throughout Los Angeles County. In addition to her certificate, Stacey's manager also received a letter outlining her accomplishment. Stacey shared "Definitely attend (the workshops) and as many as you can! It is worth the time!" With one LCW Certificate under her belt, Stacey hopes to continue her training and advance her career further through LCW's Labor Relations Certificate Program.

The Public Sector Employment Relations Certificate Program is a value added benefit of Consortium membership and there is no additional fee to participate. Attendees earn the Certificate by attending eight out of ten specified workshops within a three year period. Participating in the workshops and receiving your certificate not only gives you valuable knowledge about each of the unique topics, but also acknowledges your hard work and dedication to your managers and peers. To learn more about the program, visit: www.lcwlegal.com. To learn about the Labor Relations Certificate Program that Stacey referenced, visit: <https://www.lcwlegal.com/events-and-training/labor-relations-certification-program>

Congratulations Stacey from all of us at LCW!

LCW's Employment Relations Consortiums (ERCs) are groups of like agencies in a geographic area joining together for the purpose of receiving quality employment relations training. Each ERC gets a specific number of days of training, reference material for all workshop attendees, complimentary telephone consultation and our monthly newsletter. Members of one ERC can also attend workshops of another ERC, for no extra fee, as long as there is space available. Annually, LCW conducts over 800 training presentations throughout the state on a variety of employment law issues.

For more information on any of these programs, please contact info@lcwlegal.com or 310.981.2000.

Learn More:

<https://www.lcwlegal.com/events-and-training/public-sector-employment-relations-certification-program>

MANAGEMENT TRAINING WORKSHOPS

Firm Activities

Consortium Training

- Feb. 1 **“The Art of Writing the Performance Evaluation”**
Gateway Public ERC | Commerce | T. Oliver Yee
- Feb. 1 **“Disciplinary and Harassment Investigations: Who, What, When and How”**
San Gabriel Valley ERC | Alhambra | Hengameh S. Safaei
- Feb. 1 **“The Disability Interactive Process”**
San Gabriel Valley ERC | Alhambra | Jennifer Rosner
- Feb. 7 **“Maximizing Supervisory Skills for the First Line Supervisor”**
South Bay ERC | West Hollywood | Kristi Recchia
- Feb. 8 **“The Future is Now - Embracing Generational Diversity and Succession Planning”** and
“Difficult Conversations”
Imperial Valley ERC | Imperial | Frances Rogers
- Feb. 8 **“Navigating the Crossroads of Discipline and Disability Accommodation”**
Los Angeles County Human Resources Consortium | Los Angeles | Jennifer Rosner
- Feb. 8 **“Maximizing Supervisory Skills for the First Line Supervisor”**
San Mateo County ERC | Menlo Park | Kelly Tuffo
- Feb. 8 **“Risk Management Skills for the Front Line Supervisor”**
Sonoma/Marin ERC | Rohnert Park | Kristin D. Lindgren
- Feb. 8 **“Public Sector Employment Law Update”**
Sonoma/Marin ERC | Rohnert Park | Richard S. Whitmore
- Feb. 14 **“A Guide to Implementing Public Employee Discipline”** and **“Introduction to the FLSA”**
Central Coast ERC | Paso Robles | Lisa S. Charbonneau
- Feb. 15 **“Difficult Conversations”** and **“The Future is Now - Embracing Generational Diversity and Succession Planning”**
Napa/Solano/Yolo ERC | Napa | Jack Hughes
- Feb. 22 **“A Guide to Implementing Public Employee Discipline”** and **“Risk Management Skills for the Front Line Supervisor”**
North State ERC | Red Bluff | Kristin D. Lindgren
- Mar. 7 **“Maximizing Performance Through Evaluation, Documentation and Discipline”**
Los Angeles County Human Resources | Los Angeles | Melanie L. Chaney
- Mar. 7 **“Public Sector Employment Law Update”**
Ventura/Santa Barbara ERC | Webinar | Richard S. Whitmore
- Mar. 8 **“Workplace Bullying: A Growing Concern”** and **“Difficult Conversations”**
Central Valley ERC | Hanford | Che I. Johnson
- Mar. 8 **“Iron Fists or Kid Gloves: Retaliation in the Workplace”** and **“Navigating the Crossroads of Discipline and Disability Accommodation”**
East Inland Empire ERC | Fontana | T. Oliver Yee & Kevin J. Chicas

- Mar. 8 **“Introduction to the FLSA”**
Gold Country ERC | Webinar and Nevada City | Gage C. Dungy
- Mar. 14 **“The Art of Writing the Performance Evaluation” and “Inclusive Leadership”**
Coachella Valley ERC | Indio | Kristi Recchia
- Mar. 14 **“Introduction to the FLSA”**
Gateway Public ERC | Santa Fe Springs | Jennifer Palagi
- Mar. 14 **“Workplace Bullying: A Growing Concern” and “Issues and Challenges Regarding Drugs and Alcohol in the Workplace”**
San Joaquin Valley ERC | Merced | Kimberly A. Horiuchi
- Mar. 15 **“Moving Into the Future”**
Bay Area ERC | Milpitas and Webinar | Erin Kunze
- Mar. 15 **“The Art of Writing the Performance Evaluation”**
San Mateo County ERC | Foster City | Heather R. Coffman
- Mar. 20 **“Difficult Conversations” and “Inclusive Leadership”**
North San Diego County ERC | Vista | Kristi Recchia
- Mar. 22 **“Workers’ Compensation: Managing Employee Injuries, Disability and Occupational Safety”**
West Inland Empire ERC | Diamond Bar | Jeremiah Heisler
- Mar. 28 **“Maximizing Supervisory Skills for the First Line Supervisor”**
Sonoma/Marin ERC | Rohnert Park | Kelly Tuffo

Customized Training

- Feb. 6 **“Preventing Workplace Harassment, Discrimination and Retaliation and Mandated Reporting”**
East Bay Regional Park District | Oakley | Kelly Tuffo
- Feb. 6,13 **“Legal Issues Update”**
Orange County Probation | Santa Ana | Christopher S. Frederick
- Feb. 8 **“Retaliation in the Workplace”**
ERMA | San Ramon | Erin Kunze
- Feb. 9 **“FLSA”**
City of Citrus Heights | Lisa S. Charbonneau
- Feb. 14 **“Preventing Workplace Harassment, Discrimination and Retaliation”**
ERMA | Santa Fe Springs | Danny Y. Yoo
- Feb. 15,22 **“Preventing Workplace Harassment, Discrimination and Retaliation”**
City of Irvine | Christopher S. Frederick
- Feb. 15 **“Preventing Workplace Harassment, Discrimination and Retaliation”**
City of Rialto | Danny Y. Yoo
- Feb. 15 **“The Disability Interactive Process”**
County of Tulare | Visalia | Shelline Bennett
- Feb. 20 **“Building the Best Management Skills Toolbox”**
City of Beverly Hills | Kristi Recchia

- Feb. 21 **“Difficult Conversations and Maximizing Performance Through Evaluation, Documentation and Discipline”**
City of Riverside | Danny Y. Yoo
- Feb. 21 **“Managing the Injured or Disabled Employee and Return to Work Options”**
ERMA | Lemoore | Che I. Johnson
- Feb. 21 **“Preventing Workplace Harassment, Discrimination and Retaliation”**
West Basin Municipal Water District | Carson | T. Oliver Yee
- Feb. 27 **“Maximizing Supervisory Skills for the First Line Supervisor”**
City of Riverside | Lee T. Patajo
- Mar. 1,8,9,15,22 **“Preventing Workplace Harassment, Discrimination and Retaliation”**
City of Irvine | Christopher S. Frederick
- Mar. 2 **“Ethics in Public Service”**
County of San Luis Obispo | San Luis Obispo | Laura Kalty
- Mar. 6 **“Preventing Workplace Harassment, Discrimination and Retaliation”**
City of Stockton | Kristin D. Lindgren
- Mar. 7 **“Preventing Workplace Harassment, Discrimination and Retaliation and Mandated Reporting”**
East Bay Regional Park District | Castro Valley | Erin Kunze
- Mar. 13 **“Motivation, Influence & Accountability in the Public Sector”**
City of Beverly Hills | Kristi Recchia
- Mar. 15 **“MOU’s, Leaves and Accommodations”**
City of Santa Monica | Laura Kalty
- Mar. 15 **“Must-Have Employment Policies and Guide to Making an Offer of Employment and Guide to Lawful Termination and The Disability Interactive Process”**
CSRMA | Oakland | Lisa S. Charbonneau
- Mar. 21 **“Progressive Discipline”**
Mono County | AM workshop - Mammoth Lakes & PM workshop - Bridgeport | Gage C. Dungy
- Mar. 22 **“Introduction to Public Service”**
City of Stockton | Gage C. Dungy
- Mar. 28 **“Preventing Workplace Harassment, Discrimination and Retaliation and File That! Best Practices for Document Record Management”**
City of Riverside | Christopher S. Frederick
- Mar. 29 **“Performance Management: Evaluation, Documentation and Discipline”**
ERMA | West Hollywood | Jennifer Rosner
- Mar. 30 **“Preventing Workplace Harassment, Discrimination and Retaliation”**
ERMA | Farmersville | Kimberly A. Horiuchi

Speaking Engagement

- Feb. 6 **“Defining Staff Board & Staff Roles and Relationships”**
California Special Districts Association (CSDA) Special District Leadership Academy | La Quinta | Frances Rogers

- Feb. 8 **“Legal Update and Hot Topics in Labor and Employment Law”**
CPS-HR Client Conference 2018 | Napa | Gage C. Dungy
- Feb. 9 **“HR’s Influence over your City’s Sexual Harassment Culture”**
City of Fort Bragg NorCal Conference | Lodi | Gage C. Dungy
- Feb. 15 **“Ethics AB1234 Compliance Training”**
CSDA District Network Meeting | Vista | Frances Rogers
- Feb. 15 **“Meet and Confer Obligation”**
Southern California Public Relations Council (SCPLRC) Annual Conference | Lakewood | Peter J. Brown
- Feb. 21 **“Annual Employment Law Update: Recent Cases and Trends”**
CSDA Webinar | Webinar | Gage C. Dungy
- Feb. 22 **“Elimination of Bias in the Legal Profession”**
City Attorney’s Association of Los Angeles County (CAALAC) | El Segundo | Elizabeth Tom Arce
- Mar. 1 **“Legal Update”**
County Counsels Association (CCA) | Oakland | Morin I. Jacob
- Mar. 15 **“Sexual Harassment and AB 1661”**
League of California Cities Los Angeles Division | Cerritos | Jennifer Rosner
- Mar. 15 **“Preparing for Your Next Arbitration- The Who’s, When’s, Why’s, and How’s”**
Northern California Chapter International Public Management Association Annual Conference | Rohnert Park | Richard Bolanos
- Mar. 21 **“Critical Legal Update on Labor and Employment Laws Impacting Police Personnel”**
California Police Chiefs Association (CPCA) Annual Conference | Long Beach | TBD
- Mar. 23 **“Elimination of Bias in the Legal Profession”**
City Attorney’s Association of San Diego (CAASD) | Palm Springs | Jennifer Rosner

Seminars/Webinars

- Feb. 8 **“The CalPERS Rate Explosion: Your Agency’s Action Plan”**
Liebert Cassidy Whitmore | Webinar | Steven M. Berliner & Peter J. Brown
- Feb. 22 **“Hot Topics in Negotiations for 2018”**
Liebert Cassidy Whitmore | Webinar | T. Oliver Yee
- Feb. 26-27 **“LCW Annual Conference”**
San Francisco
- Feb. 28 **“Communication Counts!”**
LCW Annual Conference | San Francisco | Kristi Recchia & Peter J. Brown
- Mar. 22 **“Costing Labor Contracts”**
Liebert Cassidy Whitmore | Central Valley | Peter J. Brown & Kristi Recchia

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