



CLIENT UPDATE

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

FEBRUARY 2020

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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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FIRM VICTORY

Peace Officer's Grievance Denied; Police Chief's Order Upheld Regarding Administrative Leave For Fitness For Duty Exam.

LCW Associate Attorney [Danny Yoo](#) represented a city in a grievance arbitration that resulted in a denial of a police officer's grievance.

In October 2018, a police officer initiated an unscheduled meeting with the Chief of Police. During the meeting, the officer became emotional and stated that she was having trouble responding to radio calls. Out of concern for the officer's well-being and ability to perform the duties of a peace officer, the Chief had the Assistant Chief follow up with the officer via telephone. The officer again expressed she was having difficulty working and was intensely emotional.

The Chief and Assistant Chief consulted with an expert police psychologist who recommended that the officer undergo a fitness for duty (FFD) examination to determine whether she could complete her duties as a police officer. The Chief directed the officer to attend the FFD examination and placed her on leave pending the examination. The officer grieved the decision to place her on administrative leave and alleged a violation of the applicable Memorandum of Understanding (MOU).

The city denied the officer's grievance on multiple grounds. First, the Chief was exercising a management right in ordering the FFD examination. The Chief had a statutory duty to ensure that the city's peace officers were free from any physical, emotional or mental condition that might adversely affect the exercise of their police powers as required under Government Code section 1031.

Second, the city denied the officer's grievance because the MOU only allowed for grievances related to any alleged violation of any of the city's personnel rules. The city's personnel rules also said that directing and managing employees is a management right. The MOU stated that all rights not clearly and expressly limited by the MOU are expressly reserved to the City. Nothing in the MOU limited the city's right to send an employee for a FFD exam.

After exhausting the city's grievance procedures, the officer formally requested advisory arbitration. The parties participated in two days of hearings. Ultimately, the arbitrator agreed with the city that: (i) placing the officer on administrative leave and directing a fitness for duty examination was within the purview of the city's exclusive management right to direct its peace officer employees; and (ii) the city's conduct was not grievable under the terms of the MOU.

NOTE:

Agencies have a legal duty to ensure their peace officers are fit to perform their law enforcement duties. LCW is proud to have assisted the Chief of Police to carry out this critical public safety duty.

PUBLIC SAFETY

Sheriff's Department Lawfully Terminated Probationary Deputy Sheriff.

In January 2015, the Los Angeles County Sheriff's Department hired David Amezcua as a Deputy Sheriff Generalist. The Department placed him on a 12-month probationary period pursuant to the County's Civil Service Rules. Under those rules, the probationary period cannot be less than six months nor more than 12 months. However, the rules also provide that if an employee is absent during the probationary period, the appointing power can calculate the probationary period on the basis of actual service, exclusive of the time away. Determining when the probationary period ends is important because an employee on probation can be terminated without a hearing, but a permanent employee cannot.

In July 2015, Amezcua became the subject of an administrative investigation. A female inmate at the detention center where he worked complained that he had asked her inappropriate personal questions and expressed a desire to have a relationship with her. A few days later, the Department placed Amezcua on Relieved of Duty status.

In August 2015, the Department sent Amezcua a letter notifying him that his probationary period was being extended because he had been absent as a result of his Relieved of Duty status.

On July 18, 2016, even though the administrative investigation was deemed unresolved, the Department terminated Amezcua without a hearing. The Department concluded that Amezcua had a "propensity to engage in inappropriate communication with inmates, lack of attention to safety, unethical conduct, and poor judgment." Amezcua filed an appeal of his termination with the Civil Service Commission, but the Commission denied his appeal. Amezcua subsequently filed an amended appeal, which the Commission again denied.

Amezcua then petitioned the superior court to review the Commission's denial of his appeal. Amezcua alleged that the Department violated the Public Safety Officers Procedural Bill of Rights Act by denying him an administrative appeal. Amezcua argued that he was never absent from duty and that his firing as a probationary employee was improper because he became a permanent employee in January 2016, that is, 12 months from the date of his hire. The superior court denied Amezcua's petition, finding that "there should be no dispute that [Amezcua] was absent from

duty when he was on relieved on duty status." Thus, the Department was entitled to extend his probationary period and terminate him without a hearing. Amezcua appealed.

First, Amezcua argued to the California Court of Appeal that the Department was not authorized to extend his probationary period. The Court of Appeal rejected this argument and found that the plain words of the County rules permit the "appointing power," in this case, the Department, to "calculate the probationary period on the basis of actual service exclusive of time away."

Second, Amezcua argued that because he was paid while on Relieved of Duty status, the Department could not exclude this time from his probationary period. Once again, the court disagreed, concluding that the rules made no reference as to whether his absence was paid or unpaid.

Finally, Amezcua argued that he was engaged in the duties of a deputy sheriff while he was on Relieved of Duty status, and thus was not absent from duty. However, Amezcua was not able to describe what, if any, duties he performed while on Relieved of Duty status. Accordingly, the Court of Appeal concluded the superior court was right to deny Amezcua's petition. Amezcua was a probationary employee at the time of his termination, and not entitled to a hearing to challenge the discipline.

Amezcua v. Los Angeles County Civil Service Commission, 2019 WL 7597626 (2019).

NOTE:

Public agencies do not need cause to release employees during the probationary period. As a result, public agencies should carefully track the length of a probationary period. This case approved a rule that excluded leave time from the probationary period. That provision helps ensure that your agency has the benefit of the entire probationary period to evaluate the employee.

FIRST AMENDMENT

School District Lawfully Limited Communications With Parent.

L.F. is the divorced father of two daughters who attended school within the Lake Washington School District in Washington State. L.F. believed his daughters had anxiety and behavioral disorders that adversely affected their educational performance. He had a

number of disagreements with District staff regarding the best ways to address these issues and what he saw as discrimination against him as a divorced father.

The District argued that, beginning in March 2015, L.F. used a pattern of abusive communications to school staff including “incessant emails to staff accusing them of wrongdoing, making presumptuous demands,” and insulting them. He would also act in an “aggressive, hostile, and intimidating manner” at in-person meetings. District employees complained that L.F.’s time-consuming communications made District staff feel threatened and intimidated.

In November 2015, the District implemented a Communication Plan for L.F. Under the plan, the District limited L.F.’s substantive communications with the District about his daughters’ education to bi-weekly, in-person meetings with two District administrators. The District advised L.F. not to “email or attempt to communicate (in any form) with any District employees” aside from the bi-weekly meetings, “as they will not respond to [his] emails or attempts to communicate.” The Communication Plan’s restrictions did not: apply in the event of an emergency; affect L.F.’s right to appeal the school’s decision regarding the accommodation plan L.F. wanted for his daughter; nor bar him from attending school activities or accessing school records. The District informed its employees who worked with L.F.’s daughters about the Communication Plan via email.

L.F. followed the requirements of the Communication Plan for a few weeks, but the District found he violated it in January 2016. As a result, the District further restricted the meetings between L.F. and District administrators, cutting back from bi-weekly to once a month. Over the succeeding months, L.F. requested the District to lift or modify the Communication Plan, but the District refused.

In March 2017, L.F. sued the District alleging that the Communication Plan violated his First Amendment rights, and that the District discriminated and retaliated against him in violation of both federal and state law. Both parties requested the Court make a ruling that the other party had no case because there were no facts in dispute. The trial court ruled in the District’s favor and dismissed all of L.F.’s claims. L.F. appealed to the Ninth Circuit.

On appeal, L.F. argued that the Communication Plan violated his First Amendment rights by prohibiting him from communicating with his children’s teachers or from challenging District decisions. The court found this to be an overstatement. The Communication Plan did not entirely prohibit such communication or challenges;

rather, it limited L.F. to specified channels – the bi-weekly meetings. The Court found the District was within its rights to impose such a limitation. L.F. did not have a constitutional right to force the District to listen to his views, and the First Amendment does not require the District respond to speech directed toward it.

L.F. also argued the District went beyond simply regulating the speech to which it would respond. The only so-called “sanction” in the plan for unapproved communications was that District employees would not respond to L.F.’s attempts to communicate. Therefore, the Communication Plan regulated the District’s conduct, not L.F.’s, and it did not violate L.F.’s First Amendment rights.

Even assuming the Communication Plan restricted L.F.’s speech, the Ninth Circuit agreed with the trial court that it did not violate his First Amendment rights. L.F.’s communication occurred in classrooms and other government property that are not open to the general public, so regulation of expressive activity need only be reasonable. The Court agreed with the trial court that the Communication Plan was a reasonable effort to manage a parent’s relentless and unproductive communications with District staff. As such, it did not violate L.F.’s First Amendment rights even if it restricted his speech.

Ultimately, the Court affirmed the trial court’s ruling in favor of the District.

L. F. v. Lake Washington School Dist., 2020 WL 253572 (2020).

NOTE:

This case provides guidance public agency administrators can use for handling abusive conduct from members of the public. While the public agency cannot restrict the public’s First Amendment speech rights, this case shows that the public agency need not respond to, or can limit its response to abusive or time-consuming communications.

ATTORNEY FEES

Officer Who Sued Without Good Faith Or Reasonable Cause Must Pay City’s Fees.

Michael Marciano joined the Los Angeles Police Department (LAPD) in 2008. In 2014 and 2015, Marciano was a patrol officer in LAPD’s North Hollywood Division. One of Marciano’s regular patrol partners was Andrew Cota.

Between November 2014 and September 2016, Lieutenant Toledo verbally criticized Marciano and Cota's productivity. During this period, Marciano and Cota requested to work as partners, which Toledo denied due to their low productivity. In January 2015, Marciano reported to a supervisor that Toledo imposed an unlawful ticket quota upon him due to low productivity.

In February 2015, Marciano became agitated during a conversation with Toledo, raised his voice, and requested desk duty. Marciano received desk duty in accordance with this request. Thereafter, Marciano asked his doctor to take him off work, and Marciano filed a worker's compensation complaint for stress. That complaint was denied.

When Marciano returned from leave in March 2015, the patrol captain asked Marciano to transfer to another division and offered to put Marciano at the top of the list for the division of his choosing. When Marciano declined the offer, the matter was dropped. In November 2015, another Lieutenant advised Marciano that he and Cota could no longer work together because they were a "risk management issue."

In May 2016, Marciano and Cota filed a complaint against the City for whistleblower retaliation in violation of Labor Code section 1102.5. The complaint made a number of allegations against the City, including that the City subjected Marciano and Cota to negative counseling sessions, threats of transfer, negative documentation about their refusal to comply with the unlawful quota, negative performance evaluations, denial of promotions, denying them to work together as patrol partners, and labeling them as risk management issues. They also alleged they lost in earnings and other benefits based on these actions.

During his deposition, Marciano admitted that many of the allegations in his complaint were not true. Specifically, Marciano admitted he never applied for any promotions, was not forced to transfer, never received negative counseling sessions or written performance evaluations, and actually was being paid more money at the time of his deposition than he was when he filed his suit. Marciano also admitted that it would be appropriate to split up two low performing officers (as was done to Marciano and Cota). Cota dismissed himself from the lawsuit following Marciano's deposition.

The City moved for summary judgment against Marciano, which the trial court granted on two separate grounds. First, none of the City's acts regarding Marciano constituted adverse employment actions as

a matter of law. Second, Marciano failed to show any nexus between his reporting of the alleged ticket quota and any City actions referenced in the lawsuit. The trial court also granted the City's motion for attorney fees, finding Marciano's lawsuit was not brought in good faith, and without objective reasonable cause. Marciano appealed both the granting of summary judgment and the award of attorney fees to the City.

On appeal, Marciano only addressed one of the trial court's grounds for granting summary judgment—that none of the City's actions were adverse employment actions. Marciano's opening appellate brief made no reference, however, to the other independent reasons that the trial court gave for ruling against him, and therefore the Court of Appeal held that Marciano forfeited his ability to challenge the grant of summary judgment.

The Court of Appeal also affirmed the award of attorney fees. The Court of Appeal examined Marciano's many admissions during deposition, and found that Marciano had alleged actions in his complaint that were not true. All of these factors showed that Marciano did not bring his lawsuit against the City in good faith. Further, the allegations that were true—such as Marciano's placement on desk duty—were either done at Marciano's request or took place before Marciano complained of an alleged ticket quota. The Court of Appeal held that no reasonable person would believe, in good faith, that Marciano's complaints, alone or in their totality, were substantial or detrimental enough to have materially affected any aspect of his career.

Marciano v. City of Los Angeles, 2019 WL 5690649 (2019).

NOTE:

This case is unpublished, and therefore generally not citable. It is a notable reminder that employers may recover attorney fees under those rare circumstances when an employee's lawsuit is not brought in good faith or with reasonable cause.

LABOR RELATIONS

Unions Are Not Required To Refund Agency Fees Paid Prior To Janus Decision.

In *Janus v. American Federation of State, County, & Municipal Employees, Council 31*, 138 S.Ct. 2448 (2018), the U.S. Supreme Court ("USSC") held that mandatory agency fees – fees nonmember employees pay to the employee organization for its collective bargaining

activities – are unconstitutional. Following the *Janus* decision, three public sector employees who were not members of their employee organization, filed a class action lawsuit against their union pursuant to 42 U.S.C. section 1983. The lawsuit sought declaratory and injunctive relief and reimbursement of the agency fees the employees had paid to the union. The employees argued that the union should return any agency fees paid prior to *Janus* because the fees were collected unlawfully and should have always been considered unconstitutional.

The union filed a motion to dismiss the claims for declaratory and injunctive relief as moot based on *Janus*. The union argued that the court should also dismiss the claim for the reimbursement of the fees because the union had collected them in good faith reliance on state law and then-binding USSC precedent. Prior to *Janus*, the USSC had concluded that agency fees were permissible. The district court agreed and dismissed the employees' claims. The employees appealed the dismissal of their claims for reimbursement of the fees paid.

On appeal, the employees argued that the union could not raise "good faith" as an affirmative defense to liability under 42 U.S.C. section 1983. First, they argued that the Court should disregard one of its prior decisions in favor of another, contrary decision. The Court explained that why the holdings in its two decisions were consistent.

The employees argued that the good faith defense was inapplicable because they were seeking only restitution of the agency fees they paid, and not damages. Again, the Ninth Circuit disagreed. It noted that their constitutional injury was "the intangible dignitary harm suffered from being compelled to subsidize speech they did not endorse. It is not the diminution in their assets from the payment of compulsory agency fees." On that basis, the Ninth Circuit determined that the employees were in fact seeking compensatory damages, not true restitution of the agency fees they had paid.

Finally, in affirming the district court's dismissal, the Ninth Circuit held that the union properly relied on both the state law and then-binding USSC precedent. For that reason, the Ninth Circuit determined that the union could use a good faith defense. The Ninth Circuit explained, "We hold that the Union is not retrospectively liable for doing exactly what we expect of private parties: adhering to the governing law of its state and deferring to the Supreme Court's interpretations of the Constitution. A contrary result would upend the very principles upon which our legal system depends. The

good faith affirmative defense applies as a matter of law, and the district court was right to dismiss [the] claim for monetary relief."

Danielson v. Inslee, 945 F.3d 1096 (9th Cir. 2019)

NOTE:

The Danielson decision, together with California Government Code section 1159 (which provides public agencies immunity from employee claims for reimbursement of mandatory agency fees paid pre-Janus), effectively relieves public sector unions in California from liability for any pre-Janus agency fee deductions.

GOING AND COMING RULE

City Was Not Liable For Accident That Occurred On Employee's Commute To Work.

Kim Rushton worked for the City of Los Angeles as a chemist at one of the City's water treatment plants. In 2015, while Rushton was commuting to work in his own car, he struck and killed pedestrian, Ralph Bingener, who was stepping off the curb into a crosswalk. Rushton was not performing any work for the City at the time, and his job did not require him to be in the field or drive his personal car. The City did not compensate Rushton for his commute time.

At the time of the accident, Rushton was receiving treatment for chronic health problems, including neuropathy in his feet, a tremor, and occasional seizures. However, Rushton testified that his conditions were controlled and did not contribute to the accident in any way. Additionally, two months before the accident, Rushton was injured on the job. Rushton's physicians prescribed various work restrictions when he returned to work, but they did not place any restrictions on his driving.

Bingener's surviving brothers sued. They alleged the City was vicariously liable for Rushton's negligence. An employer is vicariously liable for the wrongful acts its employees commit within the scope of their employment. However, an employee is generally not acting within the scope of employment when going to or coming from the regular place of work, with some exceptions. This rule is known as the "going and coming" rule. The City moved for summary judgment based on the coming and going rule, and the trial court agreed. Bingener's brothers appealed.

On appeal, the court concluded that the going and coming rule applied. Rushton was on his normal morning commute, and his work did not require him to use his personal car. Rushton worked in a water treatment plant, and he never went out in the field. Further, nothing about Rushton's job as a chemist made the chance that he would hit a pedestrian during his ordinary commute a foreseeable risk for the City.

While Bingener's brothers argued that the "work-spawned risk" exception to going and coming rule applied, the court disagreed. The work-spawned risk exception applies if an employee endangers others with a risk arising from or related to work. The brothers claimed that Rushton's driving to work was a foreseeable risk to the City's. However, the court noted that there was no evidence that the City knew or should have known that Rushton was a dangerous commuter. In fact, Rushton testified that his conditions did not contribute to the accident, and his physician, not the City, approved Rushton's return to work without limitation on his driving. Accordingly, the court concluded that the accident was not a foreseeable event as is required to hold an employer vicariously liable.

Bingener v. City of Los Angeles, 2019 WL 7503486 (2019)

NOTE:

While employers are generally not liable for wrongful acts that happen on an employee's commute to work, public agencies can be liable for injuries an employee causes while driving within the scope of employment. LCW can help agencies evaluate the risks associated with employees driving.

DID YOU KNOW...?

Whether you are looking to impress your colleagues or just want to learn more about the law, LCW has your back! Use and share these fun legal facts about various topics in labor and employment law.

- Scent and chemical sensitivities can be a disability subject to the protections of the ADA and FEHA. (*Barrie v. California Dept. of Trans.*, 2019 WL 1396036 (2019).)
- A public agency can consider salary information that is publicly available under the CPRA or FOIA when determining whether to offer an applicant employment. (Labor Code, § 432.3(e).)
- Effective January 1, 2020, employers may offer two new types of HRAs to current employees: Individual Coverage HRAs and Expected Benefit HRAs.

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: A human resources manager contacted LCW to ask if her agency had to comply with a California Public Records Act request that did not include the accompanying fees for copies.

Answer: The attorney advised the human resources manager to promptly send a letter to the individual who made the request explaining that in order to receive copies of public records, he or she must provide payment for the fees covering the direct costs of duplication or a statutory fee. (Government Code section 6253(b).) The attorney noted while the individual may view the records at the agency's location without charge, the agency did not need to provide copies without the accompanying fees.



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FIRM PUBLICATIONS

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

San Francisco Partner [Morin Jacob](#) and Los Angeles Associate [Paul Knothe](#) are featured on the cover of the *Los Angeles Lawyer Magazine's* January issue! Their article, "After #MeToo" provides an overview on the new legislation helping to insure reduction of sexual harassment occurrences in the workplace.

Los Angeles Partner [Adrianna Guzman](#) and San Diego Associate [Kevin Chicas](#) authored an article for the *Daily Journal* titled "Public Sector unions not liable for repayment of agency fees."

Managing Partner [Scott Tiedemann](#) authored an article for the *Daily Journal's* New Laws Supplement on SB 230, which requires police agencies to update their force policies and training.

Fresno Partner [Che Johnson](#) and Sacramento Attorney [Lars Reed](#) authored an article for *American City & County* titled "How California Public Agencies Can Reform Pension Benefits."

Sacramento Partner [Gage Dungy](#) and Associate [Savana Manglona](#) authored an article for the *Daily Journal's* New Law Supplement on SB 778, which clarifies harassment training requirements and extends the compliance deadline.

Sacramento Partner [Gage Dungy](#) and Associate [Savana Manglona](#) authored an article for the *Daily Journal's* New Law Supplement on AB 9, which extends the statute of limitations to file a FEHA employment discrimination claim from 1 to 3 years.

MANAGEMENT TRAINING WORKSHOPS

Firm Activities

Consortium Training

- | | |
|----------------|---|
| Feb. 6 | "Iron Fists or Kid Gloves: Retaliation in the Workplace" & "Addressing Workplace Violence"
Imperial Valley ERC El Centro Stefanie K. Vaudreuil |
| Feb. 6 | "Administering Overlapping Laws Covering Discrimination, Leaves and Retirement"
North San Diego County ERC Rancho Santa Fe Frances Rogers & Jeremiah Heisler |
| Feb. 12 | "Management Guide to Public Sector Labor Relations" & "Navigating the Crossroads of Discipline and Disability Accommodation"
Central Coast ERC Arroyo Grande Che I. Johnson |
| Feb. 12 | "Privacy Issues in the Workplace" & "Navigating the Crossroads of Discipline and Disability Accommodation"
Ventura/Santa Barbara ERC Simi Valley T. Oliver Yee |
| Feb. 13 | "Management Guide to Public Sector Labor Relations"
San Mateo County ERC Webinar Richard Bolanos |
| Feb. 13 | "A Guide to Implementing Public Employee Discipline"
Gateway Public ERC Long Beach Melanie L. Chaney |
| Feb. 13 | "12 Steps to Avoiding Liability" & "Nuts & Bolts: Navigating Common Legal Risks for the Front Line Supervisor"
West Inland Empire ERC Diamond Bar Laura Drottz Kalty |

Feb. 19	“The Future is Now - Embracing Generational Diversity and Succession Planning” & “Disaster Service Workers - If You Call Them, Will They Come?” North State ERC Redding Gage C. Dungy
Feb. 19	“Management Guide to Public Sector Labor Relations” & “Finding the Facts: Employee Misconduct & Disciplinary Investigations” San Gabriel Valley ERC Alhambra Melanie L. Chaney
Feb. 19	“Prevention and Control of Absenteeism and Abuse of Leave” South Bay ERC Palos Verdes Estates Danny Y. Yoo
Feb. 20	“The Future is Now - Embracing Generational Diversity and Succession Planning” LA County HR Consortium Los Angeles Christopher S. Frederick
Feb. 20	“File That! Best Practices for Document and Record Management” & “Legal Issues Regarding Hiring” Napa/Solano/Yolo ERC Napa Jack Hughes
Feb. 20	“Maximizing Performance Through Evaluation, Documentation and Corrective Action” & “The Art of Writing the Performance Evaluation” Orange County Consortium Buena Park, T. Oliver Yee & Anni Safarloo
Feb. 27	“The Meaning of At-Will, Probationary, Seasonal, Part-Time and Contract Employment” Sonoma/Marin ERC Rohnert Park Kelly Tuffo
Feb. 27	“Public Sector Employment Law Update” Sonoma/Marin ERC Rohnert Park Richard S. Whitmore
Mar. 4	“Legal Issues Regarding Hiring” Gold Country ERC Webinar Jack Hughes
Mar. 4	“The Future is Now - Embracing Generational Diversity and Succession Planning” & “Disaster Service Workers - If You Call Them, Will They Come?” NorCal ERC Pleasant Hill Kelly Tuffo
Mar. 5	“Human Resources Academy II” & “File That! Best Practices for Document and Record Management” Central Valley ERC Hanford Che I. Johnson
Mar. 5	“Supervisor’s Guide to Understanding and Managing Employees’ Rights: Labor, Leaves and Accommodations” Gateway Public ERC Santa Fe Springs Laura Drottz Kalty
Mar. 10	“Difficult Conversations” & “The Art of Writing the Performance Evaluation” Bay Area ERC Sunnyvale Heather R. Coffman
Mar. 12	“Difficult Conversations” & “Nuts & Bolts: Navigating Common Legal Risks for the Front Line Supervisor” East Inland Empire ERC Fontana T. Oliver Yee
Mar. 12	“Ethics for All” & “Workplace Bullying: A Growing Concern” North San Diego County ERC Vista Stephanie J. Lowe
Mar. 12	“The Future is Now - Embracing Generational Diversity and Succession Planning” & “Supervisor’s Guide to Understanding and Managing Employees’ Rights: Labor, Leaves and Accommodations” San Diego ERC Coronado Frances Rogers
Mar. 12	“Public Sector Employment Law Update” & “Difficult Conversations” San Joaquin Valley ERC Tracy Gage C. Dungy
Mar. 12	“Managing the Marginal Employee” San Mateo County ERC Foster City Kelsey Cropper

- Mar. 12** **“Maximizing Performance Through Evaluation, Documentation and Corrective Action” & “Supervisor’s Guide to Understanding and Managing Employees’ Rights: Labor, Leaves and Accommodations”**
Ventura/Santa Barbara ERC | Camarillo | Laura Drottz Kalty
- Mar. 19** **“Finding the Facts: Employee Misconduct & Disciplinary Investigations”**
Orange County Consortium | Buena Park | Mark Meyerhoff & Paul D. Knothe
- Mar. 19** **“Maximizing Performance Through Evaluation, Documentation and Corrective Action”**
South Bay ERC | Redondo Beach | Christopher S. Frederick
- Mar. 19** **“Technology and Employee Privacy”**
LA County HR Consortium | Webinar | Danny Y. Yoo
- Mar. 26** **“Maximizing Supervisory Skills for the First Line Supervisor”**
Imperial Valley ERC | El Centro | Stacey H. Sullivan
- Mar. 26** **“Public Service: Understanding the Roles and Responsibilities of Public Employees”**
Monterey Bay ERC | Webinar | Brian J. Hoffman

Customized Training

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

- Feb. 10** **“Preventing Workplace Harassment, Discrimination and Retaliation”**
City of La Habra | Christopher S. Frederick
- Feb. 11** **“Maximizing Supervisory Skills for the First Line Supervisor”**
City of Clovis | Shelline Bennett
- Feb. 11,20** **“Legal Aspects of Violence in the Workplace”**
Midpeninsula Regional Open Space District | Los Altos | Heather R. Coffman
- Feb. 12** **“Preventing Workplace Harassment, Discrimination and Retaliation”**
El Dorado County | Placerville | Jack Hughes & Monica M. Espejo
- Feb. 13,18,20** **“Legal Aspects of Violence in the Workplace”**
Midpeninsula Regional Open Space District | Los Altos | Erin Kunze
- Feb. 18** **“Non-Discrimination Training”**
Butte County | Oroville | Kristin D. Lindgren
- Mar. 3** **“Respectful Workplace: Preventing Workplace Harassment, Discrimination and Retaliation”**
City of Carlsbad | Stephanie J. Lowe
- Mar. 3** **“Maximizing Supervisory Skills for the First Line Supervisor”**
City of Glendale | Laura Drottz Kalty
- Mar. 3** **“Training Academy for Workplace Investigators: Core Principles, Skills & Practices for Conducting Effective Workplace Investigations”**
City of Sacramento | Shelline Bennett
- Mar. 3** **“Train the Trainer: Harassment Prevention”**
Liebert Cassidy Whitmore | San Diego | Judith S. Islas
- Mar. 4** **“Legal Issues Update”**
Orange County Probation Department | Santa Ana | Christopher S. Frederick
- Mar. 5** **“Bystander Intervention Training”**
County of San Luis Obispo | San Luis Obispo | Alysha Stein-Manes

- Mar. 12** **“Preventing Workplace Harassment, Discrimination and Retaliation”**
City of Rialto | I. Emanuela Tala
- Mar. 12** **“Train the Trainer Refresher: Harassment Prevention”**
Liebert Cassidy Whitmore | San Diego | Judith S. Islas
- Mar. 16** **“Train the Trainer: Harassment Prevention”**
Liebert Cassidy Whitmore | Fresno | Shelline Bennett
- Mar. 19** **“Preventing Workplace Harassment, Discrimination and Retaliation”**
City of Rialto | Alison R. Kalinski
- Mar. 20** **“The Brown Act”**
San Luis Obispo County Integrated Waste Management Authority | San Luis Obispo | Che I. Johnson
- Mar. 25** **“Preventing Workplace Harassment, Discrimination and Retaliation”**
City of La Habra | Alison R. Kalinski
- Mar. 25** **“Technology and Employee Privacy in the Workplace”**
ERMA | Reedley | Michael Youril
- Mar. 26** **“Train the Trainer Refresher: Harassment Prevention”**
Liebert Cassidy Whitmore | Fresno | Shelline Bennett
- Mar. 28** **“Preventing Workplace Harassment, Discrimination and Retaliation”**
City of Newport Beach | Newport Beach | Christopher S. Frederick
- Mar. 31** **“Train the Trainer: Harassment Prevention”**
Liebert Cassidy Whitmore | San Francisco | Erin Kunze

Speaking Engagements

- Feb. 6** **“Effective Tips for Stellar City Managers”**
League of California Cities City Managers Conference | Napa | Gage C. Dungy
- Feb. 20** **“Labor Relations in 2020: Trends in a Post-Janus/SB 866 Bargaining Environment”**
Southern California Public Labor Relations Council (SCPLRC) Annual Conference | Lakewood | Laura Drottz Kalty
- Feb. 20** **“Legal Trends”**
SCPLRC Annual Conference | Lakewood | J. Scott Tiedemann
- Mar. 7** **“Labor and Employment Litigation Update”**
League of California Cities City Attorneys’ Conference | Carlsbad | Suzanne Solomon
- Mar. 11** **“Labor Issues-Past Practices and Changing Policies”**
California District Attorneys Association (CDAA) Leadership Training | Temecula | T. Oliver Yee
- Mar. 12** **“Difficult Conversations for Leaders and Supervisors”**
CalGovHR Annual Conference & Expo | Rohnert Park | Suzanne Solomon
- Mar. 12** **“The Costing Mindset in Collective Bargaining”**
CalGovHR Annual Conference & Expo | Rohnert Park | Kristi Recchia & Jasmine Nachtigall-Fournier & Thomas Leung
- Mar. 12** **“How to Handle Your Independent Contractor Dilemma”**
California Park and Recreation Society (CPRS) Annual Conference | Long Beach | Heather DeBlanc & Anni Safarloo

Mar. 12 **“FLSA Regular Rate of Pay”**
International Public Management Association - HR (IPMA-HR) North Bay Chapter | Lisa S. Charbonneau

Mar. 19 **“The Brown Act”**
California Special Districts Association (CSDA) | Stockton | Jack Hughes

Seminars & Webinars

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

Feb. 12 **“Understanding the Impact of Recent Department of Labor (DOL) Updates to the Regular Rate of Pay”**
Liebert Cassidy Whitmore | Alhambra | Peter Brown

Feb. 19 **“Understanding the Impact of Recent Department of Labor (DOL) Updates to the Regular Rate of Pay”**
Liebert Cassidy Whitmore | Visalia | Lisa S. Charbonneau

Feb. 24,25 **“Best Practices for Conducting Fair and Legally Compliant Internal Affairs Investigations”**
Liebert Cassidy Whitmore | El Segundo | J. Scott Tiedemann

Feb. 26 **“Communication Counts!”**
Liebert Cassidy Whitmore | Coronado | Melanie Chaney & Kristi Recchia

Feb. 27 **“Understanding the Impact of Recent Department of Labor (DOL) Updates to the Regular Rate of Pay”**
Liebert Cassidy Whitmore | Emeryville | Lisa S. Charbonneau

Mar. 5 **“Trends & Topics at the Table!”**
Liebert Cassidy Whitmore | Tustin | Peter J. Brown & Kristi Recchia

Mar. 18 **“Trends & Topics at the Table!”**
Liebert Cassidy Whitmore | Citrus Heights | Jack Hughes & Kristi Recchia

Mar. 26 **“Bargaining Over Benefits”**
Liebert Cassidy Whitmore | Alhambra | Steven M. Berliner & Kristi Recchia

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