



CLIENT UPDATE

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

FEBRUARY 2019

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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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PUBLIC RECORDS

Agencies' Deliberative Process Documents Could Be Withheld Under Freedom of Information Act.

In a case decided under the Federal Freedom of Information Act (FOIA), the Ninth Circuit Court of Appeals found that documents generated by the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) were exempt from disclosure under the FOIA's deliberative process privilege.

In 2011, the Environmental Protection Agency (EPA) proposed new regulations governing cooling water intake facilities (facilities that draw water from U.S. lakes, streams, and some waterways to be used in the private manufacturing process). As part of the rule-making process, the EPA consulted with the FWS and NMFS (the Agencies) regarding the potential impact of the new regulations on endangered species. In early November 2014, the Agencies provided the EPA with a summary of what they believed the proposed rule would do, and the EPA responded with corrections. The Agencies and the EPA exchanged further communications and documents during the rulemaking process. The EPA's final rule was published in March 2014. The Sierra Club then made a FOIA request, asking the Agencies for records generated during the rule-making process. When the Agencies declined, the Sierra Club sued.

The Ninth Circuit ordered disclosure of some documents but found that several items were protected by the Agencies' "deliberative process privilege." FOIA, like the California Public Records Act, requires broad disclosure of government documents. However, FOIA does not require disclosure of "inter-agency or intra-agency memorandums or letters" that come within the "deliberative process privilege." The privilege protects agency decisions by "ensuring that the frank discussion of legal or policy matters in writing, within the agency, is not inhibited by public disclosure." To qualify for the privilege, documents must: 1) be generated by a government agency prior to the agency's final decision on the issue reflected in the documents; and 2) must be deliberative. Applying this standard, the Ninth Circuit found that two categories of items the Sierra Club sought did not have to be disclosed.

First, the court found that the Agencies' draft opinions that were created in November 2014 could remain secret. After reviewing the EPA's proposed rule, the Agencies concluded that the rule would jeopardize species protected

by the Endangered Species Act and their habitats, and proposed reasonable and prudent alternatives (RPAs) in the form of draft opinions. The FWS generated multiple drafts of the RPA draft opinions. The court found that because the FWS RPA documents would reveal their “internal vetting process,” and were generated before the Agencies issued a formal opinion on the EPA regulations, they were not subject to disclosure.

Second, the court found that a draft opinion the NMFS created in April 2014 that addressed the impact of a revised version of the EPA’s rule, and which was only circulated internally to the NMFS, was protected from disclosure. The NMFS had prepared a subsequent opinion in May 2014 (also prior to the EPA’s final rule). Reading the two opinions could reveal NMFS’s deliberations about the proposed rules, the court found.

Thus, the Ninth Circuit reversed the trial court’s order to disclose those categories of documents.

Sierra Club, Inc. v. United States Fish and Wildlife Service (9th Cir. 2018) 911 F.3d 967, 2018 WL 6713260.

NOTE:

California’s Public Record Act utilizes a balancing test to determine whether an agency’s withholding of documents that could reveal an agency’s deliberative process is appropriate. An agency must show “that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.” (Gov. Code section 6255 (a)). Although the Sierra Club decision involved the FOIA, courts addressing CPRA matters could find the decision persuasive.

DISABILITY

Online Pizza Ordering App Must Be Accessible to the Blind or Visually Impaired.

Guillermo Robles, a blind man who used screen-reading software to access the internet, also used

apps on his smart phone. Robles attempted at least two times to use a website and app to order Domino’s Pizza for delivery (at an exclusive online discount) but was unsuccessful.

Robles asserted that the website and app were designed in a way that made them inaccessible for visually impaired people, in violation of the federal Americans with Disabilities Act (ADA). That statute prohibits discrimination in public accommodations on the basis of disability. The federal trial court initially dismissed Robles’ claims on summary judgment, but the Ninth Circuit Court of Appeals reversed and allowed Robles to proceed with his lawsuit.

The Ninth Circuit cited well-settled precedent that “brick and mortar” restaurants offering goods and services are “public accommodations” within the meaning of Title III of the ADA. They are physical places where goods or services are offered to the public. The website and app were designed to facilitate access to Domino’s products and services. Therefore, ADA protections apply:

“[n]o individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges....of any place of public accommodation ...” (42 U.S.C. § 12182(a).)

Under the ADA, Domino’s Pizza was also required to provide Robles with auxiliary aids to enable him to access its goods and services. Auxiliary aids specifically include “accessible electronic and information technology” or “other effective methods of making visually delivered materials available to individuals who are blind or have low vision.” (28 C.F.R. § 36.303(b) (2).) A public accommodation must ensure a blind person is not “excluded, denied services, or otherwise treated differently than other individuals because of the absence of auxiliary aids and services.” (42 U.S.C. § 12182(b)(2)(A)(iii).) Failure to provide auxiliary aids to make the website and app available to blind or visually impaired people violates the Act.

Because Domino's online pizza delivery services were public accommodations under the ADA, the Ninth Circuit allowed Robles' lawsuit to proceed.

Robles v. Domino's Pizza, LLC (9th Cir. Jan. 15, 2019, No. 17-55504) 2019 WL 190134.

NOTE:

This case examined Title III of the ADA, which applies to many private entities. This case still provides guidance for local public entities, however, because Title II of the ADA also protects qualified individuals with disabilities from discrimination on the basis of disability in services, programs, and activities provided by State and local government entities. Public agencies who offer online bill pay or other web-based public services, for example, should ensure that their online services are ADA compliant.

DISCRIMINATION

School Board's Prayers and Religious Commentary Violated U.S. Constitution's Establishment Clause.

The Establishment Clause of the U.S. Constitution protects an individual's freedom of religious expression by prohibiting government from establishing any form of religion. The Ninth Circuit Court of Appeals found that a school board's policy and practice of permitting religious exercise during public board meetings, including a prayer and religious commentary, violated the Establishment Clause.

The Chino Valley School Board adopted a prayer policy that allowed any member of the clergy, any religious leader, or a volunteer from the audience to deliver a prayer (or invocation) to initiate the public portion of the Board meetings. School children were frequently present during Board meetings to give presentations, act in a student advisory capacity, participate in extracurricular activities, or see the

adjudication of student discipline. During the public meetings, several Board members often commented on the Christian religion. Among other things, Board members invoked Christian beliefs, gave Bible readings, endorsed prayer, and commented regarding the Board's goals that "one goal is under God, Jesus Christ." The Ninth Circuit observed that these comments linked "the work of the Board, teachers, and the school community to Christianity."

The Ninth Circuit applied a three-part test that the U.S. Supreme Court devised in *Lemon v. Kurtzman* (1971) 403 U.S. 602 to analyze the Board's actions. In order to avoid an Establishment Clause violation, government action: 1) must have a secular legislative purpose; 2) its principal or primary effect must be one that neither advances nor inhibits religion; and 3) it must not foster an excessive "entanglement" between government action and religion.

The court decided that the Board's prayer policy and practice did not have the secular purpose that has been found in cases in which a prayer was directed toward adult lawmakers and was historically used to open a legislative session. Instead, the court found a religious purpose in the Board's prayer policy and practice because the prayers took place in front of large numbers of school children who were not present voluntarily and who did not have an equal relationship with the Board. The court found that the Board's reasons for giving the invocation – to solemnize Board meetings and celebrate religious diversity -- did not satisfy the first part of the *Kurtzman* test. The court found that a non-religious message could have been sufficient to solemnize the proceedings. Moreover, there was no religious diversity or non-religious individuals among those on the Board's list of those eligible to lead the prayer or invocation. Unlike a session of Congress or a state legislature, or a meeting of a town board, the court decided that the Board meetings functioned as extensions of the educational experience of the district's public schools.

The Board's actions also failed the second and third parts of the *Kurtzman* test because the prayers frequently advanced the religion of Christianity, and created an excessive entanglement between the Board and religion. The court found that the existence of secular means of achieving the Board's purposes to provide a solemn tone to the meetings, coupled with the history of Christian prayer and commentary at the Board meetings, demonstrated that the prayer policy was predominantly religious and therefore violated the Establishment Clause.

Freedom From Religion Foundation, Inc. v. Chino Valley Unified School District Board of Education (9th Cir. 2018) 896 F.3d 1132 (reh'g denied by (9th Cir. 2018) 910 F.3d 1297).

NOTE:

An important factor that distinguished this case from cases that allowed prayer invocations at the outset of government legislative meetings was that many school children were present at the Board meetings as part of their educational activities. Another factor was that only the Christian religion was involved.

CONSORTIUM CALL OF THE MONTH

Members of Liebert Cassidy Whitmore's employment relations consortiums may speak directly to an 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 how the question was answered. We will protect the confidentiality of client communications with LCW attorneys by changing or omitting details.

Question: An agency director contacted LCW with a question about the agency's obligation to provide sex harassment prevention training to its supervisors under the Fair Employment and Housing Act (FEHA). The director noted that in October 2018, the agency had provided its supervisors with two hours of training to comply with the requirements of Government Code section 12950.1 (also known as AB 1825). The director wanted to know whether the agency must train those supervisors again in 2019 because of the 2019 amendment of Government Code section 12950.1 in SB 1343.

Answer: The attorney noted that SB 1343 added the following sentence to the Government Code that implies that the training must occur again under the new law in 2019: "An employer who has provided this training and education to an employee after January 1, 2019, is not required to provide training and education by the January 1, 2020, deadline." The California Department of Fair Employment and Housing's (DFEH's) FAQ guidance on SB 1343 also implies that all supervisory and non-supervisory public employees (with the exception of temporary and seasonal employees) will need to be trained or retrained in 2019 regardless of whether they completed training in 2018. The attorney noted that the agency may wish to await additional guidance from the DFEH before it scheduled additional supervisor training in 2019, but absent any such guidance as 2019 wears on, the agency should retrain supervisors in 2019.

BENEFITS CORNER

IRS Issues Notice Regarding Anticipated Guidance on Individual Coverage HRAs.

Last month, we reported on proposed regulations issued by the IRS and other federal agencies expanding permitted uses for health reimbursement arrangements (HRAs). In follow up to these proposed regulations, the IRS has issued Notice 2018-88, describing approaches

the government may take in developing certain guidance related to HRAs that are integrated with – and may be used to reimburse premiums for – individual health insurance coverage. Such HRAs, which the Notice refers to as “Individual Coverage HRAs,” are currently prohibited, but may become permissible, subject to certain requirements, if and when final regulations are issued.

The Notice specifically addresses anticipated guidance on the application to Individual Coverage HRAs of the Affordable Care Act’s employer shared responsibility provisions (aka the “Employer Mandate”) and the prohibition on discrimination in favor of highly compensated individuals.

Below are key points from the Notice:

- **Employer Mandate:** The Employer Mandate requires “applicable large employers” (those with 50 or more full-time employees and full-time equivalents) to offer minimum essential coverage that is “affordable” and provides “minimum value” to at least 95% of their full-time employees (including dependents) or potentially incur penalties. The Notice indicates that an Individual Coverage HRA would be deemed an “eligible employer-sponsored plan” that could apply toward satisfying the 95% threshold for offering coverage. In addition, the Notice describes anticipated safe harbors for an Individual Coverage HRA to satisfy the Employer Mandate’s affordability requirement. The Notice also states that an Individual Coverage HRA, if “affordable” (taking into account applicable safe harbors), would be treated as providing minimum value under the Employer Mandate.
- **Non-Discrimination Rules:** An Individual Coverage HRA is subject to the prohibition on discrimination in favor of highly compensated employees if it permits reimbursement for certain medical care

expenses. The IRS observes that the proposed regulations may conflict with the requirement in existing nondiscrimination regulations that require any maximum limit on employer contributions to be uniform for all HRA participants. That is, under the proposed regulations, employers could choose to divide employees into separate classes (subject to certain limitations) and vary, among other things, the maximum employer contribution for Individual Coverage HRAs between these classes. According to the Notice, the IRS anticipates that future guidance will provide that an Individual Coverage HRA will be treated as not violating the uniformity requirement, as long as it provides the same maximum dollar amount to all employees within a particular class. The Notice also describes potential relief from the uniformity requirement for age-based differences in the maximum limit on employer contributions to account for the higher price of an individual health insurance coverage policy as individual’s age.

The Notice, like the proposed regulations, should not be relied upon as official guidance. We will continue to provide updates on new developments.

Affordable Care Act Reporting - Deadline Reminder.

Applicable Large Employers must file Forms 1094-C and 1095-C with the IRS by February 28, 2019 if filing on paper (or April 1, 2019, if filing electronically). Employers using a vendor to complete this reporting should ensure the vendor is using the proper affordability safe harbor and codes. For example, employers should not use Code 1A on Line 14 of Form 1095-C unless the employer is using the Federal Poverty Line Safe Harbor.

CONGRATULATIONS ON YOUR RETIREMENT, MELANIE POTURICA!



While many individuals spend years contemplating what they want to do with their careers, [Melanie Poturica](#) knew exactly what she wanted to do at 10 years old – become an attorney. From working tirelessly as a passionate litigator to becoming the firm’s first female Managing Partner, Melanie Poturica paved the way for future Liebert Cassidy Whitmore attorneys and staff. A fierce advocate and dedicated leader, Melanie helped grow the firm from six passionate attorneys to nearly 100 trusted advisors and experts in offices across California. Harmonizing an incredibly successful professional career filled with victories on behalf of her clients with the equally rewarding responsibilities associated with motherhood,

Melanie’s unique ability to create long-lasting relationships with Liebert Cassidy Whitmore attorneys and clients is a major contribution to the firm’s continued success.

The San Francisco native’s journey as a Liebert Cassidy Whitmore attorney began in 1980. Beginning her career as an associate, Melanie graduated to a partner in 1985. Much of Melanie’s early work consisted of litigating lawsuits involving discrimination and harassment. Her love of being in court and researching and writing on legal issues fueled her passion for her litigation practice. While Melanie quickly established herself as a vigorous litigator at the firm, she also balanced her work with motherhood.

Melanie welcomed her first-born, Vincent, and her new responsibility as Partner in the same week in 1985. Although Melanie loved her new role as Partner, she decided to focus on her young family, and began working at the firm part-time in 1987. “While I loved the work, it was torturous to be away from my family,” Melanie said. Melanie worked a reduced schedule until 1993, continuing to litigate and handle hearings. During this time, Melanie and her husband welcomed their daughter, Mari.

In 1993, Melanie came back to LCW to work full-time and became a Partner for the second time. Two years later, Melanie became LCW’s first female Managing Partner. “Managing the firm was the highlight of my career,” she said when asked what her favorite memory as an attorney has been. Melanie thrived on the communication aspects of her work, including human resources and client and business issues. Although Melanie is a brilliant and dedicated attorney, she acknowledges that much of her success is directly related to her supportive family. “I am deeply indebted to my husband [who is also a lawyer] and [my] children for the sacrifices they made on my and the firm’s behalf,” Melanie said.

As Managing Partner, Melanie regularly travelled throughout the state to visit clients and colleagues. It was during this time that she developed many meaningful, personal relationships with clients and colleagues alike. Melanie explained, “As much as I like litigating, my favorite thing [is] working with clients,”

“Melanie cares deeply about our clients’ issues, both on a legal and personal basis,” said LCW’s current Managing Partner, J. Scott Tiedemann. Fellow Partner, Michael Blacher, echoed Scott’s sentiment. “She took the founding partners’ vision and turned it into our culture: an unqualified commitment to the client, a passion and purpose in our work, a dedication to one another, and an unwavering devotion to ethical behavior,” expressed Michael. Melanie continued as the firm’s Managing Partner until 2010. Under her leadership, LCW expanded our statewide consortiums, created our annual conference, and expanded our public sector and non-profit practice to include independent schools.

In 2010, as Scott transitioned to Managing Partner, he and Melanie co-managed the firm. With the torch successfully passed, Melanie wound down her litigation practice and began working part-time in 2014. With plans to spend more time with her family, travel, and continue serving her community, Melanie is now heading in to a new stage in her life – full retirement.

Melanie has made it her duty to establish not only a firm built on integrity and leadership but also family and balance. Her retirement is well earned and richly deserved and we send her off with gratitude and love.

MANAGEMENT TRAINING WORKSHOPS

Firm Activities**Consortium Training**

- Feb. 7 **“Issues and Challenges Regarding Drugs and Alcohol in the Workplace”**
Bay Area ERC | Webinar | Heather R. Coffman
- Feb. 7 **“Advanced FLSA”**
Gateway Public ERC | La Mirada | Jennifer Palagi
- Feb. 7 **“Public Sector Employment Law Update” and “Ethics in Public Service”**
Imperial Valley ERC | El Centro | Mark Meyerhoff
- Feb. 7 **“Preventing Workplace Harassment, Discrimination and Retaliation”**
San Mateo County ERC | Menlo Park | Casey Williams
- Feb. 7 **“Public Sector Employment Law Update”**
Sonoma/Marin ERC | Rohnert Park | Richard S. Whitmore
- Feb. 7 **“Preventing Workplace Harassment, Discrimination and Retaliation”**
Sonoma/Marin ERC | Rohnert Park | Kelsey Cropper & Morin I. Jacob
- Feb. 13 **“Student Waivers”**
Builders of Jewish Education Consortium | Webinar | Grace Chan
- Feb. 13 **“Human Resources Academy I” and “Introduction to the FLSA”**
San Gabriel Valley ERC | Alhambra | Jennifer Palagi
- Feb. 14 **“Maximizing Supervisory Skills for the First Line Supervisor”**
Orange County ERC | Buena Park | Kristi Recchia
- Feb. 14 **“Human Resources Academy II” and “Negotiating Modifications to Retirement and Retiree Medical”**
San Diego ERC | San Marcos | Frances Rogers
- Feb. 20 **“Human Resources Academy I” and “Legal Issues Regarding Hiring & Promotions”**
Central Valley ERC | Clovis | Tony G. Carvalho & Jesse Maddox
- Feb. 20 **“Employees and Driving” and “Navigating the Crossroads of Discipline and Disability Accommodation”**
North State ERC | Orland | Kristin D. Lindgren
- Feb. 20 **“Prevention and Control of Absenteeism and Abuse of Leave” and “Workplace Bullying: A Growing Concern”**
Ventura/Santa Barbara ERC | Camarillo | Christopher S. Frederick
- Feb. 21 **“Technology and Employee Privacy”**
LA County HR Consortium | Los Angeles | Christopher S. Frederick
- Feb. 21 **“Employees and Driving”**
Monterey Bay ERC | Webinar | Kristin D. Lindgren
- Feb. 21 **“Managing the Marginal Employee” and “Public Service: Understanding the Roles and Responsibilities of Public Employees”**
South Bay ERC | Redondo Beach | Laura Drottz Kalty & Ronnie Arenas
- Feb. 27 **“Ethics in Public Service”**
Humboldt County ERC | Eureka | Gage C. Dungy

Feb. 27	“Maximizing Supervisory Skills for the First Line Supervisor” NorCal ERC Brentwood Kelly Tuffo
Feb. 28	“Preventing Workplace Harassment, Discrimination and Retaliation” Humboldt County ERC Eureka Gage C. Dungy
Feb. 28	“Management Guide to Public Sector Labor Relations” and “Exercising Your Management Rights” Napa/Solano/Yolo ERC Suisun City Jack Hughes
Feb. 28	“Maximizing Performance Through Evaluation, Documentation and Corrective Action” and “The Art of Writing the Performance Evaluation” West Inland Empire ERC Chino Hills Christopher S. Frederick
Mar. 7	“Leaves, Leaves and More Leaves” Gateway Public ERC Lakewood Mark Meyerhoff
Mar. 7	“Prevention and Control of Absenteeism and Abuse of Leave” and “Human Resources Academy I” San Joaquin Valley ERC Stockton Michael Youril
Mar. 13	“The Future is Now-Embracing Generational Diversity and Succession Planning” and “Issues and Challenges Regarding Drugs and Alcohol in the Workplace” Coachella Valley ERC Palm Desert Christopher S. Frederick
Mar. 14	“Nuts & Bolts: Navigating Common Legal Risks for the Front Line Supervisor” and “Leaves, Leaves and More Leaves” Central Valley ERC Hanford Che I. Johnson
Mar. 14	“Negotiating Modifications to Retirement and Retiree Medical” and “Issues and Challenges Regarding Drugs and Alcohol in the Workplace” East Inland Empire ERC Fontana T. Oliver Yee
Mar. 14	“Nuts & Bolts: Navigating Common Legal Risks for the Front Line Supervisor” and “12 Steps to Avoiding Liability” San Diego ERC Vista Mark Meyerhoff
Mar. 19	“An Agency’s Guide to Employee Retirement” and “Human Resources Academy II” North San Diego County ERC Temecula Frances Rogers
Mar. 20	“Unconscious Bias” NorCal ERC Webinar Suzanne Solomon
Mar. 20	“Leaves, Leaves and More Leaves” and “Public Service: Understanding the Roles and Responsibilities of Public Employees” Sonoma/Marin ERC Rohnert Park Kelly Tuffo
Mar. 20	“File That! Best Practices for Document and Record Management” and “The Art of Writing the Performance Evaluation” Ventura/Santa Barbara ERC Thousand Oaks T. Oliver Yee
Mar. 21	“Workplace Bullying: A Growing Concern” and “Nuts & Bolts: Navigating Common Legal Risks for the Front Line Supervisor” Orange County ERC Brea Danny Y. Yoo
Mar. 21	“Administering Overlapping Laws Covering Discrimination, Leaves and Retirement” San Mateo County ERC Redwood City Richard Bolanos & Jessica Tyndall
Mar. 27	“The Future is Now – Embracing Generational Diversity and Succession Planning” and “Nuts and Bolts: Navigating Common Legal Risks for the Front Line Supervisor” Bay Area ERC Santa Clara Erin Kunze

Mar. 27 **“Managing the Marginal Employee”**
Gold Country ERC | Webinar & Placerville | Kristin D. Lindgren

Customized Training

Feb 12,14,27 **“Preventing Workplace Harassment, Discrimination and Retaliation”**
City of Carlsbad | Stephanie J. Lowe

Feb. 7,12,14 **“Preventing Workplace Harassment, Discrimination and Retaliation”**
Midpeninsula Regional Open Space District | Los Altos | Erin Kunze

Feb. 7 **“Bias in the Workplace”**
ERMA | Hughson | Kristin D. Lindgren

Feb. 7 **“Supervisor’s Guide to Public Sector Employment Law”**
Mariposa County | Mariposa | Gage C. Dungy

Feb. 11 **“Ethics in Public Service”**
City of Bellflower | James E. Oldendorph

Feb. 11 **“Preventing Workplace Harassment, Discrimination and Retaliation”**
ERMA - City of Rio Dell | Kristin D. Lindgren

Feb. 13 **“Technology and Employee Privacy in the Workplace”**
City of Fountain Valley | Laura Drottz Kalty

Feb. 13, 14 **“Investigations”**
County of Fresno | Fresno | Shelline Bennett

Feb. 13 **“Preventing Workplace Harassment, Discrimination and Retaliation”**
ERMA | Garden Grove | Christopher S. Frederick

Feb. 13 **“Preventing Workplace Harassment, Discrimination and Retaliation”**
Midpeninsula Regional Open Space District | Los Altos | Lisa S. Charbonneau

Feb. 21 **“Preventing Workplace Harassment, Discrimination and Retaliation”**
Mendocino County | Ukiah | Jack Hughes

Feb. 26 **“Legal Issues Update”**
Orange County Probation | Santa Ana | Christopher S. Frederick

Feb. 27 **“Preventing Workplace Harassment, Discrimination and Retaliation”**
Sewer Authority Mid-Coastside | Half Moon Bay | Erin Kunze

Feb. 28 **“DOT and Reasonable Suspicion”**
City of Mountain View | Heather R. Coffman

Feb. 28 **“Preventing Workplace Harassment, Discrimination and Retaliation and Ethics in Public Service”**
City of Rocklin | Kristin D. Lindgren

Feb. 28 **“Creating a Positive Workplace Culture with Communicating, Conflict Resolution and Civility”**
City of Torrance | Kristi Recchia

Feb. 28 **“Preventing Workplace Harassment, Discrimination and Retaliation”**
City of Ventura | Shelline Bennett

Mar. 5,7,20,27 **“Preventing Workplace Harassment, Discrimination and Retaliation”**
City of Carlsbad | Stephanie J. Lowe

- Mar. 5 **“HR for Non-HR Managers”**
ERMA | Tehachapi | James E. Oldendorph
- Mar. 6 **“Preventing Workplace Harassment, Discrimination and Retaliation and Mandated Reporting”**
East Bay Regional Park District | Castro Valley | Erin Kunze
- Mar. 8 **“Ethics in Public Service”**
County of San Luis Obispo | San Luis Obispo | Christopher S. Frederick
- Mar. 14 **“Public Service: Understanding the Roles and Responsibilities of Public Employees”**
City of Concord | Heather R. Coffman
- Mar. 19 **“Preventing Workplace Harassment, Discrimination and Retaliation”**
Port of Stockton | Stockton | Jack Hughes
- Mar. 20 **“Preventing Workplace Harassment, Discrimination and Retaliation”**
City of Stockton | Gage C. Dungy
- Mar. 20 **“Legal Issues Update”**
Orange County Probation | Santa Ana | Christopher S. Frederick
- Mar. 23 **“Preventing Workplace Harassment, Discrimination and Retaliation”**
City of Newport Beach | Christopher S. Frederick
- Mar. 28 **“Preventing Workplace Harassment, Discrimination and Retaliation and Ethics in Public Service”**
City of Rocklin | Kristin D. Lindgren
- Mar. 28 **“Bias in the Workplace”**
ERMA | Santa Fe Springs | Danny Y. Yoo

Speaking Engagements

- Feb. 20 **“Disability Interactive Process”**
County of Fresno HR Advisory Committee Meeting | Fresno | Shelline Bennett
- Feb. 21 **“Legislative and Legal Update”**
Southern California Public Labor Relations Council (SCPLRC) Annual Conference | Lakewood | J. Scott Tiedemann
- Feb. 21 **“Courageous Authenticity - Do You Care Enough to Have Critical Conversations?”**
SCPLRC Annual Conference | Lakewood | Kristi Recchia
- Feb. 28 **“Legal Update”**
County Counsel Association Employment Law Conference | Sacramento | Morin I. Jacob
- Mar. 15 **“Minding the Minefield of Gender Pay Equity - Staying Compliant and Being Fair”**
CalGovHR 2019 California State Public Sector HR Conference & Expo | Rohnert Park | Kristin D. Lindgren

Seminars/Webinars

Register Here: <https://www.lcwlegal.com/events-and-training>

- Feb. 13 **“Trends & Topics at the Table”**
Liebert Cassidy Whitmore | San Mateo | Kristi Recchia & Richard Bolanos
- Feb. 15 **“Train the Trainer: Harassment Prevention”**
Liebert Cassidy Whitmore | Fresno | Shelline Bennett

Feb. 19	“Train the Trainer: Harassment Prevention” Liebert Cassidy Whitmore San Diego Judith I. Islas
Feb. 25	“Negotiations and Cost-Sharing for CalPERS and ’37 Act Agencies” Liebert Cassidy Whitmore Webinar Frances Rogers
Feb. 26	“Nuts & Bolts of Negotiations” Liebert Cassidy Whitmore Fresno Shelline Bennett & Kristi Recchia
Mar. 6	“Train the Trainer Refresher: Harassment Prevention” Liebert Cassidy Whitmore Los Angeles Christopher S. Frederick
Mar. 6, 7	“2-Day Intensive FLSA Academy” Liebert Cassidy Whitmore Alhambra Peter J. Brown & Kristi Recchia
Mar. 13	“Train the Trainer: Harassment Prevention” Liebert Cassidy Whitmore San Francisco Erin Kunze
Mar. 13	“Regular Rate of Pay – To Include or Not to Include?” Liebert Cassidy Whitmore Webinar Richard Bolanos
Mar. 21	“Communication Counts!” Liebert Cassidy Whitmore Roseville Jack Hughes & Kristi Recchia



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and Leadership Excellence
for Labor Relations Professionals*

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www.lcwlegal.com/events-and-training/labor-relations-certification-program

UPCOMING CLASSES

13

February

TRENDS & TOPICS AT THE TABLE

Speaker: Richard Bolanos, Kristi Recchia
SAN MATEO PUBLIC LIBRARY

26

February

NUTS & BOLTS OF NEGOTIATIONS

Speaker: Shelline Bennett, Kristi Recchia
FALLS EVENT CENTER, FRESNO

21

March

COMMUNICATION COUNTS!

Speaker: Kristi Recchia, Jack Hughes
RANDY PETER'S EVENT CENTER, ROSEVILLE

16

May

THE PUBLIC EMPLOYMENT RELATIONS BOARD (PERB) ACADEMY

Speaker: Che L. Jansson, Kristi Recchia
FALLS EVENT CENTER, FRESNO



FIRM PUBLICATIONS

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

“The Thin Blue Line” authored by Managing Partner [J. Scott Tiedemann](#) and Associate [Sarah R. Lustig](#) of our Los Angeles office, appeared in the January 25, 2019 issue of the *Daily Journal*. “California Law Enforcement Unions Seek to Block Release of Officer Disciplinary Records” quote by [J. Scott Tiedemann](#) Managing Partner of our Los Angeles office, appeared in the January 17, 2019 issue of the *Los Angeles Times*.

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