



# CLIENT UPDATE

News and developments in employment law and labor relations for California Public Agencies

## OCTOBER 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.



## DAMAGES

### *City May Deduct Post-Termination Earnings From Award In Wrongful Termination Case.*

In 2017, the California Court of Appeal concluded that the City and County of San Francisco wrongly terminated Paulo Morgado from his job as a police officer. As a remedy, the court directed the City to vacate Morgado’s termination and reinstate him pending an administrative appeal. The City did reinstate Morgado. But, the City then suspended him without pay retroactive to his 2011 termination. Morgado argued that the retroactive suspension was inconsistent with the court order. The court agreed and issued an order holding the City in contempt. The contempt order required the City to “unconditionally” vacate Morgado’s termination and suspension, and compensate him with front pay and benefits he would have earned between his termination and court victory.

Next, Morgado argued that the City was only partially complying with the court’s order. Instead of paying him in full, the City offset the payment owed to Morgado based on his post-termination earnings as a mortgage broker. Morgado argued that the City used his tax returns for the years he was employed as a broker and suspended as a police officer to deduct \$181,402. Morgado obtained a second order of contempt against the City directing it to repay the amount deducted. That ruling made its way to the California Court of Appeal.

On appeal, the sole issue was whether the “front pay”- or the future wages Morgado lost for the time between his termination and his court victory-- was subject to an \$181,402 deduction for the side income he earned during that time. In public and private employment cases, the governing remedial principle is that the remedy should return the employee to the financial position he would have been in had the employer’s unlawful conduct not occurred. Employees, however, are generally not entitled to recover in excess of make-whole damages.

The court first considered whether an employer can offset front pay. Morgado argued that front pay is immune to offset. The Court of Appeal disagreed. The court noted that there was no basis “in logic or fairness” to exclude front pay from the principle of “make-whole relief.” The court reasoned that the purpose is to make a wrongfully terminated employee whole. Thus, front pay must be subject to deduction to avoid overcompensation.

The court then evaluated whether the City could take a deduction for income generated by “moonlighting” or side employment. The court noted that if an employee would have earned such income regardless of his employment status, the income cannot be deducted from the wrongful termination compensation. Here, the court reasoned that if Morgado had not been terminated and suspended, he would not have been able to take up secondary employment as a mortgage broker and he would not have earned the disputed income. Thus, the City was justified in deducting the compensation from his front pay award.

Finally, the court analyzed whether the City calculated the \$181,402 deduction properly. The court noted that the \$181,402 was based on the total pre-tax income Morgado made as a broker. The court concluded that taking away \$181,402 from Morgado, when he earned only a portion of that figure after taxes, would deprive him of money that he was properly owed. The court remanded the issue for the parties to determine the proper post-tax amount of the deduction.

*Morgado v. City & Cty. of San Francisco*, 53 Cal. App. 5th 1216 (2020).

**NOTE:**

*This case demonstrates the complexities of offsetting damages awards in employment cases. Agencies should ensure they are considering mitigating income when paying employees both back pay and front pay.*

## QUALIFIED IMMUNITY

### *Qualified Immunity Does Not Apply To First Amendment Retaliation Claim Against County.*

Natia Sampson is the paternal aunt of a minor named H.S. In 2014, after learning that H.S.'s parents had been incarcerated, Sampson volunteered to become H.S.'s legal guardian. The Los Angeles County juvenile dependency court ordered H.S. to be placed in Sampson's care pending Sampson's guardianship application. The Los Angeles County Department of Children and Family Services (DCFS) assigned social worker Ahmed Obakhume to H.S.'s case.

While Obakhume was assigned to H.S.'s case, he commented on Sampson's appearance and marital status, urged her to end her marriage, touched her inappropriately, and attempted to coerce her into riding in his vehicle. After several months of unwanted advances, Sampson complained about Obakhume's conduct to his supervisor, Nicole Davis. In responding to Sampson's complaint, Davis said that Obakhume was "one of her best" social workers and the only one willing to work with H.S.'s biological parents. Obakhume's conduct continued.

Sampson also experienced two other issues dealing with DCFS officials. One issue was that DCFS required Sampson to supervise visits between H.S. and the biological parents, even though Sampson expressed her unwillingness to do so. The other issue was that when Sampson had difficulties obtaining a special type of funding for caregivers, DCFS officials continued to incorrectly tell her there were unsatisfied requirements. Despite Sampson's numerous complaints and DCFS's assurances they would remedy these issues, they never did.

In August 2015, the juvenile court granted legal guardianship of H.S. to Sampson. Thereafter, H.S.'s biological father absconded with H.S. in October 2015 during a visit that Obakhume had said could be unsupervised. Obakhume visited Sampson's house to discuss the incident and told her that the social workers "stick together" and "cover for each other."

A month later, with Davis' permission, Obakhume filed unsupported allegations that Sampson was neglecting and abusing H.S. DCFS then sought an order from the juvenile court to remove H.S. from Sampson's care. After significant litigation and a brief period in which H.S. was removed from Sampson's custody, the California Court of Appeal returned H.S. to Sampson's care realizing that DCFS's allegations of abuse and neglect were unfounded.

Sampson subsequently sued DCFS and four individual DCFS employees, including Obakhume and Davis, under 42 U.S.C. § 1983. Sampson alleged sexual harassment in violation of the Equal Protection Clause of the Fourteenth Amendment, retaliation in violation of the First Amendment, and other constitutional claims. The district court granted qualified immunity to DCFS on Sampson's First and Fourteenth Amendment claims and dismissed all other causes of action. Sampson appealed the district court's dismissal based on qualified immunity for her Fourteenth Amendment equal protection and First Amendment retaliation claims.

In order to state a claim under Section 1983, Sampson had to plausibly allege that she was deprived "of a federally protected right" and that the "alleged deprivation was committed by a person acting under color of state law." In Section 1983 actions, qualified immunity protects government officials from liability for civil damages so long as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known. To determine whether qualified immunity exists, a court will consider whether: 1) the person suing has plausibly alleged a violation of a constitutional right; and 2) the constitutional right was clearly established at the time.

The Ninth Circuit vacated the district court's grant of qualified immunity to DCFS on Sampson's First Amendment retaliation claim. The court reasoned that at the time of DCFS's misconduct, it was clearly established that the First Amendment prohibits public officials from threatening to remove a child from an individual's custody to chill protected speech. In other words, DCFS should have known that it was unconstitutional to retaliate against Sampson for speaking out about the sexual harassment she allegedly suffered. The court then remanded the claim to the district court to determine

whether Sampson could meet the first prong of the test, namely whether she plausibly alleged a retaliation claim under the First Amendment.

Regarding Sampson's Fourteenth Amendment equal protection claim, the Ninth Circuit affirmed the district court's grant of qualified immunity. The court noted that unlike Sampson's retaliation claim, the right of private individuals to be free from sexual harassment at the hands of social workers was not clearly established at the time. However, the court nonetheless determined that moving forward, public officials, including social workers, violate the Equal Protection Clause of the Fourteenth Amendment when they sexually harass individuals while providing them social services.

*Sampson v. Cty. of Los Angeles*, 2020 WL 5405672 (9th Cir. Sept. 9, 2020)

**NOTE:**

*While this case dealt with the Equal Protection Clause as it relates to social workers, prior case law clearly establishes the right under the Equal Protection Clause to be free from sexual harassment by public officials in the workplace.*

## 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.

- Following the California Supreme Court's interpretation of IWC Wage Order 7 in the *Frlekin v. Apple* case we reported on in the March 2020 *Client Update*, the Ninth Circuit granted summary judgment in favor of the employees. The Ninth Circuit found that the employees were entitled to compensation for the time spent waiting for and undergoing exit searches. (*Frlekin v. Apple, Inc.*, 2020 WL 5225699 (9th Cir. Sept. 2, 2020).)
- On September 17, 2020, Governor Gavin Newsom signed into law Senate Bill (SB) 1383, which significantly expands the California Family Rights Act (CFRA). Effective January 1, 2021, California's family and medical leave law (Government Code section 12945.2) will: apply to all employers with five or more employees; allow leave to care for a serious health condition of additional categories of family members; and eliminate some restrictions on the use of CFRA leave.

- On Friday, September 4, 2020, Governor Newsom signed Assembly Bill (AB) 2257 into law, which reorganizes the Labor Code sections established by AB 5 and amends certain exceptions to the "ABC" test for determining independent contractor status. This law takes effect immediately.

## 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 asked whether an agency can require its employees to get flu shots.

**Answer:** The attorney advised that employees are not required by law to get a flu shot. As a result, making flu shots a mandatory condition of employment puts the employer at risk that an employee will allege claims for violation of collective bargaining laws, disability discrimination or invasion of privacy. There is also U.S. EEOC guidance advising that employers may encourage employees to get an influenza vaccine, but that the ADA and Title VII of the Civil Rights Act restrict employers from requiring all employees to do so, even if one is available.

## BENEFITS CORNER

### *Recent Developments Should Trigger Employer's Review of COBRA Notice Procedures.*

Employers should review their COBRA notices, election forms, and procedures due to recent regulatory and litigation developments. COBRA is a federal law that provides for the continuation of group health plan benefits to "covered employees" (i.e., employees who elect group health plan coverage) and "qualified beneficiaries" (i.e., the spouses and dependents of



covered employees) under certain circumstances when the health coverage would otherwise be lost. Typically, this can happen due to a “qualifying event”, such as a reduction in hours or termination of employment, which then allows employees to elect to continue coverage under their employer’s group health plan for a specified number of months at their own expense. The current economic climate has also unfortunately required many employers to implement many cost-saving and workforce reduction measures, thus further highlighting the need to revisit COBRA compliance.

A plan administrator must provide qualified employees (and covered dependents) with mainly two types of COBRA notices: general and election notices. General notices are provided to employees who are newly covered under their employer’s health plan, which explains their COBRA rights due to a qualifying event. An election notice is provided to an employee experiencing a qualifying event, which explains important and required information, such as continued coverage rights, the length and cost of continued coverage and an election form. The U.S. Department of Labor (DOL) has actively guided employers, plan administrators and employees regarding COBRA compliance, including issuing regulations identifying the necessary information in these notices and publishing model notices.

On May 4, 2020, the DOL issued a new rule, which pauses certain COBRA deadlines due to COVID-19 during a period designated as the “Outbreak Period” (from March 1, 2020 until 60 days after the end of the Coronavirus National Emergency or such other date announced in future guidance). Notably, the clock stops on the following key COBRA deadlines (among others) and then restarts after the Outbreak Period ends: the subsequent 60-day period for a qualified beneficiary to elect COBRA continuation coverage; the 45-day deadline for making an initial COBRA premium payment following the initial election; and the 30-day deadline for making subsequent monthly COBRA premium payments, which follows the first day of the coverage period for which payment is being made. For further discussion on the DOL’s new rule, see our June 2020 *Client Update*. Also note, the DOL recently revised its model COBRA notices, but they have not been updated to account for the extended deadlines noted above.

Recently, there has been a notable rise in class action litigation against employers based on alleged non-compliance in the content and issuance of COBRA notices. These class actions generally allege that the companies’ COBRA election notices: failed to include the minimum content that the DOL regulations specified; were not written in a readable manner; failed to explain COBRA coverage enrollment and related deadlines; deviated significantly from the DOL’s model notices;

and included additional unnecessary information intended to deter persons from obtaining COBRA continuation coverage. Defendants are raising a variety of applicable defenses to these class actions, but the significant costs of litigation alone often drive the parties towards settlement.

Given these significant recent developments, employers should take the time to review the administration of their plans and the issuance of required notices, and consult with their benefits counsel and third-party administrators. For example, employers can compare their COBRA election notices line-by-line to both the DOL Regulations and model notices. Employers should understand what differences exist and why.

Employers should also take the time to review their administrator service agreements to ensure adequate indemnification against COBRA compliance deficiencies.

It is unclear whether employers need to specifically revise COBRA notices to reflect the extended deadlines noted in the DOL’s new rule, especially considering the DOL has not yet revised its own model notices. Nevertheless, to mitigate against the risk of non-compliance and costly litigation, employers should exercise due diligence to independently determine whether any revisions are necessary. Also, employers should familiarize themselves again with the applicable rules for terminating COBRA continuation coverage, such as when qualified beneficiaries obtain coverage under other group health plans or become entitled to Medicare benefits. Note, the DOL’s temporary rule extends the due date for making COBRA premium payments through the Outbreak Period, which effectively limits employers’ ability to terminate such coverage for failure to timely pay premiums.

### *Calendar Year 2020 ACA Reporting And Penalties For Applicable Large Employers.*

As we enter the last quarter of this unprecedented year, applicable large employers (ALEs) are starting to prepare for annual ACA reporting. Generally, an ALE is an employer that had, on average, 50 or more full-time employees (including full-time equivalents) during the preceding calendar year, according to ACA’s specific calculation rules.

Recently on July 13, 2020, the IRS released drafts of the 2020 [Form 1094-C](#) and [Form 1095-C](#). ALEs will provide a completed Form 1095-C to each full time employee and file the final versions of these forms in early 2021 to report ACA compliance during the 2020 calendar year.

Please note the following deadlines:

- **January 29, 2021** - Provide IRS Form 1095-C that you plan to file with IRS to each full-time employees (as that term is defined under the ACA) (Statement);
- **February 26, 2021** - Last Day to Mail Form 1094-C and Forms 1095-C to the IRS;
- **March 31, 2021** - Last Day to E-file Form 1094-C and Forms 1095-C to the IRS.

Note: ALEs filing 250 or more returns must file electronically.

Employers who fail to provide Statements to full-time employees or fail to file correct Forms are subject to the following penalties:

- Failure to provide Statement to Employee – \$270 for each failure (maximum annual penalty of \$3,275,500); and
- Failure to file correct Form - \$270 for each failure (maximum annual penalty of \$3,275,500).

ALEs should plan ahead to ensure these deadlines are met to avoid penalties. ALEs working with a vendor on the filings should double check the Forms to ensure that the vendor is completing them correctly, as the IRS will still penalize the ALE (not the vendor) for incorrect forms and failure to timely file.

#### *2020 Penalty Amounts For The ACA's Employer Shared Responsibility Requirements.*

The IRS also recently published the 2020 tax year annual ACA penalty amounts, which increase every year. These penalties are referred to as Employer Shared Responsibility Payments, and are described as follows:

**4980H(a) Penalty:** For failure to offer minimum essential coverage to at least 95 percent of full-time employees in any given calendar month:

- **\$214.17 per month** (\$2,570 annualized) multiplied by the total number of full-time employees less 30. In 2021, this penalty increases to \$2,700 annualized.

**4980H(b) Penalty:** For failure to offer affordable minimum essential coverage that provides minimum value:

- **\$321.67 per month** (\$3,860 annualized) for each full-time employee who enrolls in coverage and receives a subsidy from Covered California. In 2021, this penalty increases to \$4,060 annualized.

ALEs subject to potential penalties will receive an IRS Letter 226J to inform them of their potential liability for an employer shared-responsibility payment.

ALEs who are subject to the Employer Shared Responsibility Requirements should review their policies and health benefit arrangements to confirm they do not have exposure to ACA penalties. In our August 2020 *Client Update*, we generally discuss the three main IRS safe harbors, which an employer may use to consider whether it offers affordable coverage. However, it's important to note that offering flexible benefit arrangements and cash in lieu may impact the general affordability calculations. If you have questions about your particular arrangement, please reach out to an LCW attorney.

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## NEW TO THE FIRM

**English Bryant** is an Associate in LCW's San Diego office, where she assists clients in all matters pertaining to labor and employment. Prior to joining LCW, English served as a legal advisor the San Diego County Sheriff's Department, handling high-level personnel issues, civil service hearings, and *Pitchess* motions, and overseeing Internal Affairs investigations and medical standards issues.

She can be reached at [ebryant@lcwlegal.com](mailto:ebryant@lcwlegal.com).

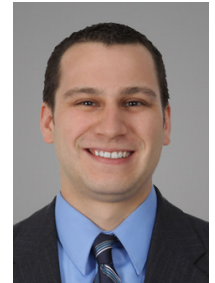


LCW

# Congratulations to Our New Partners!



## Introducing LCW's newest partners, Grace Chan & Michael Youril!



**Grace Chan** represents private educational institutions in all aspects of education and employment law. Grace works extensively in handling various employment and student issues, such as drafting employment agreements, employee handbooks, enrollment agreements and student handbooks, defending claims of alleged harassment and discrimination, among others. She regularly advises boards on governance issues, including updating bylaws, articles and board policies, and advising on board functions and operations, fiduciary duties and obligations, and risk management practices.

**Michael Youril** has extensive experience in retirement law including CalPERS, the '37 Act, and local retirement systems. Michael represents public agencies in all aspects of the CalPERS audit and determination process and in disability retirement proceedings. Michael regularly represents agencies before the Office of Administrative Hearings and various retirement Boards. Michael also litigates employment law actions in state and federal courts through all stages of litigation. He regularly litigates cases involving discrimination, harassment, retaliation, and whistleblower retaliation, among others. Michael has also litigated several individual and collective action cases brought under the Fair Labor Standards Act. Michael was named a Northern California Super Lawyers Rising Star in 2017 and 2020.

To view our tribute to Grace and Michael, and their remarks, please visit our [website](#).



## FIRM PUBLICATIONS

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

Partner [Pilar Morin](#), Senior Counsel [David Urban](#) and Associate [Anni Safarloo](#) authored the *Daily Journal* article, “Review New Title IX Regulations, Effective This Month,” discussing the new Title IX regulations that went into effect August 14, 2020.

Partner [Gage C. Dungey](#) was quoted in the *Law360* article, “Newsome Takes Aim at ‘Gap’ in COVID-19 Paid Sick Leave Law,” discussing the recent signing of AB 1867, which gives Californians who have been exposed to or test positive for COVID-19 access to paid sick time for the remainder of 2020.

Partner [Brian P. Walter](#) and Associate [Alexander Volberding](#) authored the *Western City* article, “Best Practices to Avoid Employment Litigation Related to COVID-19,” discussing how public agencies can avoid costly litigation in the era of COVID-19.

# Save the Date!

**We're  
Going  
Virtual  
in 2021!**

Attend the LCW  
Conference from  
wherever you are!

February 18 - 19, 2021

We're reimagining the LCW  
Conference and offering a flexible  
lineup to maximize your learning  
and networking opportunities.  
Stay tuned for more details!

<https://www.lcwlegal.com/events-and-training/lcw-conference>



## Upcoming Webinars

### New Changes to the California Family Rights Act - SB 1383 - What You Need to Know



[Register here!](#)

**THURSDAY OCTOBER 15, 2020 | 10:00 AM - 11:30 AM**

SB 1383 has been signed into law and makes several changes to the California Family Rights Act, including expanding the leave to grandchildren, grandparents and siblings. This webinar will discuss all of the changes and what is necessary to modify your family and medical care leave acts policy so that you are ready to have those changes implemented when SB 1383 goes into effect on January 1, 2021.



**PRESENTED BY  
Peter J. Brown**

### 2021 Legislative Update for Public Safety



[Register here!](#)

**THURSDAY, OCTOBER 22, 2020 | 10:00 AM - 11:00 AM**

While every year brings change to the laws that impact public safety, this year the Legislature was busy considering legislation that will materially impact public agencies and their employees, particularly those that work in or for law enforcement. This one hour webinar will cover new legislation driven largely by calls for social justice as well as recent court decisions that will most significantly impact public safety departments in a variety of areas of the law. This webinar will help attendees understand and navigate changes to personnel laws that will most impact the management of public safety departments, including laws affecting hiring, investigation and discipline of personnel, civilian oversight, and civil rights liability issues.



**PRESENTED BY  
Geoffrey S. Sheldon**

#### MANAGEMENT TRAINING WORKSHOPS

### Firm Activities

#### Consortium Training

- |               |   |
|---------------|---|
| <b>Oct. 7</b> | <b>"Finding the Facts: Employee Misconduct &amp; Disciplinary Investigations"</b><br>Central Coast ERC   Webinar   Shelline Bennett |
| <b>Oct. 7</b> | <b>"Finding the Facts: Employee Misconduct &amp; Disciplinary Investigations"</b><br>South Bay ERC   Webinar   Shelline Bennett     |
| <b>Oct. 7</b> | <b>"Labor Code 101 for Public Agencies"</b><br>Central Valley ERC   Webinar   Michael Youril  |
| <b>Oct. 8</b> | <b>"Managing the Marginal Employee"</b><br>East Inland Empire ERC   Webinar   Christopher S. Frederick                              |



- Oct. 8**      **“Managing the Marginal Employee”**  
Monterey Bay ERC | Webinar | Christopher S. Frederick
- Oct. 8**      **“Maximizing Supervisory Skills for the First Line Supervisor - Part 2”**  
Mendocino County ERC | Webinar | Kristi Recchia
- Oct. 8**      **“Maximizing Supervisory Skills for the First Line Supervisor - Part 2”**  
San Diego ERC | Webinar | Kristi Recchia
- Oct. 8**      **“Maximizing Supervisory Skills for the First Line Supervisor - Part 2”**  
San Joaquin Valley ERC | Webinar | Kristi Recchia
- Oct. 8**      **“Navigating the Crossroads of Discipline and Disability Accommodation”**  
Orange County ERC | Webinar | Jennifer Rosner
- Oct. 13**     **“Difficult Conversations”**  
San Mateo County ERC | Webinar | Heather R. Coffman
- Oct. 14**     **“Supervisor’s Guide to Public Sector Employment Law”**  
North State ERC | Webinar | Jack Hughes
- Oct. 14**     **“Family and Medical Care Leave Acts”**  
San Gabriel Valley ERC | Webinar | Danny Y. Yoo
- Oct. 14**     **“Family and Medical Care Leave Acts”**  
Ventura/Santa Barbara ERC | Webinar | Danny Y. Yoo
- Oct. 15**     **“Principles for Public Safety Employment”**  
Bay Area ERC | Webinar | Suzanne Solomon
- Oct. 21**     **“Maximizing Supervisory Skills for the First Line Supervisor - Part 2”**  
Coachella Valley ERC | Webinar | Kristi Recchia
- Oct. 21**     **“Maximizing Supervisory Skills for the First Line Supervisor - Part 2”**  
Gold Country ERC | Webinar | Kristi Recchia
- Oct. 21**     **“Maximizing Supervisory Skills for the First Line Supervisor - Part 2”**  
Humboldt County ERC | Webinar | Kristi Recchia
- Oct. 21**     **“Administering Overlapping Laws Covering Discrimination, Leaves and Retirement - Part 1”**  
Sonoma/Marin ERC | Webinar | Richard Bolanos & Jessica A. Tyndall
- Oct. 28**     **“Unfair Practice Charges and PERB”**  
Central Valley ERC | Webinar | Che I. Johnson
- Oct. 28**     **“Moving Into the Future”**  
Monterey Bay ERC | Webinar | Erin Kunze
- Oct. 28**     **“Human Resources Academy I”**  
Ventura/Santa Barbara ERC | Webinar | Kristi Recchia
- Oct. 29**     **“Maximizing Supervisory Skills for the First Line Supervisor - Part 2”**  
Napa/Solano/Yolo ERC | Webinar | Kristi Recchia
- Oct. 29**     **“Maximizing Supervisory Skills for the First Line Supervisor - Part 2”**  
North San Diego County ERC | Webinar | Kristi Recchia
- Oct. 29**     **“Maximizing Supervisory Skills for the First Line Supervisor - Part 2”**  
West Inland Empire ERC | Webinar | Kristi Recchia



- Oct. 29**      **“Public Sector Employment Law Update”**  
Orange County ERC | Webinar | Richard S. Whitmore
- Nov. 4**      **“Advanced Misconduct and Disciplinary Investigations”**  
Central Coast ERC | Webinar | Shelline Bennett
- Nov. 4**      **“Advanced Misconduct and Disciplinary Investigations”**  
Humboldt County ERC | Webinar | Shelline Bennett
- Nov. 4**      **“Advanced Misconduct and Disciplinary Investigations”**  
South Bay ERC | Webinar | Shelline Bennett
- Nov. 4**      **“Supervisor’s Guide to Understanding and Managing Employee’s Rights: Labor, Leaves and Accommodations”**  
LA County HR Consortium | Webinar | Laura Drottz Kalty
- Nov. 5**      **“The Art of Writing the Performance Evaluation”**  
Gateway Public ERC | Webinar | Stephanie J. Lowe
- Nov. 5**      **“The Art of Writing the Performance Evaluation”**  
Mendocino County ERC | Webinar | Stephanie J. Lowe
- Nov. 5**      **“Administering Overlapping Laws Covering Discrimination, Leaves and Retirement - Part 2”**  
Sonoma/Marin ERC | Webinar | Richard Bolanos & Jessica A. Tyndall
- Nov. 12**     **“Exercising Your Management Rights”**  
Central Valley ERC | Webinar | Melanie L. Chaney
- Nov. 12**     **“Exercising Your Management Rights”**  
East Inland Empire ERC | Webinar | Melanie L. Chaney
- Nov. 12**     **“Workers Compensation: Managing Employee Injuries, Disability and Occupational Safety - Part 1”**  
Coachella Valley ERC | Webinar | GMK Attorney
- Nov. 12**     **“Workers Compensation: Managing Employee Injuries, Disability and Occupational Safety - Part 1”**  
San Gabriel Valley ERC | Webinar | GMK Attorney
- Nov. 12**     **“Difficult Conversations”**  
Napa/Solano/Yolo ERC | Webinar | Heather R. Coffman
- Nov. 12**     **“Moving Into the Future”**  
San Diego ERC | Webinar | Alysha Stein-Manes
- Nov. 18**     **“File That! Best Practices for Employee Document and Record Management”**  
Bay Area ERC | Webinar | Erin Kunze
- Nov. 18**     **“File That! Best Practices for Employee Document and Record Management”**  
North State ERC | Webinar | Erin Kunze
- Nov. 18**     **“The Future is Now - Embracing Generational Diversity and Succession Planning”**  
Gold Country ERC | Webinar | Jack Hughes
- Nov. 19**     **“Prevention and Control of Absenteeism and Abuse of Leave”**  
Imperial Valley ERC | Webinar | T. Oliver Yee
- Nov. 19**     **“Difficult Conversations”**  
NorCal ERC | Webinar | Heather R. Coffman
- Nov. 19**     **“Nuts & Bolts: Navigating Common Legal Risks for the Front Line Supervisor”**  
North San Diego County ERC | Webinar | Laura Drottz Kalty

**Nov. 19**      **“Maximizing Performance Through Evaluation, Documentation and Corrective Action”**  
San Mateo County ERC | Webinar | Christopher S. Frederick

**Nov. 19**      **“Maximizing Performance Through Evaluation, Documentation and Corrective Action”**  
West Inland Empire ERC | Webinar | Christopher S. Frederick

### **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](http://www.lcwlegal.com/events-and-training).

**Oct. 8**      **“Maximizing Performance Through Evaluation, Documentation, and Corrective Action”**  
City of Long Beach | Webinar | Stacey H. Sullivan

**Oct. 8**      **“Understanding Our Unconscious Bias”**  
Southern California Association of Governments (SCAG) | Webinar | Shelline Bennett

**Oct. 13**      **“Bias Is A Four Letter Word - But It Doesn’t Have to Be”**  
Riverside County District Attorney’s Office | Webinar | Suzanne Solomon

**Oct. 20**      **“Legal Aspects of Violence in the Workplace”**  
City of Stockton | Webinar | Kristin D. Lindgren

**Oct. 27**      **“Key Legal Principles for Public Safety Managers - POST Management Course”**  
Peace Officer Standards and Training - POST | San Diego | Mark Meyerhoff

**Oct. 27**      **“Preventing Workplace Harassment, Discrimination and Retaliation”**  
City of Stockton | Webinar | Brian J. Hoffman

**Oct. 28**      **“Preventing Workplace Harassment, Discrimination and Retaliation”**  
City of Millbrae | Webinar | Kelsey Cropper

**Oct. 29**      **“Ethics in Public Service”**  
Merced County | Webinar | Michael Youril

**Nov. 5**      **“Ethics in Public Service”**  
Merced County | Webinar | Michael Youril

**Nov. 5**      **“Preventing Workplace Harassment, Discrimination and Retaliation”**  
City of Millbrae | Webinar | Kelsey Cropper

**Nov. 5, 6**      **“Preventing Workplace Harassment, Discrimination and Retaliation”**  
ERMA | Webinar | Heather R. Coffman

**Nov. 10**      **“Creating an Ethical Mindset and Embracing Diversity”**  
Midpeninsula Regional Open Space District | Webinar | Erin Kunze

**Nov. 17**      **“Preventing Workplace Harassment, Discrimination and Retaliation”**  
City of Glendale | Jenny Denny

**Nov. 17**      **“Performance Management: Evaluation, Documentation and Discipline”**  
City of Stockton | Webinar | Brian J. Hoffman

**Nov. 17**      **“FLSA”**  
Los Angeles World Airports (LAWA) | Los Angeles | Elizabeth Tom Arce



### Speaking Engagements

- Oct. 9**      **“Layoffs, Furloughs, & Concessions - Negotiating in Challenging Times”**  
League of California Cities 2020 Annual Conference | Webinar | Peter J. Brown & Laura Drottz Kalty
- Oct. 9**      **“Telecommuting Policies - Hot Topics & Key Issues to Consider”**  
League of California Cities 2020 Annual Conference | Webinar | T. Oliver Yee & Kristi Recchia
- Oct. 28**     **“Labor Negotiations from Beginning to End”**  
Municipal Management Association of Southern California (MMASC) Annual Conference | Webinar | Kevin J. Chicas
- Nov. 4**      **“Defining Board & Staff Roles and Relationships”**  
Special District Leadership Academy (SDLA) | Webinar | Mark Meyerhoff
- Nov. 5**      **“Defining Board & Staff Roles and Relationships”**  
Special District Leadership Academy (SDLA) | Webinar | Mark Meyerhoff
- Nov. 6**      **“Labor and Employment Litigation Update”**  
League of California Cities 2020 City Attorneys’ Conference | Webinar | Brian P. Walter
- Nov. 6**      **“Battle Lessons from Trial Warriors”**  
League of California Cities 2020 City Attorneys’ Conference | Webinar | Geoffrey S. Sheldon & Jennifer Rosner
- Nov. 13**     **“Harassment Prevention Training”**  
California State Association of Counties (CSAC) Virtual Annual Meeting | Webinar | Jack Hughes
- Nov. 16**     **“The Independent Contractor Compliance Review: Overlapping Issues & Legal Compliance”**  
California Public Employer Labor Relations Association (CALPELRA) 2020 Annual Training Conference | Webinar | Gage C. Dungy & Elizabeth Tom Arce
- Nov. 17**     **“Layoffs, Furloughs, And Concessions: Navigating & Negotiating During Financially Challenged Times”**  
California Public Employer Labor Relations Association (CALPELRA) 2020 Annual Training Conference | Webinar | Richard Bolanos & Shelline Bennett
- Nov. 17**     **“Negotiating Retirement And Health Benefits In Tough Economic Times”**  
California Public Employer Labor Relations Association (CALPELRA) 2020 Annual Training Conference | Webinar | Steven M. Berliner & Jack Hughes
- Nov. 18**     **“Telecommuting Policies: Hot Topics & Key Issues To Consider”**  
California Public Employer Labor Relations Association (CALPELRA) 2020 Annual Training Conference | Webinar | Kristi Recchia & T. Oliver Yee
- Nov. 18**     **“Managing Public Safety Employee Injuries And Illnesses: Navigating The Interactive Process, Labor Code 4850 And Similar Laws So That They Can Either Be Returned To Work Or Retired”**  
California Public Employer Labor Relations Association (CALPELRA) 2020 Annual Training Conference | Webinar | J. Scott Tiedemann & Jennifer Rosner
- Nov. 19**     **“Legislative & Legal Update”**  
Public Employer Labor Relations Association of California (PELRAC) | Webinar | Peter J. Brown
- Nov. 19**     **“Meet & Confer Obligations During An Emergency: Lessons Learned From COVID-19 & Preparing For The Next Crisis”**  
California Public Employer Labor Relations Association (CALPELRA) 2020 Annual Training Conference | Webinar | Peter J. Brown & Che I. Johnson
- Nov. 19**     **“FLSA Hot Topics And Legal Updates”**  
California Public Employer Labor Relations Association (CALPELRA) 2020 Annual Training Conference | Webinar | Lisa S. Charbonneau & Brian P. Walter

**Nov. 20**      **“Labor Relations Game Show!”**  
California Public Employer Labor Relations Association (CALPELRA) 2020 Annual Training Conference | Webinar  
| J. Scott Tiedemann & Laura Drottz Kalty

**Nov. 20**      **“Recent Developments In Public Sector Labor And Employment: A National Perspective”**  
California Public Employer Labor Relations Association (CALPELRA) 2020 Annual Training Conference | Webinar  
| Peter J. Brown & Will Aitchison

#### 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).

**Oct. 15**      **“New Changes To The California Family Rights Act - SB 1383 - What You Need To Know”**  
Liebert Cassidy Whitmore | Webinar | Peter J. Brown

**Oct. 22**      **“2021 Legislative Update for Public Safety”**  
Liebert Cassidy Whitmore | Webinar | Geoffrey S. Sheldon

**Nov. 9**      **“Train the Trainer Refresher: Harassment Prevention”**  
Liebert Cassidy Whitmore | Webinar | Christopher S. Frederick

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