



CLIENT UPDATE

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

APRIL 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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CONSORTIUM CALL OF THE MONTH

Members of Liebert Cassidy Whitmore’s employment relations consortiums may call or email a LCW attorney free of charge regarding questions: that are not related to ongoing legal matters that LCW is handling for the agency; or that do not require in-depth research, document review, or written opinions. Consortium call questions run the gamut of topics, from leaves of absence to employment applications, disciplinary concerns to disability accommodations, labor relations issues and more. This feature describes an interesting consortium call and our answer. We will protect the confidentiality of client communications with LCW attorneys by changing or omitting identifying details.

ISSUE: An agency Department Head wished to know if California’s recent legalization of recreational marijuana prohibited the agency from rejecting a job applicant, for an administrative position, who voluntarily disclosed her off duty use of medical marijuana.

RESPONSE: California’s Proposition 64 legalizes the possession, and recreational use of marijuana for adults over age 21 if other requirements of the law are met. However, the new law explicitly states that it: does not eliminate a private or public employer’s ability to maintain a drug and alcohol free workplace; does not require the employer to allow or accommodate an employee’s marijuana use or possession; and does not prohibit employers from adopting policies that prohibit marijuana use by employees or prospective employees. Marijuana is still an illegal drug under federal law.

To learn more about our consortiums visit: <https://www.lcwlegal.com/employment-relations-consortium-erc>

PUBLIC SAFETY

Reference to “Fire Chief” in Firefighter’s Bill of Rights Means “Lead” Fire Chief of the Jurisdiction.

George Corley was a long-time firefighter who accepted a position as a Battalion Chief for the San Bernardino County Fire Protection District (“District”). He was later promoted to a Division Chief. Corley received numerous awards over the course of his career with the District and positive

performance evaluations. When he was terminated, Corley sued the Department for age discrimination, and he prevailed on his claims after a jury trial. On appeal, the District sought to reverse the judgment on the grounds that the trial court judge improperly failed to instruct the jury that the Firefighter's Procedural Bill of Rights ("FBOR") justified Corley's termination.

The jury instruction in question re-stated the FBOR at Government Code section 3254(c):

"A fire chief shall not be removed by a public agency or appointing authority without providing that person with written notice, the reason or reasons for removal, and an opportunity for administrative appeal.

The removal of a fire chief by a public agency or appointing authority, for the purpose of implementing the goals or policies, or both, of the public agency or appointing authority, or for reasons including, but not limited to incompatibility of management styles or as a result of a change in administration, shall be sufficient to constitute 'reason or reasons.'..."

The District asserted that the instruction applied to Corley because the District's termination letter stated that Corley was terminated due to a change in administration and incompatibility of management styles. The District argued that had the court instructed the jury on Government Code section 3254(c), the jury could have found that Corley was lawfully terminated and that his termination was not discriminatory based on age.

Corley disagreed with the District and asserted that the instruction applies only to the "lead" fire chief of a Fire District, which Corley was not.

In reaching its conclusions in favor of Corley, the appellate court analyzed Government Code Section 3254, which addresses the punitive actions that employers may take against firefighters and fire chiefs. The court found that the words of section 3254 support the conclusion that the provision only applies to a lead fire chief

position. The court found it was particularly significant that section 3254 refers to "a fire chief" without referring to other classifications of chiefs such as "deputy chiefs," "assistant chiefs," or "division chiefs." The court also noted that the FBOR does not define the term "fire chief," which would be expected if the statute were intended to "apply to any position with the word 'chief' in it."

With regard to the legislative history of the FBOR, the court noted it was modeled after the Police Officer's Bill of Rights ("POBR"), at Government Code section 3304(c). Relying on its earlier interpretation of the POBR in *Robinson v. City of Chowchilla* (2011) 202 Cal.App.4th 368, the appellate court found that the POBR, in turn, "was enacted to apply solely to a jurisdiction's Chief of Police. As a result, interpreting FBOR section 3254 (c) as pertaining only to the jurisdiction's "fire chief" was appropriate. Thus, the Court of Appeal found there was no legal error and affirmed the trial court judgment in favor of Corley.

NOTE:

This decision provides important clarification of the term "fire chief" as used in the FBOR. It also confirms that as to the lead fire chief of the jurisdiction, a fire district or other employer is obligated to provide a very general reason or reasons for his or her removal, and an opportunity to take an administrative appeal.

George Corley v. San Bernardino County Fire Protection District, 2018 WL 1324820 (Cal.App. 4th Dist.).

WAGE AND HOUR

California Supreme Court Rules that State Law Requires a Different Regular Rate of Pay Calculation for Private Employees than the FLSA Does for Public Employees.

Hector Alvarado sued his private employer, Dart Container Corporation, under the California

Labor Code for back overtime compensation. Alvarado claimed that his employer had incorrectly calculated his “regular rate of pay.”

Under both the California Labor Code and the U.S. Fair Labor Standards Act (FLSA), the regular rate of pay is the rate an employer must use to pay overtime premiums to employees who work overtime hours. The U.S. Department of Labor regulations at 29 C.F.R. section 778.110(b) state that to calculate the per-hour value of a lump sum bonus under the FLSA, an employer must divide the weekly bonus amount by the total hours actually worked by the employee in the week. Alvarado’s employer followed the FLSA method when an employee was paid the \$15 per day bonus. Alvarado challenged this method as illegal under State law.

In a matter of first impression, the California Supreme Court departed from the FLSA regular rate calculation standard, opining that under State law, a per-hour value of a lump sum bonus, such as that paid to Mr. Alvarado, must be calculated by dividing the lump sum bonus by only the number of non-overtime hours he actually worked in the week. This method results in a higher per-hour value.

The California Supreme Court’s decision is limited to flat-sum bonuses or pays (e.g., any flat dollar amount that can be converted into a weekly equivalent).

Although *Alvarado* set a new standard for calculating the regular rate under the California Labor Code, most public sector agencies are exempt from the requirements of the California law and need only comply with the overtime requirements of the FLSA. However, this decision is a reminder of the importance of clearly articulating the basis for negotiated forms of compensation in labor agreements. Failure to specify whether a payment is purely hourly, paid on a certain number of hours, or has no bearing on hours may have unintended FLSA regular rate consequences. For example, if you do not intend on paying an agreed upon additional

hourly pay for overtime hours, state that clearly in the MOU.

NOTE:

Our attorneys are experts in public sector wage and hour law and are available to help with your questions. A more in depth discussion of the California Supreme Court’s decision is available here: <https://www.lcwlegal.com/news/california-supreme-court-rules-that-state-law-requires-a-different-regular-rate-of-pay-calculation-than-the-fair-labor-standards-act>

Alvarado v. Dart Container Corporation (2018) 229 Cal. Rptr.3d 347, 411 P.3d 528.

DISCRIMINATION

Termination of Employee Because of her Transgender and Transitioning Status is Discrimination on the Basis of Sex, and Violates Title VII.

A federal appellate court with jurisdiction over the area including the State of Michigan has found that transgender status is a protected status under Title VII. The court found that an employer discriminated on the basis of sex when it terminated a transgender woman because she wished to identify as female and wear a uniform designated for women.

Aimee Stephens (“Stephens”) is a transgender woman who was born biologically male and assigned the male gender at birth. She began working at R.G. & G.R. Harris Funeral Homes (“employer” or “Funeral Home”) as an apprentice in 2007. At that time, she presented as a male, and identified herself using her legal name, William Stephens. In 2013, Stephens provided her employer with a letter stating that she had “a gender identity disorder” her “entire life,” and told Funeral Home owner, Thomas Rost (“Rost”) that Stephens had “decided to become the person that [her] mind already is.” More specifically, Stephens stated that she

“intend[ed] to have sex reassignment surgery,” and noted that she would live and work as a woman. The letter said that, after returning from a prescheduled vacation, she would identify as “Aimee” Stephens and would be dressed “in appropriate business attire.”

Two weeks later, before Stephens departed for her vacation, Rost terminated Stephens, stating “this is not going to work out.” The only reason the Funeral Home provided for the termination was that its customers would not be accepting of Stephens’ transition. Rost later admitted that he fired Stephens because Stephens “was no longer going to represent himself as a man. He wanted to dress as a woman.” Rost did not have any work performance concerns. Rost also stated that he believed that an individual’s sex is “immutable,” and that Rost would not permit Funeral Home employees to “deny their sex,” while representing the funeral home, just as Rost would “not allow a male funeral director to wear a uniform for females while at work.”

Stephens filed a discrimination complaint with the EEOC asserting that the Funeral Home terminated her because she was transitioning from the male to the female gender and her employer believed the public would not be accepting of her transition. The EEOC investigated and found there was reasonable cause to believe that the Funeral Home terminated Stephens due to her female sex and gender identity. The EEOC then brought a lawsuit against the Funeral Home after informal settlement efforts failed. The federal trial court found that transgender status is not a protected characteristic under Title VII, and ruled that the EEOC could not sue for discrimination based solely on transgender and/or transitioning status. Stephens appealed.

On appeal, the Sixth Circuit became the first federal appellate court to explicitly hold that an employee’s transgender and transitioning status are protected under Title VII, and that taking adverse action against an employee because of that protected status is unlawful discrimination

on the basis of sex. The court reasoned, “it is analytically impossible to fire an employee based on that employee’s status as a transgender person without being motivated, at least in part, by the employee’s sex. ...discrimination ‘because of sex’ inherently includes discrimination against employees because of a change in their sex.” The court also found that discrimination based on transgender status also constitutes unlawful sex stereotyping because “an employer cannot discriminate on the basis of transgender status without imposing its stereotypical notions of how sexual organs and gender identity ought to align.”

In so holding, the court rejected the Funeral Home’s arguments that its decision to terminate Stephens was rooted in Rost’s religious beliefs and was therefore a protected exercise of religion under the federal Religious Freedom and Restoration Act. The Sixth Circuit also rejected the Funeral Home’s argument that Stephens’ transition to the female gender and use of a uniform designated for women would be a “distraction” for Funeral Home customers. The court relied on the Ninth Circuit’s decision in *Fernandez v. Wynn Oil Co.*, which found that customer preferences or bias are not a legally valid justification for taking adverse employment actions against employees on the basis of the sex, even if evidence indicates that the employer’s business would indeed be hurt as a result of the discriminatory preferences of customers.

California employers should take note that the state’s Fair Employment and Housing Act (“FEHA”) includes “transgender” and “transitioning” statuses as protected categories, and prohibits discrimination and harassment based on sex, gender identity and gender expression. Under the FEHA, “transgender” refers to an individual “whose gender identity differs from the sex they were assigned at birth,” while “transitioning” refers to a process some transgender individuals go through to begin living as the gender with which they identify including, for example, changes in name, pronoun usage, or undergoing hormone

therapy, surgery or other medical procedures. As of January 1, 2018, California employers with 50 or more employees must post information about the rights of transgender employees in the workplace, and must provide training on the prevention of sexual harassment and abusive conduct, including the prevention of harassment based on gender identity and expression.

NOTE:

Discrimination on the basis of transgender or transitioning is illegal in California. Employers should ensure that they treat transgender and transitioning individuals as members of a protected class and that agency policy, handbooks, training sessions, hiring protocols and other personnel procedures reflect these evolving standards. More information about the rights of transgender employees under the FEHA is available here: https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2017/11/DFEH_E04P-ENG-2017Nov.pdf

Stephens v. R.G. & G.R. Harris Funeral Homes, Inc. (6th Cir. 2018) 2018 WL 1177669.

BENEFITS CORNER

IRS Releases Sample ACA Penalty Notice Following Earlier Release of Proposed Penalty Forms.

The IRS has released a sample version of **Notice CP 220J**. This Notice will inform applicable large employers (ALEs) that they are being charged an Employer Shared Responsibility Payment (Penalty) pursuant to the Affordable Care Act's Employer Mandate.

The IRS may assess a Penalty where, in any month, the ALE:

1. failed to offer minimum essential coverage (MEC) to at least 70% (95% after 2015) of its full-time employees and their dependents, or

2. offered MEC to at least 70% (95% after 2015) of its full-time employees, but the coverage offered did not provide minimum value or was not affordable.

The trigger for the Penalty occurs when a full-time employee purchases coverage through Covered California and receives a premium tax credit. The sample Notice is specifically for the 2015 tax year.

However, it is important to note that before an ALE receives the Notice, it will first receive Letter 226J from the IRS. This Letter is the initial notification from the IRS that it intends to assess a Penalty. There will be two forms included with the Letter (Forms 14764 and 14765). An employer must complete Form 14764 to inform the IRS as to whether it agrees or disagrees with the Penalty. If the ALE agrees with the proposed amount, it should sign and return the form in the envelope provided. If the ALE disagrees with the proposed penalty liability, it must provide a full explanation of the disagreement and indicate changes, if needed, on Form 14765.

If your agency receives a Notice CP 220J, it should pay the Penalty assessment amount to avoid being charged interest. Employers disagreeing with the assessment may file a claim for refund on **Form 843**. Alternatively, for an employer wanting to take its case to court immediately, the Notice requests that the employer include a written request for the IRS to issue a Notice of Claim Disallowance.

LITIGATION

Employee's Failure to First Exhaust Internal Agency Process Bars Lawsuit.

The California Court of Appeal has held that if an employer provides an internal process for complaining about an adverse employment action, but the employee does not use that process, the employee may be barred from later

bringing a lawsuit on those claims.

After being laid off by her employer, Santa Barbara County, Shawn Terris exercised her right to request placement in another position. The County denied her request because Terris was not qualified. Terris later brought a wrongful termination lawsuit claiming that Santa Barbara's decision not to employ her was unlawful discrimination and retaliation. The trial court granted summary judgment for Santa Barbara County and denied Terris' claims because Terris had failed to file a discrimination complaint with the County's Equal Opportunity Office (EEO) prior to bringing a lawsuit.

Terris appealed and the Court of Appeal sided with the County. Specifically, the Court of Appeal held that California Labor Code section 244 – which says that an individual is not required to exhaust administrative remedies in order to bring a civil action against his or her employer – applies only to administrative remedies available with the State Labor Commissioner. Therefore, Labor Code 244 does not relieve a public employee from his/her obligation to exhaust administrative remedies available through his/her employer before filing a civil lawsuit.

Labor Code section 244(a), states that an individual is “not required to exhaust administrative remedies or procedures in order to bring a civil action under any provision of this code, unless that section under which the action is brought expressly requires the exhaustion of an administrative remedy...” The court explained that the legislative history indicated that the “administrative remedies” described by the section 244, are specific to remedies provided by the Labor Commissioner, not the remedies available through a public employer's internal procedure. Thus, the Court of Appeal affirmed summary judgment for Santa Barbara County.

NOTE:

This case emphasizes the importance of internal public agency grievance and complaint procedures, which may assist your agency in preventing unnecessary civil litigation. LCW offers many resources to assist agencies in developing these procedures. A more in depth discussion of the decision is available here: <https://www.lcwlegal.com/news/agency-policy-bars-lawsuit-employee-must-first-exhaust-internal-agency-process>

Shawn Terris v. County of Santa Barbara (2018) 20 Cal.App.5th 551.

Government Claims Act Allows Agencies to Develop Local Claims Presentation Procedures for Child Sexual Abuse.

The California Government Claims Act limits the circumstances under which an individual can hold a public entity legally liable for an injury. Government Code section 905 of the Act requires that a claimant present the public entity with a written claim for money or damages within six months of the incident giving rise to the injury, as a prerequisite to filing a lawsuit. A claimant's failure to timely present the claim may bar a lawsuit. Section 905 is intended to provide a public agency with the opportunity to remedy the injury, investigate while evidence is available, and attempt to settle meritorious disputes where appropriate.

However, section 905 (m) makes an exception to the claim presentation requirements for actions to recover damages for child sexual abuse. Another section of the Act, section 935, permits an agency to establish its own claim presentation requirements for claims that are exempted from the Act under section 905(m), and which are not subject to other statutes or regulations explicitly relating to claims for money or damages.

A recent appellate court opinion found, for the first time, that Section 935 indeed allows government agencies to establish their own claims presentation procedures for all claims that are exempted under section 905 (m), as long as

the agency's procedures allow at least six months for the claim to be presented. In *Big Oak Flat-Groveland USD v. Superior Court*, a school board had enacted Board Policy and Administrative Regulation 3320 which provided that all claims for money or damages, including personal injury claims and claims exempted by Government Code section 905, must be presented to the school district within six months after the incident(s) at issue. The Board Policy further provided that compliance with the presentation requirements was a prerequisite to initiating a court action on the claims unless a statute or regulation expressly exempted them from the presentation requirements in the Board procedures or the Government Code.

When a former student of the District sued for damages due to sex abuse, the District argued that her lawsuit was barred for failure to timely present her claims to the District. The Court of Appeal court agreed with the District. More specifically, the court found that the plain and unambiguous language of section 935 of the Government Code "permits the local public entity to impose its own claim presentation requirement on claims that section 905 exempts

from the Act's claim presentation requirements, as long as the local claim presentation period is no shorter than the period prescribed by the Act (six months, in this case)." The Court of Appeal found that the District's policy and regulation met that requirement. The appellate court further clarified that "a local public entity may impose its own claim presentation requirement on any of the types of claims listed in section 905, including claims described in section 905(m)."

NOTE:

This case makes clear that public agencies can implement their own claims presentation requirements if the Government Claims Act exempts a claim from the Act's presentation requirements. Agencies are encouraged to contact legal counsel for assistance in implementing such claim presentation requirements as doing can establish an important protection against lawsuits.

Big Oak Flat-Groveland USD v. Superior Court (Doe) 2018 WL 1357888.

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If you have any questions, contact **Caitlin Martin** at 310.981.2000 or at info@lcwlegal.com.

LCW WEBINAR: GRIEVANCES AND DISCIPLINE: MAXIMIZING YOUR AGENCY'S POSITION THROUGH CONTRACT LANGUAGE



Thursday, April 26, 2018 | 10 AM - 11 AM

Many labor contracts contain unclear, outdated, or unintentional language related to grievance and disciplinary procedures. As a result, agencies spend unnecessary resources, and may be open to significant risk in managing contract disputes and employee discipline. This webinar will identify common problems in labor contracts regarding grievance and disciplinary procedures, and recommend best practices to maximize your agency's position when responding to grievances and employee discipline.

Who Should Attend?

Human Resources, Labor Relations professionals, Managers & Directors

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

Presented by:



[Laura Kalty](#)

LCW WEBINAR: MANDATED REPORTING

Tuesday, May 1, 2018 | 10 AM - 12 PM



Employees whose duties require contact with and/or supervision of children are considered "mandated reporters." This workshop provides mandated reporters with the training that is suggested and encouraged by the California Penal Code to help them understand their obligations. It is essential that mandated reporters understand their legal duties not only to help ensure the safety and welfare of children, but because the duty to report is imposed on individual employees, not their agencies. Moreover, a lack of training does not relieve mandated reporters of this important duty.

Presented by:



[Lee T. Patajo](#)

This workshop, designed for any employee who is a mandated reporter, or who supervises mandated reporters, explains this complex area of the law, including: what constitutes child abuse and neglect; the specific reporting obligations of mandated reporters; how to file a report; protections for reporters; the consequences for failing to file a report; and appropriate employer reporting policies. This practical workshop includes an interactive discussion of typical scenarios that could trigger a duty to report suspected abuse or neglect.

Who Should Attend?

Department of Parks and Recreation Administrators and Employees, Athletic Coaches, Support Staff, Day Camp Administrators and Employees, Youth Program Administrators and Employees

Workshop Fee: Consortium Members: \$100, Non-Members: \$125

Register Today: www.lcwlegal.com/events-and-training

LCW WEBINAR:

REDUCING THE CHANCE OF AN OFF-THE-CLOCK WAGE CLAIM

Wednesday May 9, 2018 |**10 AM - 11 AM**

Employers are obligated under the Fair Labor Standards Act (FLSA) to compensate non-exempt employees for all hours that they are “suffered or permitted to work”. This can include so called “off-the-clock” work outside an employee’s regularly scheduled work time, which can lead to unnecessary overtime costs and liability for unpaid wages. The webinar will provide supervisors, managers, and human resources staff information on how to identify potential off-the-clock issues, including: employees staying late or leaving early, telephone calls/emails/text messages outside of normal work hours, improper tracking of time, “volunteer” work, and pre- and post-shift work such as donning and doffing, setting up facilities, and maintaining agency equipment. The webinar will also address how to utilize time clocks and rounding of work time to properly account for time worked and effective strategies your agency can implement to otherwise avoid off-the-clock wage claims.

Presented by:Gage Dungey**Who Should Attend?***Managers, Supervisors, Department Heads, and Resources Staff***Workshop Fee:***Consortium Members: \$70**Non-Members: \$100***Register Today:** www.lcwlegal.com/events-and-training/webinars-seminars

NEW TO THE FIRM



Kelsey joins our San Francisco office after most recently working with public agencies in southern California. In addition to providing advice and counsel to clients, Kelsey is a litigator with experience researching, drafting pleadings, conducting discovery and preparing witnesses. Kelsey can be reached 415-512-3026 or kcopper@lcwlegal.com.

MANAGEMENT TRAINING WORKSHOPS

Firm Activities**Consortium Training**

- Apr. 10 **“Supervisor’s Guide to Public Sector Employment Law”**
San Mateo County ERC | Webinar | Lisa S. Charbonneau
- Apr. 11 **“An Agency’s Guide to Employee Retirement” and “Navigating the Crossroads of Discipline and Disability Accommodation”**
Central Coast ERC | San Luis Obispo | Michael Youril
- Apr. 11 **“A Supervisor’s Guide to Labor Relations” and “Moving Into The Future”**
San Gabriel Valley ERC | Alhambra | T. Oliver Yee
- Apr. 12 **“Navigating the Crossroads of Discipline and Disability Accommodation” and “Advanced Investigations of Workplace Complaints”**
Bay Area ERC | Santa Clara | Richard Bolanos
- Apr. 12 **“Moving Into The Future” and “Workplace Bullying: A Growing Concern”**
Imperial Valley ERC | El Centro | Judith S. Islas
- Apr. 12 **“Prevention and Control of Absenteeism and Abuse of Leave” and “Maximizing Performance Through Evaluation, Documentation and Discipline”**
North State ERC | Redding | Erik M. Cuadros
- Apr. 12 **“Maximizing Performance Through Evaluation, Documentation and Discipline” and “Legal Issues Regarding Hiring”**
San Diego ERC | Coronado | Danny Y. Yoo
- Apr. 18 **“The Future is Now - Embracing Generational Diversity and Succession Planning” and “Disciplinary and Harassment Investigations: Who, What, When and How”**
Central Valley ERC | Clovis | Shelline Bennett
- Apr. 19 **“Public Service: Understanding the Roles and Responsibilities of Public Employees” and “Maximizing Performance Through Evaluation, Documentation and Discipline”**
Napa/Solano/Yolo ERC | Fairfield | Kristin D. Lindgren
- Apr. 19 **“Supervisor’s Guide to Public Sector Employment Law” and “Navigating the Crossroads of Discipline and Disability Accommodation”**
Orange County Consortium | San Juan Capistrano | Laura Kalty
- Apr. 19 **“Managing the Marginal Employee” and “Moving Into the Future”**
San Joaquin Valley ERC | Tracy | Gage C. Dungy
- Apr. 25 **“Issues and Challenges Regarding Drugs and Alcohol in the Workplace”**
Humboldt County ERC | Eureka | Gage C. Dungy
- Apr. 25 **“Iron Fists or Kid Gloves: Retaliation in the Workplace”**
Los Angeles County Human Resources Consortium | Los Angeles | Geoffrey S. Sheldon
- Apr. 25 **“Technology and Employee Privacy” and “Disaster Service Workers – If You Call Them, Will They Come?”**
Monterey Bay ERC | Seaside | Lisa S. Charbonneau
- Apr. 25 **“Maximizing Supervisory Skills for the First Line Supervisor”**
NorCal ERC | Dublin | Kelly Tuffo

Apr. 26	“Navigating the Crossroads of Discipline and Disability Accommodation” Humboldt County ERC Eureka Gage C. Dungy
May 1	“Technology and Employee Privacy” and “So You Want To Be A Supervisor” North San Diego County ERC San Marcos Elizabeth Tom Arce
May 2	“Public Service: Understanding the Roles and Responsibilities of Public Employees” and “Disaster Service Workers - If You Call Them, Will They Come?” Sonoma/Marin ERC Rohnert Park Morin I. Jacob
May 3	“Moving Into The Future” Los Angeles County Human Resources Consortium Los Angeles T. Oliver Yee & Alysha Stein-Manes
May 9	“Workplace Bullying: A Growing Concern” Gateway Public ERC Long Beach Alison R. Kalinski & Elizabeth Tom Arce
May 10	“Introduction to the FLSA” and “Public Sector Employment Law Update” Coachella Valley ERC Indio Geoffrey S. Sheldon
May 10	“Moving Into the Future” and “12 Steps to Avoiding Liability” East Inland Empire ERC Fontana T. Oliver Yee & Alysha Stein-Manes
May 10	“Advanced Investigations of Workplace Complaints” North State ERC Chico Gage C. Dungy
May 10	“Inclusive Leadership” San Diego ERC La Mesa Kristi Recchia
May 10	“Managing the Marginal Employee” and “A Guide to Implementing Public Employee Discipline” San Mateo County ERC Burlingame Erin Kunze
May 16	“Leaves, Leaves and More Leaves” and “Navigating the Crossroads of Discipline and Disability Accommodation” Gold Country ERC Elk Grove Jack Hughes
May 16	“Managing the Marginal Employee” and “Navigating the Crossroads of Discipline and Disability Accommodation” Ventura/Santa Barbara ERC Camarillo Kevin J. Chicas
May 17	“Issues and Challenges Regarding Drugs and Alcohol in the Workplace” and “Principles for Public Safety Employment” Imperial Valley ERC Brawley Mark Meyerhoff
May 17	“Preventing Workplace Harassment, Discrimination and Retaliation” Orange County Consortium Tustin Christopher S. Frederick
May 17	“Public Sector Employment Law Update” and “Maximizing Performance Through Evaluation, Documentation and Discipline” West Inland Empire ERC San Dimas Geoffrey S. Sheldon
May 23	“Difficult Conversations” and “Disaster Service Workers If You Call Them, Will They Come?” NorCal ERC Oakland Jack Hughes
May 24	“Workplace Bullying: A Growing Concern” Monterey Bay ERC Webinar Joy J. Chen

May 24 **“Moving Into The Future”**
South Bay ERC | Redondo Beach | Alysha Stein-Manes

Customized Training

- Apr. 7,9,10,12,14 **“Preventing Workplace Harassment, Discrimination and Retaliation”**
City of Irvine | Christopher S. Frederick
- Apr. 9,10 **“Preventing Workplace Harassment, Discrimination and Retaliation”**
Housing Authority of the County of San Bernardino | San Bernardino | Danny Y. Yoo
- Apr. 9,10 **“Preventing Workplace Harassment, Discrimination and Retaliation”**
Housing Authority Santa Clara County | San Jose | Kristi Recchia
- Apr. 9 **“Preventing Workplace Harassment, Discrimination and Retaliation”**
West Basin Municipal Water District | Carson | T. Oliver Yee
- Apr. 10 **“Preventing Workplace Harassment, Discrimination and Retaliation”**
City of Hollister | Shelline Bennett
- Apr. 10,19 **“Legal Aspects of Violence in the Workplace”**
Midpeninsula Regional Open Space District | Los Altos | Joy J. Chen
- Apr. 11 **“Preventing Workplace Harassment, Discrimination and Retaliation”**
City of Irvine | Lee T. Patajo
- Apr. 11,26 **“Maximizing Supervisory Skills for the First Line Supervisor”**
City of Richmond | Jack Hughes
- Apr. 11 **“Harassment Prevention: Train the Trainer”**
Liebert Cassidy Whitmore | San Francisco | Erin Kunze
- Apr. 12 **“FLSA”**
City of Citrus Heights | Lisa S. Charbonneau
- Apr. 12 **“Performance Management: Evaluation, Documentation and Discipline”**
East Bay Regional Park District | Oakland | Erin Kunze
- Apr. 17 **“Preventing Workplace Harassment, Discrimination and Retaliation”**
City of Sausalito | Kelly Tuffo
- Apr. 17 **“Supervisory Skills for the First Line Supervisor”**
City of Stockton | Kristin D. Lindgren
- Apr. 17 **“Performance Evaluations and Disciplinary Investigations”**
San Diego County Water Authority | San Diego | Frances Rogers
- Apr. 18 **“Preventing Workplace Harassment, Discrimination and Retaliation”**
City of Stockton | Gage C. Dungy
- Apr. 19 **“Maximizing Performance Through Evaluation, Documentation and Discipline”**
Imperial Irrigation District | El Centro | Stefanie K. Vaudreuil
- Apr. 19 **“Train the Trainer Refresher: Harassment Prevention”**
Liebert Cassidy Whitmore | San Francisco | Suzanne Solomon
- Apr. 20 **“Harassment Prevention: Train the Trainer”**
Liebert Cassidy Whitmore | Los Angeles | Christopher S. Frederick

Apr. 20	“Harassment Prevention: Train the Trainer” Liebert Cassidy Whitmore San Diego Judith S. Islas
Apr. 24	“Labor Relations 101” City of Beverly Hills Kristi Recchia
Apr. 25	“Introduction to the FLSA and Prevention and Control of Absenteeism and Abuse of Leave” City of Riverside Jennifer Rosner
Apr. 25	“Retaliation in the Workplace” ERMA San Ramon Erin Kunze
Apr. 26	“The Brown Act and Grievance Procedure” County of Imperial El Centro Stefanie K. Vaudreuil
Apr. 27	“Preventing Workplace Harassment, Discrimination and Retaliation” County of San Luis Obispo San Luis Obispo Christopher S. Frederick
Apr. 27	“Harassment Prevention: Train the Trainer” Liebert Cassidy Whitmore Fresno Shelline Bennett
Apr. 28	“Preventing Workplace Harassment, Discrimination and Retaliation in the Workplace” City of Newport Beach Christopher S. Frederick
May 2	“The Art of Writing the Performance Evaluation” Imperial Irrigation District El Centro Stefanie K. Vaudreuil
May 2	“Preventing Workplace Harassment, Discrimination and Retaliation” REMIF Fortuna Joy J. Chen
May 3	“Preventing Workplace Harassment, Discrimination and Retaliation” City of Fairfield Gage C. Dungy
May 3	“Preventing Workplace Harassment, Discrimination and Retaliation” City of Irvine Christopher S. Frederick
May 3	“Preventing Workplace Harassment, Discrimination and Retaliation” City of San Bernardino Joung H. Yim
May 8	“Mandated Reporting” East Bay Regional Park District Oakland Erin Kunze
May 8	“Preventing Workplace Harassment, Discrimination and Retaliation” ERMA Rancho Santa Margarita James E. Oldendorph
May 9	“Mandated Reporting” City of Stockton Kristin D. Lindgren
May 9	“Preventing Workplace Harassment, Discrimination and Retaliation” REMIF Healdsburg Morin I. Jacob
May 14	“A Guide to Implementing Public Employee Discipline” ERMA Chowchilla Kimberly A. Horiuchi
May 16	“Leaves, Leaves and More Leaves” City of Fountain Valley Jennifer Rosner

- May 16 **“A Guide to Implementing Public Employee Discipline”**
ERMA | Novato | Suzanne Solomon
- May 17 **“Preventing Workplace Harassment, Discrimination and Retaliation”**
Housing Authority of the City of Alameda | Alameda | Joy J. Chen
- May 21 **“Preventing Workplace Harassment, Discrimination and Retaliation”**
Contra Costa Mosquito and Vector Control District | Concord | Joy J. Chen
- May 24 **“Preventing Workplace Harassment, Discrimination and Retaliation”**
City of Manhattan Beach | Laura Kalty
- May 24 **“Risk Management Skills for the Front Line Supervisor”**
ERMA | Shafter | Kimberly A. Horiuchi
- May 31 **“MOU’s, Leaves and Accommodations”**
City of Santa Monica | Laura Kalty

Speaking Engagements

- Apr. 13 **“Microaggressions and Unconscious Bias” and “Internal Investigations”**
City of Rancho Cucamonga - Staff Development Day | Kristi Recchia
- Apr. 13 **“PERB at the Bargaining Table: The Impact of PERB Decisions on Labor Negotiations”**
Labor and Employment 35th Annual Meeting and 24th Public Sector Conference |
San Francisco | Richard Bolanos & Daniel Trump & Lisl R. Soto
- Apr. 17 **“Defining Staff Board & Staff Roles and Relationships”**
California Special Districts Association (CSDA) Special District Leadership Academy |
Seaside | Che I. Johnson
- Apr. 18 **“Legal Updates Fit for a Ringmaster”**
Southern California Personnel Management Association - Human Resources (SCPMA-HR)
Annual Training Conference | Alhambra | Laura Kalty
- Apr. 19 **“Preventing Workplace Harassment, Discrimination and Retaliation (AB 1661/ AB 1825)”**
League of California Cities Los Angeles Division | Lakewood | Jennifer Rosner
- Apr. 25 **“An Ounce of Prevention is Worth its Weight in Gold: Workplace Bullying”**
Western Region IPMA-HR Annual Training Conference | Sacramento | Kristin D. Lindgren
- Apr. 25 **“The New Frontier of Meet and Confer Strategies for Success at the Table”**
Western Region IPMA-HR Annual Training Conference | Sacramento | Jack Hughes
- Apr. 26 **“Labor Relations and the Pending Pension Challenges”**
California Society of Municipal Finance Officers (CSMFO) Luncheon | Paramount |
Steven M. Berliner
- Apr. 27 **“A Nugget of Knowledge about Workplace Investigations”**
Western Region IPMA-HR Annual Training Conference | Sacramento | Kristin D. Lindgren
- May 9 **“Free Speech and the Rapidly Changing Discipline Issues in the Digital Era”**
Channel Islands Public Management Association for Human Resources (CIPMA-HR) |
Oxnard | Jennifer Rosner
- May 17 **“Courageous Authenticity - Do You Care Enough to have critical Conversations?”**
Southern California Public Labor Relations Council (SCPLRC) Monthly Meeting |
Kristi Recchia

- May 23 **“Special District Legislative Days”**
California Special Districts Association (CSDA) Special District Legislative Days | Sacramento | Gage C. Dungy
- May 25 **“Labor Relations Training”**
California State Association of Counties (CSAC) Labor Relations Class | Sacramento | Richard S. Whitmore & Richard Bolanos & Gage C. Dungy
- May 29 **“Employment Law and the Interactive Process”**
Judicial Branch Workers’ Compensation Program (JBWCP) | Jennifer Rosner

Seminars/Webinars

- Apr. 6 **“Legal Update on Pensionable Compensation and Cost-Sharing for ’37 Act Agencies”**
Liebert Cassidy Whitmore | Webinar | Frances Rogers
- Apr. 10 **“How to Avoid Claims of Disability Discrimination: The Road to Reasonable Accommodation”**
Liebert Cassidy Whitmore | South San Francisco | Jennifer Rosner
- Apr. 11 **“Critical Update: Mandated Disclosures in Public Safety Investigations”**
Liebert Cassidy Whitmore | Webinar | J. Scott Tiedemann & James E. Oldendorph
- Apr. 11** **“Harassment Prevention: Train the Trainer”**
Liebert Cassidy Whitmore | San Francisco | Erin Kunze
- Apr. 12 **“The Public Employment Relations Board (PERB)”**
Liebert Cassidy Whitmore | Fullerton | Adrianna E. Guzman & Kristi Recchia
- Apr. 19 **“Train the Trainer Refresher: Harassment Prevention”**
Liebert Cassidy Whitmore | San Francisco | Suzanne Solomon
- Apr. 20 **“Harassment Prevention: Train the Trainer”**
Liebert Cassidy Whitmore | Los Angeles | Christopher S. Frederick
- Apr. 20 **“Harassment Prevention: Train the Trainer”**
Liebert Cassidy Whitmore | San Diego | Judith S. Islas
- Apr. 26 **“Collective Bargaining – The Grievance & Disciplinary Appeals”**
Liebert Cassidy Whitmore | Webinar | Laura Kalty
- Apr. 27 **“Harassment Prevention: Train the Trainer”**
Liebert Cassidy Whitmore | Fresno | Shelline Bennett
- May 1 **“Mandated Reporter”**
Liebert Cassidy Whitmore | Webinar | Lee T. Patajo
- May 9 **“Reducing the Chances of an Off-the-Clock Wage Claim”**
Liebert Cassidy Whitmore | Webinar | Gage C. Dungy
- May 21 **“Preparing for a Strike: How to Ensure Effective Coordination for Your Agency”**
Liebert Cassidy Whitmore | Webinar | Che I. Johnson
- May 23 **“Cafeteria Plans: ACA, Flores and PEMHCA Webinar”**
Liebert Cassidy Whitmore | Webinar | Heather DeBlanc & Stephanie J. Lowe
- May 30,31 **“FLSA Academy”**
Liebert Cassidy Whitmore Seminar | Buena Park | Peter J. Brown

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