



# CLIENT UPDATE

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

MARCH 2020

## INDEX

Conflict Of Interest.....	3
Consortium Call of the Month...	4
Did You Know?.....	4
Discrimination.....	1
Wage & Hour.....	2

## LCW NEWS

Firm Activities.....	6
Firm Publications.....	5
Labor Relations	
Certificate Program.....	5

*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.

Los Angeles | Tel: 310.981.2000  
San Francisco | Tel: 415.512.3000  
Fresno | Tel: 559.256.7800  
San Diego | Tel: 619.481.5900  
Sacramento | Tel: 916.584.7000

©2020 Liebert Cassidy Whitmore  
[www.lcwlegal.com/news](http://www.lcwlegal.com/news)

## DISCRIMINATION

*Openly Gay CHP Officer Overcomes CHP's Statute Of Limitations Defense to FEHA Lawsuit.*

Jay Brome began his employment with the California Highway Patrol (CHP) in 1996. During his nearly 20-year career, other officers subjected Brome, who was openly gay, to derogatory, homophobic comments, singled him out for pranks, repeatedly defaced his mailbox and refused to provide him with backup assistance during enforcement stops in the field.

Brome eventually transferred CHP offices seeking a better work environment, but the offensive comments about his sexual orientation continued. Officers at Brome's new office also frequently refused to provide Brome with backup assistance during enforcement stops, including high-risk situations that should be handled by at least two officers. Brome was the only officer who did not receive backup. Further, when Brome won an officer of the year award, the CHP never displayed his photograph, which was a break from practice.

Through 2014, Brome continued to complain to his supervisors. They told him they would look into it, but the problems continued, and Brome believed management refused to do anything about it. As a result, Brome feared for his life during enforcement stops, experienced headaches, muscle pain, stomach issues, anxiety and stress, and became suicidal. In January 2015, Brome went on medical leave and filed a workers' compensation claim based on work-related stress.

After Brome took leave, his captain sent him a letter stating that he hoped they could work together to resolve Brome's work-related issues. Brome's workers' compensation claim was eventually resolved in his favor, and on February 29, 2016, Brome took industrial disability retirement.

On September 15, 2016, Brome filed a complaint with the Department of Fair Employment and House (DFEH) asserting discrimination and harassment based on his sexual orientation and other claims under the Fair Employment and Housing Act (FEHA). The next day, Brome filed a civil lawsuit. The CHP sought to dismiss the lawsuit as untimely. Under the FEHA at the time of the lawsuit, an employee's DFEH complaint must have been filed within one year of the alleged discriminatory or harassing conduct. While the crux of Brome's claims occurred before his medical leave in January 2015, Brome did not file his administrative complaint until September 15, 2016. Accordingly, the CHP argued that Brome could only sue based on acts occurring on or after September 15, 2015. While Brome argued that various exceptions to the one-year deadline applied, the trial court ultimately dismissed Brome's lawsuit. Brome appealed.

The court of appeal considered three exceptions that could extend the one-year deadline: equitable tolling, continuing violation, and constructive discharge.

First, the court determined that Brome's workers' compensation claim could equitably toll the one-year deadline for filing his DFEH complaint. The equitable tolling doctrine suspends a statute of limitations to ensure fairness. To use equitable tolling, the employee has to prove: (1) timely notice; (2) lack of prejudice to the employer; and (3) his or her own good faith conduct. The court concluded that Brome could establish all of the elements. Brome's workers' compensation claim put the CHP on notice of his potential discrimination claims because it had to investigate the circumstances that caused him work-related stress. The court said that a reasonable jury could not find that applying the equitable tolling doctrine would prejudice the CHP. Finally, the court noted that Brome exhibited good faith and reasonable conduct in waiting to file his complaint until after the resolution of his workers' compensation claim.

Second, the court determined that the statute of limitations could be extended as a continuing violation. That doctrine allows liability for conduct occurring outside the statute of limitations if the conduct is sufficiently connected to conduct within the limitations period. To establish a continuing violation, an employee must show that the employer's actions are: (1) sufficiently similar in kind; (2) have occurred with reasonable frequency; and (3) have not acquired a degree of permanence. The homophobic conduct against Brome was ongoing and very common, and a jury could find that it was reasonable for Brome to seek a fresh start at a different office and request assistance from his supervisors there once similar problems arose. Further, Brome's supervisors consistently told him they would look into and address his concerns.

Finally, the court concluded that the constructive discharge theory could possibly apply. To establish constructive discharge, an employee must show that working conditions were so intolerable that a reasonable employee would be forced to resign. The court found that Brome raised a triable issue as to whether his working conditions were so bad a reasonable employee would have resigned. For example, Brome was routinely forced to respond to high-risk situations alone. For these reasons, the court held that the trial court erred in dismissing Brome's lawsuit. The court remanded the case back to the trial court for further proceedings.

*Brome v. California Highway Patrol*, 44 Cal. App. 5th 786 (Cal. Ct. App. 2020).

**NOTE:**

*Effective January 1, 2020, the statute of limitations to file a DFEH claim has been extended from 1 to 3 years. Employers have a legal duty to promptly investigate*

*claims of discrimination and harassment to not only limit liability, but to provide a safe and productive workplace for all employees.*

## WAGE & HOUR

### *Time Spent In Mandatory Exit Searches Constituted "Hours Worked" For Purposes Of California Minimum Wage Law.*

Apple uses a "Employee Package and Bag Searches" policy. This policy imposes mandatory, thorough searches of employees' bags, packages, purses, briefcases, and personal Apple technology devices before the employees can leave an Apple retail store for any reason.

Under the policy, Apple employees must clock out before the exit search. Employees estimate that exit searches range from five to 20 minutes, depending on manager or security guard availability.

A number of Apple employees filed a lawsuit in federal court alleging that Apple failed to pay them minimum and overtime wages for their time spent waiting for and undergoing exit searches in violation of California law. Industrial Welfare Commission Wage Order 7 ("Wage Order 7") requires employers to pay their employees a minimum wage for all "hours worked," which is defined as "the time during which an employee is subject to the control of an employer, and includes all the time the employee is suffered or permitted to work, whether or not required to do so." The first clause of the definition – "the time during which an employee is subject to the control of an employer" – is known as the "control clause".

The district court concluded that the time spent by employees waiting for and undergoing exit searches was not compensable as "hours worked" under California law. The court determined that the control clause required the employees to prove that: (1) the employer restrains the employees' action during the activity in question; and (2) the employees had no plausible way to avoid the activity. The employees appealed to the U.S. Court of Appeals for the Ninth Circuit. The Ninth Circuit asked the California Supreme Court to address the state law issue.

The California Supreme Court, however, determined that the employees' time related to exit searches was indeed "hours worked" under the control clause. The Court reasoned that the employees are clearly under

Apple's control while waiting for and undergoing the exit searches. Apple employees are subject to discipline if they refuse the searches. Apple also confines its employees to the premises while they wait for and undergo the search, and requires employees to perform specific tasks such as locating a manager and unzipping compartments and removing items for inspection.

While Apple argued that the employee's activity had to be "required" or "unavoidable" in order to be compensable, the Court disagreed. The Court noted that those words did not appear in the control clause and that such a definition would be at odds with the wage order's fundamental purpose of protecting and benefitting employees. The Court also rejected Apple's argument that California precedent supports the notion that an activity has to be "unavoidable" in order to be compensable because the Court was not aware of any California case discussing the precise issue of whether time spent at the worksite relating to searches is compensable as "hours worked."

The Court noted that while exit searches may not be "required" in a formal sense because employees could choose not to bring personal belongings to work, as a practical matter they are. Employees have little genuine choice concerning whether to bring ordinary, everyday items such as a wallet, keys, and a cell phone to work. Indeed, Apple markets its iPhone as an "integrated and integral" part of the lives of its customers.

Ultimately, the Court concluded that the level of the employer's control over its employees, rather than the mere fact that the employer requires the employees' activity, is determinative of whether an activity is compensable under the "hours worked" control clause. The Court also concluded that courts should consider additional relevant factors, including the location of the activity, the degree of the employer's control, whether the activity primarily benefits the employee or employer, and whether the activity is enforced through disciplinary measures. Applying these factors to this case, the Court determined that it was clear the employees were subject to Apple's control during the exit searches and must be compensated for their time.

*Frlekin v. Apple Inc.*, 2020 WL 727813 (Cal. Feb, 13, 2020).

**NOTE:**

*While Wage Order 7 does not apply to the public sector, the hours worked section of Wage Order 4 is applicable to public agencies and contains the same language the Court interpreted in this case. Accordingly, this decision offers guidance to public agencies as to how California courts would interpret the "hours worked" language in Wage Order 4.*

## CONFLICT OF INTEREST

### *Individual Could Not Simultaneously Serve As Mayor And Director Of Water Replenishment District.*

Albert Robles served as a member of the board of directors of the Water Replenishment District of Southern California (WRD). The WRD ensures that a reliable supply of groundwater is available throughout the region, and is responsible for monitoring and testing the groundwater supply. As a WRD director, Robles represented a geographic division that included Carson, California.

The WRD board of directors charges a "replenishment assessment" to fund its operating expenses and other activities. The replenishment assessment is levied on the production of groundwater within the district during the ensuing fiscal year. The City of Carson contracts with two private companies to provide its pumped groundwater. The companies pay the WRD's replenishment assessment and pass on the cost in the water rates they charge.

Robles was a WRD director in 2013 when he was elected to a city council seat in Carson. The District Attorney notified Robles that he was holding two incompatible offices under Government Code section 1099, but Robles continued to occupy both. Section 1099 makes it unlawful to simultaneously hold incompatible public offices, meaning, offices for which "there is a significant clash of duties or loyalties" based on the powers and jurisdiction of the positions. In April 2015, Robles was appointed to fill the vacant office of mayor of Carson. As mayor, Robles continued to sit on the city council.

Subsequently, the District Attorney requested approval from the Attorney General to sue Robles in *quo warranto*, a Latin term for a legal proceeding that demands a person show by what authority he or she holds a public office. The Attorney General granted the District Attorney's application, and the District Attorney filed a *quo warranto* complaint alleging that Robles' two offices were incompatible under section 1099 "because the WRD and City of Carson have overlapping territories, duties, and responsibilities, and a clash of duties is likely to arise in the exercise of both offices simultaneously." The WRD then passed resolutions expressly authorizing directors to hold positions in other governmental agencies. But the trial court agreed with the District Attorney and removed Robles from the office of WRD director. Robles appealed.

The California Court of Appeal affirmed the trial court's decision that Robles was holding incompatible offices. The court noted that Robles was setting the water replenishment assessment for his Carson constituents. As mayor and a councilmember, Robles had an electoral incentive to minimize the amount of the replenishment assessment. However, as a WRD director, Robles' duties required him to focus on ensuring the adequacy of the groundwater supply, not the financial impact of the assessment on Carson's residents. The court reasoned that section 1099 forbids this sort of conflicted arrangement by making it unlawful to hold multiple public offices when there is a "possibility of a significant clash of duties or loyalties" between them.

The court was not persuaded by any of Robles' arguments to the contrary. While Robles challenged the District Attorney's authority and process for bringing a *quo warranto* proceeding, the court concluded that the District Attorney's actions were lawful. Further, the court noted that there was no "law" expressly authorizing Robles to hold both offices. Section 1099 allows an individual to hold two incompatible offices if "simultaneous holding of the particular offices is compelled or expressly authorized by law." While Robles argued that WRD passed resolutions expressly authorizing a director to hold positions in other agencies, the court determined that the Legislature's reference to "law" meant state, not local law.

*People ex rel. Lacey v. Robles*, 44 Cal.App.5th 804 (2020).

**NOTE:**

*This case highlights the potential conflict of interest that arises when an agency official holds multiple offices. WRD's resolutions expressly authorizing directors to hold positions in other governmental agencies did not override state law prohibiting incompatible offices.*

## 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.

- CA Attorney General Becerra issued an opinion on February 7, 2020 giving a firefighters union approval to sue under the *quo warranto* procedure regarding the City of Palo Alto's action to rescind the binding interest arbitration provision in its city charter. (Attorney General Opinion No. 19-701.)

- If litigation has been threatened outside a local agency's public meeting, it may be discussed in closed session under Government Code §54956.9(e) (5) only if a record of the threat is made before the meeting. (*Fowler v. City of Lafayette*, 2020 WL 612870 (Cal. Ct. App. February 10, 2020).)
- A qualifying disability for Industrial Disability Retirement must be permanent or "extended and uncertain," meaning that the disability will last at least 12 months. (CalPERS Circular Letter 200-018-17 (Mar. 30, 2017).)

## 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 called LCW to ask whether the agency could request a doctor's note from an employee who called in sick for the third consecutive day.

**Answer:** The attorney explained that California's Paid Sick Leave law is silent as to whether employers can request medical verification. There is a risk of liability for violating this law if the employer insists on getting a doctor's note before it permits the use of this type of paid sick leave. This law requires employers to provide employees with paid sick leave upon oral or written request, and allows the employee to determine how much sick leave to use. It further provides that employers cannot deny the right to use sick leave.

An employer's insistence on medical verification for this type of paid sick leave is risky because employees could claim a denial of their paid sick leave entitlement. The employer's risk in requiring verification, however, would most likely only apply to the first 24 hours or 3 days of paid sick leave used in a 12-month period. After

this type of sick leave is used, any other type of sick leave provided by an employer through an MOU or internal policy, however, could be subject to medical verification requirements.

## §

# LABOR RELATIONS CERTIFICATION PROGRAM

DEVELOPING POSITIVE PARTNERSHIPS  
AND LEADERSHIP EXCELLENCE FOR  
LABOR RELATIONS PROFESSIONALS

## YOU CAN PARTICIPATE IN TWO WAYS:

1. Individual Seminars and receive a certificate of completion for each completed course
2. All seven seminars to earn the Labor Relations Certificate



Each workshop includes both traditional training and interactive simulations to develop skills helpful to labor relations professionals

## WORKSHOPS

- Bargaining Over Benefits
- Communication Counts!
- Costing Labor Contracts
- The Public Employment Relations Board (PERB)
- Trends & Topics at the Table!
- The Rules of Engagement: Issues, Impacts & Impasse
- Nuts & Bolts of Negotiations



## FIRM PUBLICATIONS

To view these articles and the most recent attorney-authored articles, please visit: [www.lewlegal.com/news](http://www.lewlegal.com/news).

Los Angeles Partner [Peter Brown](#) and Sacramento Associate [Lars Reed](#) authored an article for *Bloomberg Law* titled “What Employers Should Know About the New Overtime Rate Regulations.”

San Francisco Partner [Laura Schulkind](#) and Fresno Associate [Michael Youril](#) authored an article for the *Daily Journal* titled “High Court Guidance on Unemployment Benefits Public School Employees.”

Partners [Scott Tiedemann](#), [Donna Williamson](#), [Linda Adler](#), [Suzanne Solomon](#) and [Liz Arce](#) were quoted in the *Santa Monica Observer* in an article regarding new California laws for 2020 that affect private schools, public agencies and police departments.

San Diego Partner [Frances Rogers](#) and Los Angeles Associate [Kate Im](#) authored an article for *The Recorder* titled “Cannabis in the Classroom: Navigating the Administration of Medical Marijuana on Campus Under New California Law.”

## MANAGEMENT TRAINING WORKSHOPS

**Firm Activities****Consortium Training**

- 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**     **“The Art of Writing the Performance Evaluation” & “Difficult Conversations”**  
Bay Area ERC | Sunnyvale | Heather R. Coffman
- Mar. 12**     **“Nuts & Bolts: Navigating Common Legal Risks for the Front Line Supervisor” & “Difficult Conversations”**  
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**     **“Difficult Conversations” & “Public Sector Employment Law Update”**  
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**     **“Technology and Employee Privacy”**  
LA County HR Consortium | Webinar | Danny Y. Yoo
- 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. 25**     **“Human Resources Academy I”**  
Humboldt County ERC | Fortuna | Gage C. Dungy
- Mar. 25**     **“Administering Overlapping Laws Covering Discrimination, Leaves and Retirement”**  
Sonoma/Marin ERC | Rohnert Park | Richard Bolanos & Richard Goldman
- Mar. 26**     **“Advanced Investigations of Workplace Complaints”**  
Humboldt County ERC | Fortuna | Gage C. Dungy
- 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”**  
Mendocino County ERC | Webinar | Brian J. Hoffman

Mar. 26	<b>“Public Service: Understanding the Roles and Responsibilities of Public Employees”</b> Monterey Bay ERC   Webinar   Brian J. Hoffman
Apr. 2	<b>“The Future is Now - Embracing Generational Diversity and Succession Planning” &amp; “Difficult Conversations”</b> Central Valley ERC   Fresno   Michael Youril
Apr. 2	<b>“Supervisor’s Guide to Public Sector Employment Law”</b> Gold Country ERC   Webinar   Che I. Johnson
Apr. 2	<b>“Ethics For All” &amp; “Preventing Workplace Harassment, Discrimination and Retaliation”</b> NorCal ERC   San Ramon   Lisa S. Charbonneau
Apr. 2	<b>“Maximizing Performance Through Evaluation, Documentation and Corrective Action” &amp; “Management Guide to Public Sector Labor Relations”</b> San Joaquin Valley ERC   Stockton   Jack Hughes
Apr. 8	<b>“File That! Best Practices for Document and Record Management” &amp; “Legal Issues Regarding Hiring”</b> Central Coast ERC   Santa Maria   Shelline Bennett
Apr. 8	<b>“Navigating the Crossroads of Discipline and Disability Accommodation” &amp; “Nuts &amp; Bolts: Navigating Common Legal Risks for the Front Line Supervisor”</b> San Gabriel Valley ERC   Alhambra   James E. Oldendorph
Apr. 9	<b>“Workplace Bullying: A Growing Concern” &amp; “Ethics For All”</b> Coachella Valley ERC   Desert Hot Springs   Christopher S. Frederick
Apr. 9	<b>“The Art of Writing the Performance Evaluation” &amp; “Difficult Conversations”</b> North San Diego County ERC   Carlsbad   Stacey H. Sullivan
Apr. 9	<b>“Firefighters Procedural Bill of Rights Act”</b> San Diego ERC   Vista   Stefanie K. Vaudreuil
Apr. 9	<b>“Ethics for All”</b> South Bay ERC   Beverly Hills   Kristi Recchia
Apr. 14	<b>“Moving Into the Future”</b> San Mateo County ERC   Webinar   Erin Kunze
Apr. 15	<b>“Supervisor’s Guide to Understanding and Managing Employees’ Rights: Labor, Leaves and Accommodations”</b> Humboldt County ERC   Eureka   Jack Hughes
Apr. 16	<b>“Technology and Employee Privacy”</b> Humboldt County ERC   Eureka   Jack Hughes
Apr. 16	<b>“Workplace Bullying: A Growing Concern” &amp; “Ethics for All”</b> Imperial Valley ERC   El Centro   Stephanie J. Lowe
Apr. 16	<b>“Public Service: Understanding the Roles and Responsibilities of Public Employees” &amp; “Difficult Conversations”</b> Napa/Solano/Yolo ERC   Suisun City   Heather R. Coffman
Apr. 21	<b>“Leaves, Leaves and More Leaves” &amp; “Prevention and Control of Absenteeism and Abuse of Leave”</b> Bay Area ERC   Hayward   Lisa S. Charbonneau
Apr. 22	<b>“Leaves, Leaves and More Leaves” &amp; “Navigating the Crossroads of Discipline and Disability Accommodation”</b> Monterey Bay ERC   Seaside   Che I. Johnson
Apr. 22	<b>“Advanced FLSA”</b> San Diego Fire Districts   San Diego   Stephanie J. Lowe

- Apr. 23**      **“Navigating the Crossroads of Discipline and Disability Accommodation”**  
LA County Human Resources Consortium | Los Angeles | T. Oliver Yee
- Apr. 23**      **“Managing the Marginal Employee” & “Supervisor’s Guide to Understanding and Managing Employees’ Rights: Labor, Leaves and Accommodations”**  
Orange County Consortium | Buena Park | Laura Drottz Kalty & Antwoin D. Wall
- Apr. 29**      **“Maximizing Supervisory Skills for the First Line Supervisor”**  
North State ERC | Oroville | Heather R. Coffman
- Apr. 30**      **“The Future is Now - Embracing Generational Diversity and Succession Planning” & “Difficult Conversations”**  
West Inland Empire ERC | Ontario | Kristi Recchia

### **Customized Training**

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

- Mar. 5**      **“Ethics in Public Service”**  
City of Salinas | Heather R. Coffman
- Mar. 5**      **“Bystander Intervention Training”**  
County of San Luis Obispo | San Luis Obispo | Alysha Stein-Manes
- Mar. 11**      **“Preventing Workplace Harassment, Discrimination and Retaliation”**  
City of Beverly Hills | Christopher S. Frederick
- Mar. 11**      **“Creating an Ethical Mindset and Embracing Diversity”**  
Midpeninsula Regional Open Space District | Los Altos | Erin Kunze
- 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. 13**      **“Ethics in Public Service”**  
County of San Luis Obispo | San Luis Obispo | Christopher S. Frederick
- Mar. 16**      **“Preventing Workplace Harassment, Discrimination and Retaliation”**  
Kimball Senior Center | National City | Stacey H. Sullivan
- Mar. 16**      **“Train the Trainer: Harassment Prevention”**  
Liebert Cassidy Whitmore | Fresno | Shelline Bennett
- Mar. 18, 25**      **“Maximizing Performance Through Evaluation, Documentation, and Corrective Action”**  
City of Inglewood | Christopher S. Frederick
- Mar. 18**      **“Workplace Bullying: A Growing Concern”**  
CSAC Excess Insurance Authority | Long Beach | Gage C. Dungy
- Mar. 19**      **“Preventing Workplace Harassment, Discrimination and Retaliation”**  
City of Rialto | Alison R. Kalinski
- Mar. 20**      **“Creating a Positive Workplace Culture with Communication and Civility”**  
City of Ventura | Kristi Recchia
- Mar. 20**      **“The Brown Act”**  
San Luis Obispo County Integrated Waste Management Authority | San Luis Obispo | Che I. Johnson



Mar. 24	<b>“Workplace Bullying: A Growing Concern”</b> CSAC Excess Insurance Authority   Pleasanton   Jack Hughes
Mar. 25	<b>“Preventing Workplace Harassment, Discrimination and Retaliation”</b> City of La Habra   Alison R. Kalinski
Mar. 25	<b>“Workplace Bullying: A Growing Concern”</b> CSAC Excess Insurance Authority   Sacramento   Jack Hughes
Mar. 25	<b>“Technology and Employee Privacy in the Workplace”</b> ERMA   Reedley   Michael Youril
Mar. 25	<b>“The Art of Writing the Performance Evaluation”</b> Ranch Water   Temecula   Stacey H. Sullivan
Mar. 26	<b>“Train the Trainer Refresher: Harassment Prevention”</b> Liebert Cassidy Whitmore   Fresno   Shelline Bennett
Mar. 28	<b>“Preventing Workplace Harassment, Discrimination and Retaliation”</b> City of Newport Beach   Christopher S. Frederick
Mar. 29	<b>“Preventing Workplace Harassment, Discrimination and Retaliation”</b> City of Huntington Beach   Christopher S. Frederick
Mar. 31	<b>“Creating a Positive Workplace Culture with Communication, Conflict Resolution &amp; Civility”</b> City of Rolling Hills Estates   Kristi Recchia
Mar. 31	<b>“Unconscious Bias”</b> City of Tracy   Kristin D. Lindgren
Mar. 31	<b>“Train the Trainer: Harassment Prevention”</b> Liebert Cassidy Whitmore   San Francisco   Erin Kunze
Apr. 1	<b>“Managing Civility, Communication and Conflict in the Workplace: Strategies for Success”</b> Sanitation Districts of Los Angeles County   Whittier   Kristi Recchia
Apr. 2	<b>“Ethics in Public Service and Preventing Workplace Harassment, Discrimination and Retaliation”</b> County of Placer   Auburn   Gage C. Dungy
Apr. 8	<b>“Keenan SWAAC Training: Supervisory Investigation”</b> Keenan   San Bernardino   Pilar Morin
Apr. 9	<b>“Train the Trainer Refresher: Harassment Prevention”</b> Liebert Cassidy Whitmore   San Francisco   Erin Kunze
Apr. 10	<b>“Preventing Workplace Harassment, Discrimination and Retaliation”</b> County of San Luis Obispo   San Luis Obispo   Jenny Denny
Apr. 14	<b>“Train the Trainer: Harassment Prevention”</b> Liebert Cassidy Whitmore   Los Angeles   Christopher S. Frederick
Apr. 16	<b>“Maximizing Supervisory Skills for the First Line Supervisor”</b> City of Glendale   I. Emanuela Tala
Apr. 21	<b>“FLSA”</b> Los Angeles World Airports (LAWA)   Elizabeth Tom Arce
Apr. 23	<b>“Train the Trainer Refresher: Harassment Prevention”</b> Liebert Cassidy Whitmore   Los Angeles   Christopher S. Frederick

- Apr. 24**      **“Maximizing Supervisory Skills for the First Line Supervisor”**  
Port of Oakland | Heather R. Coffman
- Apr. 29, 30**    **“Maximizing Performance Through Documentation, Evaluation and Corrective Action and The Art of Writing the Performance Evaluation”**  
Mendocino County | Ukiah | Jack Hughes
- Apr. 30**      **“Employee Rights: MOUs, Leaves and Accommodations”**  
City of Santa Monica | Laura Drottz Kalty

#### Speaking Engagements

- Mar. 5**      **“Hot Topics in Negotiations for 2020 and Beyond”**  
Municipal Management Association of Southern California (MMASC) Winter Forum | Torrance | Laura Drottz Kalty
- 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 (CDA) Great Expectations Leadership Seminar | Temecula | T. Oliver Yee
- Mar. 12**     **“The Costing Mindset in Collective Bargaining”**  
CalGovHR Annual Conference & Expo | Rohnert Park | Kristi Recchia, Jasmine Nachtigall-Fournier & Thomas Leung
- Mar. 12**     **“Difficult Conversations for Leaders and Supervisors”**  
CalGovHR Annual Conference & Expo | Rohnert Park | Suzanne Solomon
- Mar. 12**     **“AB5: How to Handle Your Independent Contractor Dilemma”**  
California Park and Recreation Society (CPRS) Annual Conference | Long Beach | Heather DeBlanc & Anni Safarloo
- Mar. 12**     **“The DOL’s New Interpretations of the FLSA Regular Rate of Pay”**  
International Public Management Association for Human Resources (IPMA-HR) North Bay Chapter | Suisun City | Lisa S. Charbonneau
- Mar. 18**     **“Personnel Issues and Records”**  
California Police Chiefs Association (CPCA) Executive Assistants Class | San Diego | Stefanie K. Vaudreuil
- Mar. 19**     **“The Brown Act”**  
California Special Districts Association (CSDA) | Stockton | Jack Hughes
- Mar. 19**     **“Understanding the Legal Landscape for the Use of Independent Contractors”**  
League of California Cities - City Attorneys’ Department | Webinar | T. Oliver Yee
- Mar. 26**     **“Social Media and Privacy: Managing Risk & Strategic Best Practices”**  
County Counsels’ Association of California (CCAC) Spring Civil Law & Litigation Conference | Monterey | J. Scott Tiedemann & Jeb Brown
- Mar. 27**     **“Gender Identity Bias in the Workplace”**  
CCAC Spring Civil Law & Litigation Conference | Monterey | Morin I. Jacob
- Apr. 1**      **“Executive Briefing: What Police Chiefs Need to Know About Labor Relations and Personnel Issues”**  
CPCA Becoming a Police Chief | Long Beach | Laura Drottz Kalty
- Apr. 1**      **“Human Resources Boot Camp for Special Districts”**  
CSDA | Costa Mesa | T. Oliver Yee

- Apr. 1**      **“Legal Update”**  
Los Angeles County Police Chief’s Association (LACPCA) Spring Conference | Palm Springs | J. Scott Tiedemann & Geoffrey S. Sheldon
- Apr. 1**      **“Liability Update”**  
Orange County Chiefs of Police and Sheriffs Association (OCCPSA) Spring Conference | Palm Springs | J. Scott Tiedemann & Geoffrey S. Sheldon
- Apr. 21**     **“Defining Board & Staff Roles and Relationships”**  
Special Districts Leadership Academy (SDLA) Spring Conference | San Diego | Mark Meyerhoff
- Apr. 23**     **“PERB 101: An Overview of the Process, Recent Changes, and Upcoming Trends”**  
California Lawyers Association (CLA) Public Sector Conference | Oakland | Adrianna E. Guzman
- Apr. 28**     **“FLSA Update”**  
National Public Employers Labor Relations Association (NPELRA) Annual Training Conference | Austin | Lisa S. Charbonneau
- Apr. 30**     **“Workplace Bullying - A Growing Concern”**  
County General Services Association (CGSA) 2020 Conference | Sacramento | Shelline Bennett

#### Seminars/Webinars

For more information and to register, please visit [www.lcwlegal.com/events-and-training/webinars-seminars](http://www.lcwlegal.com/events-and-training/webinars-seminars).

- Mar. 5**      **“Trends & Topics at the Table!”**  
Liebert Cassidy Whitmore | Tustin | Peter J. Brown & Kristi Recchia
- 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. 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
- Mar. 26**     **“Train the Trainer Refresher: Harassment Prevention”**  
Liebert Cassidy Whitmore | Fresno | Shelline Bennett
- Mar. 31**     **“Train the Trainer: Harassment Prevention”**  
Liebert Cassidy Whitmore | San Francisco | Erin Kunze
- Apr. 9**      **“Train the Trainer Refresher: Harassment Prevention”**  
Liebert Cassidy Whitmore | San Francisco | Erin Kunze
- Apr. 14, 23**   **“Train the Trainer: Harassment Prevention”**  
Liebert Cassidy Whitmore | Los Angeles | Christopher S. Frederick
- Apr. 16**     **“The Public Employment Relations Board (PERB) Academy”**  
Liebert Cassidy Whitmore | Alhambra | Kristi Recchia & Adrianna E. Guzman

**LCW** LIEBERT CASSIDY WHITMORE

6033 West Century Blvd., 5th Floor | Los Angeles, CA 90045

 [CalPublicAgencyLaborEmploymentBlog.com](http://CalPublicAgencyLaborEmploymentBlog.com) |  @lcwlegal

Copyright © 2020 **LCW** LIEBERT CASSIDY WHITMORE

Requests for permission to reproduce all or part of this publication should be addressed to Cynthia Weldon, Director of Marketing and Training at 310.981.2000.

*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. To contact us, please call 310.981.2000, 415.512.3000, 559.256.7800, 916.584.7000 or 619.481.5900 or e-mail [info@lcwlegal.com](mailto:info@lcwlegal.com).