Liebert Cassidy Whitmore

FIRE WATCH

News and developments in employment law and labor relations for California Fire Safety Management

APRIL 2021

INDEX

California Public Records Act 2
Discrimination. 4
Firm Victory 1
First Amendment 5

LCW NEWS

Firm Activities 8
Labor Relations Certificate Program . .8
New Website 7
Upcoming Webinar 7

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FIRM VICTORY

Sergeant's Demotion Upheld Due To Misconduct And Abrasive Management Style.

LCW Associate Sue Ann Renfro and Partner Jesse Maddox successfully represented a city in a peace officer's disciplinary appeal.

In 2017, a police sergeant was the subject of a grievance that a subordinate officer filed. An independent investigation sustained findings that the sergeant was discourteous, used obscene language, made disparaging remarks, and falsified a report. The chief of police then demoted the officer from the rank of sergeant to officer.

The officer appealed his demotion to the city's three-member Commission, which found there was just cause for the demotion. However, the Commission found the discipline was excessive and restored the officer to the position of corporal. The officer then filed a petition for writ of administrative mandate with the trial court to challenge the demotion to corporal. The trial court denied the writ petition, holding the weight of the evidence supported the Commission's findings.

The trial court found that sufficient evidence, including testimony from multiple department members, showed that the officer was "seriously lacking" interpersonal skills and that his abrasive management style frustrated the agency's efficiency and mission. The court found that evidence also showed that the officer regularly issued instructions and orders to subordinates in an "abrupt, rude and inappropriate manner" and at times in the presence of citizens or other officers. The court noted that the officer's intimidating tactics as a supervisor resulted in the mishandling of an investigation. The officer was repeatedly advised to improve how he communicated with other officers; he even received a counseling session for berating another officer in front of others.

Based on these facts, the trial court held that there was no abuse of discretion in demoting the officer to corporal.

Note:

> *The trial court indicated that the department could expect more from the former sergeant because of his supervisory responsibilities. This fact, coupled with the counseling that the sergeant received, showed that his demotion to corporal was an appropriate penalty.*

Fire Captain's Termination Upheld Following Off-Duty Assault.

LCW Associate Tony Carvalho successfully represented a city in a termination appeal involving a fire department captain.

In October 2018, the captain and his wife attended a birthday party at a colleague's home. In attendance were the friends and family of the hosts, as well as other fire department personnel. The captain's brother, who was another fire department

employee and with whom the captain had a fraught personal relationship, also attended the party with his wife. During the party, the captain's brother made a derogatory comment about the captain's wife, which resulted in the captain striking his brother.

The city determined that the captain's actions during the party violated multiple department policies, including policies on proper conduct and good order. Following a pre-disciplinary meeting, the city terminated the captain.

The captain appealed his termination and alleged that his brother was not a credible witness in light of his brother's inconsistent statements at the party about the captain's wife, as well as other incidents unrelated to the party. The captain claimed he did not strike his brother first, and that his actions were in defense of his wife--who the captain claimed was in imminent physical danger from his brother. The captain also presented evidence to support lesser discipline, including his lengthy, discipline-free tenure with the city and testimony from other fire department personnel about his character.

The hearing officer found that even assuming the captain's brother was not a credible witness, the weight of the remaining evidence from other witnesses supported that the captain struck the first blow while his brother was turned away from him. As such, no persuasive evidence indicated that the captain had reason to believe he or his wife were at risk of imminent danger at the time of the assault. The hearing officer also found that the act occurred in front of members of the public, including young children at the party.

The hearing officer upheld the termination in light of the captain's responsibility to set a good example for his community, whether on-duty or off-duty, particularly given his supervisory rank within the fire department. The hearing officer concluded the captain's actions were the antithesis of what the public expects from fire department personnel.

Note:

Fire safety officers have a position of trust with the public. These officers, particularly at the supervisory level, are held to high standards of conduct, whether on-duty or off-duty. The off-duty misconduct in this case had a nexus to the job because the assault was on a fellow firefighter and occurred at a party attended by the public and other department firefighters.

CALIFORNIA PUBLIC RECORDS ACT

Disclosing Peace Officer Records Related To Dishonesty Was Protected Activity Under Anti-SLAPP Statute.

In 2018, the City of Rio Vista (City) terminated police officer John Collondrez after an investigation found he was dishonest and committed misconduct, including making false reports. Collondrez appealed his termination. Prior to his appeal hearing, the parties' reached a settlement. The City agreed to pay $35,000 to Collondrez and he agreed to resign from his employment, effective December 2017. The settlement agreement stated that the City would maintain all disciplinary notices and investigation materials related to Collondrez's employment in his personnel file and that those records would only be released as required by law or court order. The agreement also stated the City would notify Collondrez of any request to release his personnel records.

In January 2019, the City received a number of media requests under the California Public Records Act (CPRA) for records related to Collondrez's disciplinary action. The City produced responsive records from Collondrez's personnel file and gave him prior notice of some, but not all of the disclosures. The media then reported information from the disclosed records, and Collondrez's subsequent employer (Uber) terminated his employment in February 2019 in light of his prior misconduct.

Collondrez then sued the City and Police Chief Dan Dailey for breach of contract, invasion of privacy, interference with prospective economic advantage, and intentional infliction of emotional distress. The City moved to strike the complaint under California's anti-SLAPP statute, on the grounds that it was required to disclose Collondrez's records pursuant to Penal Code Section 832.7 and the CPRA.

A court examines an anti-SLAPP motion, which allows for the early dismissal of a case that thwarts constitutionally-protected speech, in two parts: (i) whether a defendant has shown the challenged cause of action arises from protected activity; and (ii) whether the plaintiff has demonstrated a probability of prevailing on the claim. Under this framework, the trial court granted the City's motion to strike in part, finding that Collondrez had shown a probability of prevailing on his causes of action for breach of contract and invasion of privacy, but not on his other two causes of action. Both parties appealed, and the California Court of Appeal affirmed in part and reversed in part.

As to the first element of the anti-SLAPP framework, Collondrez argued on appeal that his causes of action did not arise from protected activity because the essence

of his complaint was not the release of his personnel information, but rather the City's failure to give him pre-release notice of disclosure in accordance with the settlement agreement. The Court of Appeal disagreed, holding that the complaint arose from the protected speech, namely, the City's release of Collondrez's personnel information to media outlets.

As to the second element, the Court of Appeal held Collondrez failed to show a probability of prevailing on the merits of any cause of action against the City because the City was compelled to produce his personnel information regarding any "sustained findings" of officer dishonesty pursuant to Penal Code Section 832.7 and the CPRA. Notably, the Court of Appeal disagreed with Collondrez's argument that the settlement agreement meant that there was no "sustained finding" of officer dishonesty against him, and that therefore, the City was not compelled to disclose his records. The Court of Appeal found that a "sustained finding" is established when an officer has had the opportunity to appeal, and not solely when an appeal is actually completed. Collondrez was provided the opportunity to appeal his termination, and therefore his records concerned a "sustained finding" of dishonesty and were properly disclosed as required by the CPRA requests.

Since Collondrez's entire complaint against the City was based on a claim of wrongful disclosure of his records, the Court of Appeal held the City's anti-SLAPP motion should have been granted in full and decided in favor of the City.

Collondrez v. City of Rio Vista, 2021 WL 973420 (Cal. At. App., Mar. 16, 2021).

Note:

Anti-SLAPP motions are a powerful tool for early dismissal of lawsuits involving issues of protected speech. This case affirms that the disclosure of peace officer records pursuant to a CPRA request is protected speech that can be protected under the anti-SLAPP statute. This case is important because the Court of Appeal held that a "sustained finding" of dishonesty that triggers a CPRA disclosure is established when an officer has had the opportunity to appeal, and not solely when an appeal is actually completed. As a result, a settlement agreement that is completed after the officer has an opportunity to appeal discipline does not prevent the discovery of certain peace officer records.

Certain Peace Officer Records Created Before 2019 Must Be Disclosed In Response To CPRA Requests.

On January 1, 2019, Senate Bill 1421 (SB 1421) went into effect, which amended Penal Code Section 832.7 to allow disclosure of peace officer records related to officer-involved shootings, serious use of force and sustained findings of sexual assault or serious dishonesty under the California Public Records Act (CPRA). Previously, these records could only be accessed through a *Pitchess* motion using the a judicial process laid out in Evidence Code Sections 1044 and 1045.

Following the passage of SB 1421, the Ventura County Deputy Sheriffs' Association (Association) sued the County of Ventura (County) and the Sheriff of Ventura County for a court order confirming that Section 832.7 only required disclosure of peace officer records for conduct occurring after January 1, 2019.

While the case was pending in the trial court, the California Court of Appeal's First District issued an opinion in *Walnut Creek Police Officers' Association v. City of Walnut Creek (Walnut Creek)*, which held that SB 1421 required the disclosure of peace officer records created prior to January 1, 2019. Despite the *Walnut Creek* decision, the trial court found for the Association and issued a permanent injunction preventing the County from disclosing peace officer records that were created prior to 2019 in response to CPRA requests.

The County's Public Defender intervened and appealed to the Court of Appeal's Second District, alleging the trial court was bound by the *Walnut Creek* decision. On appeal, the Association argued SB 1421 cannot retroactively divest peace officers of their right to confidentiality in records. The Court of Appeal disagreed with the Association and reversed the trial court's judgment.

Relying on the *Walnut Creek* decision, the Court of Appeal found that Section 832.7 adequately safeguards an officer's right to privacy by only requiring disclosure of records under limited circumstances, including instances of egregious misconduct. The Court of Appeal also found that the Legislature intended SB 1421 to apply to pre-2019 records in accordance with its stated goal of increasing transparency regarding incidents of peace officer misconduct.

For these reasons, the Court of Appeal held that the trial court erred in failing to follow the precedent set by *Walnut Creek*, and held SB 1421 applies retroactively to require the disclosure of responsive records created prior to 2019.

Ventura County Deputy Sheriffs' Association v. County of Ventura, 61 Cal.App.5th 585 (2021).

Note:

This case again affirms that SB 1421 applies retroactively to peace officer records created prior to January 1, 2019. LCW attorneys can help agencies comply in full with their CPRA obligations.

DISCRIMINATION

District Court Was Wrong To Dismiss University Professor's U.S. Equal Pay Act Claim.

Jennifer Freyd is a Professor of Psychology at the University of Oregon (University) and a leader in the field on the psychology of trauma. At the University, Freyd is the principal investigator at the Freyd Dynamics Laboratory where she conducts empirical studies related to the effects of trauma and is responsible for running the laboratory and supervising both doctoral candidates and undergraduate students. Freyd is the editor of the *Journal of Trauma & Dissociation* and has served on the editorial board for many other journals. In addition, Freyd has served in a variety of roles at the University, and consults for other entities.

The University adjusts tenured faculty salaries using two different mechanisms. First, a merit raise is based on job performance and the contributions made in the areas of research, teaching, and service. Second, a retention raise is based on whether the faculty member is being recruited by another academic institution. To determine whether to grant a retention raise, the University considers many factors, including: the faculty member's productivity and contribution to the University; if the faculty member's departure is imminent in the absence of a raise; any previous retention increases; implications for internal equity within the unit; and the strategic goals of the University. While Freyd received initial inquiries from other universities, she never had a retention negotiation nor received a retention raise.

In 2014, as part of an unrelated public records request, Freyd unintentionally received salary information for the Psychology Department faculty. That information showed she was making between $14,000 and $42,000 less per year than four male colleagues with comparable rank and tenure. Each of those four men had received retention raises or had at least one retention negotiation. Freyd conducted her own regression analysis on the data and noticed a marked disparity in pay between the genders. Freyd and two other female psychology professors then conducted a second regression analysis, which presented similar results.

In the spring 2016, the Psychology Department conducted a mandatory annual self-study. The self-study revealed an annual average difference of $25,000 in salary between male and female professors. The study concluded this discrepancy appeared to have emerged mostly as a result of retention raises. Indeed, of the 20 retention negotiations from 2006 through 2016, only four affected female faculty and only one of the successful retention cases involved a woman.

Several months later, the Department Head conducted his own regression analysis and sent his results to the Dean and Associate Dean of the College of Arts and Sciences. The Department Head recommended the University address its "most glaring" inequity case –Freyd. But, the Dean and Associate Dean concluded Freyd's compensation "was not unfairly, discriminatorily, or improperly set." Accordingly, she was denied a raise.

Freyd sued the University, the Dean. and Assistant Dean alleging, among other claims, violations of the U.S. Equal Pay Act, Title VII of the Civil Rights Act, and Title IX. The district court found in favor of the University because Freyd could not show that she and her comparators performed substantially equal or comparable work. The district court also concluded that Freyd didn't have sufficient evidence of disparate impact or discriminatory intent, and that the University did show its salary practices were job related and a business necessity. Freyd appealed.

The U.S. Equal Pay Act prohibits wage discrimination based on sex. The Act requires a female employee to show that a male employee is paid different wages for equal work in jobs that are "substantially equal."

On appeal, the Ninth Circuit concluded the district court was wrong to rule in the University's favor on Freyd's Equal Pay Act claim. Specifically, the court concluded that a reasonable jury could find that Freyd and her comparators perform a "common core of tasks" and do substantially equal work. For example, Freyd and three of the comparators are all full professors in the Psychology Department who conduct research, teach classes, advise students, serve actively on University committees, and participate in relevant associations and organizations. While their duties may not have been identical, the court reasoned that their responsibilities were not so unique that they could not be compared for purposes of the Equal Pay Act.

The Ninth Circuit also found that the district court erred in dismissing Freyd's Title VII disparate impact claim. To establish disparate impact under Title VII, an employee must show that a seemingly neutral employment practice has a significantly discriminatory impact on a protected group. The employee also must establish that the challenged practice is: not job related; or is inconsistent with business necessity. Here, the court noted that Freyd challenged the practice of awarding retention raises without also increasing the salaries of other professors of comparable merit and seniority. Further, because of numerous factors related to gender, female faculty may be less willing to move and thus less likely to entertain an overture from another institution. It also noted that Freyd had significant evidence that the University's practices caused a significant discriminatory impact on female faculty. Freyd's evidence included the statistical analysis of an economist who concluded female professors

earned $15,000 less than male professors, as well as the University's own self-study data. Finally, the court noted that Freyd may be able to establish the University's retention raise practice was not a business necessity because she offered an alternative practice that may be equally effective in accomplishing the University's goal of retaining talented faculty.

However, the Ninth Circuit determined that the district court was right to rule in the University's favor with respect to Freyd's Title VII and Title IX disparate treatment claims. Regarding Freyd's TVII disparate treatment claim, the court noted that because equity raises and retention raises are not comparable, it could not say that Freyd's comparators were treated "more favorably" than she was. Similarly, Freyd's Title IX disparate treatment claim failed because Freyd presented no evidence of intentional discrimination.

The Ninth Circuit remanded the case back to the district court for further proceedings on Freyd's Equal Pay Act and disparate treatment claims.

Freyd v. Univ. of Oregon, 2021 WL 958217 (9th Cir. Mar. 15, 2021).

Note:

This case involved the US Equal Pay Act, which prohibits wage discrimination only on the basis of sex. California's Equal Pay Act (Labor Code Sections 432.3 and 1197.5) prohibits wage discrimination on the basis of sex, race, and ethnicity. California's law provides employees greater protection than the US Equal Pay law because it prevents an employer from relying on an employee's salary history to justify a wage disparity. Conducting an equal pay audit can ensure that all employees are paid similarly for substantially equal or similar work.

FIRST AMENDMENT

School District Did Not Violate Constitution Or Title VII In Football Coach Prayer Case.

Bremerton School District (BSD) employed Joseph Kennedy as a football coach at Bremerton High School (BHS) from 2008 to 2015. Kennedy is a practicing Christian, and his religious beliefs required him to give thanks through prayer at the end of each game by kneeling at the 50-yard line. Because Kennedy's religious beliefs occurred on the field where the game was played immediately after the game, spectators including students, parents, and community members would observe Kennedy's religious conduct. While Kennedy initially prayed alone, a group of BHS players soon asked if they could join him. Over time, the group grew to include the majority of the team. Kennedy's religious practice also evolved and he began giving short speeches at midfield after games with participants kneeled around him.

BSD first learned that Kennedy was praying on the field in September 2015, when an opposing team's coach told BHS' principal that Kennedy had asked his team to join him in prayer on the field. After learning of the incident, the Athletic Director spoke with Kennedy and expressed disapproval in the religious practice. In response, Kennedy posted on Facebook "I think I just might have been fired for praying." Subsequently, BSD was flooded with thousands of emails, letters, and telephone calls from around the Country regarding Kennedy's prayer.

BSD's discovery of Kennedy's 50-yard line prayers prompted an inquiry into whether Kennedy was complying with its Religious-Related Activities and Practices policy. That policy provided that school staff should not encourage nor discourage a student from engaging in non-disruptive oral or silent prayer or other devotional activity. BSD's investigation revealed that the coaching staff received little training regarding BSD's policy, so the superintendent sent Kennedy a letter advising him that he could continue to give inspirational talks, but they must remain entirely secular in nature. The letter also noted that student religious activity needed to be entirely student-initiated; Kennedy's actions could not be perceived as an endorsement of that activity; and that while Kennedy was free to engage in religious activity, it could not interfere with his job responsibilities and must be physically separate from any student activity. While Kennedy temporarily prayed after everyone else had left the stadium, he alleged he soon returned to his practice of praying immediately after games. However, BSD received no further reports of Kennedy praying on the field, and BSD officials believed he was complying with its directive.

On October 14, 2015, Kennedy wrote a letter to BSD through his lawyer announcing he would resume praying on the 50-yard line immediately after the conclusion of the October 16, 2015 football game. Kennedy's intention to pray on the field was widely publicized through Kennedy and his representatives, and BSD arranged to secure the field from public access. Following the game, Kennedy prayed as he had indicated he would do, with a large gathering of coaches and players around him. Members of the public also jumped the fence to join him, resulting in a stampede. On October 23, 2015, BSD sent Kennedy a letter explaining that his conduct at the October 16th game violated BSD's policy. While BSD offered Kennedy a private location to pray after games or suggested that he pray after the stadium had emptied, Kennedy responded the only acceptable outcome would be for BSD to permit Kennedy to pray on the 50-yard line immediately after games. Kennedy continued his behavior in violation of BSD's directives. BSD placed him on paid administrative leave on October 26, 2015. During this time, BSD

employees felt repercussions due to the attention Kennedy gave the issue, and many were concerned for their safety. Kennedy did not apply for a coaching position for the following season, but he initiated a lawsuit against BSD asserting his First Amendment and Title VII rights were violated.

After significant litigation and numerous appeals, the district court eventually entered judgment in BSD's favor finding that the risk of constitutional liability associated with Kennedy's religious conduct was the sole reason BSD suspended him. The district court also concluded that BSD's actions were justified due to the risk of an Establishment Clause violation if BSD allowed Kennedy to continue with his religious conduct. Kennedy appealed.

On appeal, the Ninth Circuit first considered Kennedy's free speech claim. The Court noted two factors were at issue: 1) whether Kennedy spoke as a private citizen or public employee; and 2) whether BSD had adequate justification for treating Kennedy differently from other members of the general public. If Kennedy spoke as a public employee during his religious activity, his speech would not be constitutionally protected. Similarly, if BSD had adequate justification for treating Kennedy differently from other members of the public, Kennedy's claim would also fail.

As to the first issue, the court noted that when public employees make statements during their official duties, the employees are not speaking as citizens for First Amendment purposes. Thus, the Constitution does not insulate their communications from employer discipline. The Ninth Circuit concluded that Kennedy spoke as a public employee when he was praying on the 50-yard line. Kennedy only had access to the field because of his employment, and he practiced his religion during a time when he was generally tasked with communicating with students. Kennedy also insisted that his speech occur while players stood next to him, fans watched from the stands, and he stood at the center of the football field. Moreover, Kennedy repeatedly acknowledged, and behaved as if, he was a mentor to students specifically at the conclusion of the game.

As to the second issue, the court reasoned that even assuming Kennedy spoke as a private citizen, BSD could still prevail because its justification for treating Kennedy differently from other members of the general public was adequate. Under the Establishment Clause, "Congress shall make no law respecting an establishment of religion." The court noted that it needed to consider the context of Kennedy's actions. Specifically, Kennedy engaged in a media blitz and his religious practice evolved to include a majority of the team. In addition, Kennedy prayed on the 50-yard line after the October 16th game despite that BSD made clear that the field as not open to the public. Thus, the court concluded that had BSD rescinded its directive and allowed Kennedy free rein to pray on the 50-yard line, the public would have perceived that the prayer had BSD's stamp of approval.

Next, the Ninth Circuit addressed Kennedy's free exercise claim. While Kennedy argued that BSD's directive telling him his speeches needed to be secular in nature violated his rights under the Free Exercise Clause, the court disagreed. The court reasoned that BSD's directive and accompanying BSD policy were narrowly tailored to BSD's interest in avoiding a violation of the Establishment Clause. For example, BSD tried repeatedly to work with Kennedy to develop an accommodation that would avoid violating the Establishment Clause, but Kennedy declined to cooperate in that process and insisted that the only acceptable outcome would be praying immediately after the game on the 50-yard line in view of students and spectators.

Finally, the court analyzed Kennedy's claims pursuant to Title VII. Title VII provides "an unlawful employment practice is established when the complaining party demonstrates that . . . religion . . . was a motivating factor for any employment practice." The Ninth Circuit, however, concluded that Kennedy could not establish his failure to rehire, disparate treatment, failure to accommodate, and retaliation claims. Regarding his failure to rehire claim, Kennedy could not show he was adequately performing his job as is required under the law. Instead, Kennedy refused to follow BSD policy and conducted numerous media appearances that led to spectators rushing the field after the October 16th game in disregard of BSD's responsibility to student safety.

Kennedy's disparate treatment claim failed because he could not show BSD treated him differently than similar situated employees. This was because Kennedy's conduct was clearly dissimilar to that of other assistant coaches. With respect to his failure to accommodate claim, BSD met its burden in establishing that accommodating Kennedy's religious practices on the 50- yard line would cause an undue hardship. Lastly, with respect to his retaliation claim, BSD had a legitimate reason for placing Kennedy on administrative leave because he made it clear he would continue to pray on the 50-year line immediately following games.

For these reasons, the Ninth Circuit concluded the district court properly entered judgment in BSD's favor on Kennedy's claims.

Kennedy v. Bremerton Sch. Dist., 2021 WL 1032847 (9th Cir. Mar. 18, 2021.

Note:

LCW previously reported on an earlier decision in this case in the October 2017 Client Update.

§

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LABOR RELATIONS CERTIFICATION PROGRAM

The LCW Labor Relations Certification Program is designed for labor relations and human resources professionals who work in public sector agencies. It is designed for both those new to the field as well as experienced practitioners seeking to hone their skills.

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2. May 12 & 19, 2021 - Communication Counts!
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Management Training Workshops

Firm Activities

Consortium Trainings

Apr. 8 **"Supervisor's Guide to Understanding and Managing Employees' Rights: Labor, Leaves and Accommodations"**
Bay Area ERC | Webinar | Erin Kunze

Apr. 8 **"Supervisor's Guide to Understanding and Managing Employees' Rights: Labor, Leaves and Accommodations"**
East Inland Empire ERC | Webinar | Erin Kunze

Apr. 8 **"Human Resources Academy II"**
Napa/Solano/Yolo ERC | Webinar | Kristi Recchia

Apr. 8 **"Difficult Conversations"**
San Diego ERC | Webinar | Stacey H. Sullivan

Apr. 8 **"Human Resources Academy II"**
San Mateo County ERC | Webinar | Kristi Recchia

Apr. 14 **"Human Resources Academy II"**
Coachella Valley ERC | Webinar | Kristi Recchia

Apr. 14 **"Human Resources Academy II"**
San Gabriel Valley ERC | Webinar | Kristi Recchia

Apr. 15 **"Terminating the Employment Relationship"**
Central Coast ERC | Webinar | Che I. Johnson

Apr. 15 **"Terminating the Employment Relationship"**
Humboldt County ERC | Webinar | Che I. Johnson

Apr. 15 **"Terminating the Employment Relationship"**
Imperial Valley ERC | Webinar | Che I. Johnson

Apr. 15 **"Maximizing Performance Through Evaluation, Documentation and Corrective Action"**
Monterey Bay ERC | Webinar | Monica M. Espejo

Apr. 15 **"Maximizing Performance Through Evaluation, Documentation and Corrective Action"**
NorCal ERC | Webinar | Monica M. Espejo

Apr. 21 **"Legal Issues Regarding Hiring"**
Central Valley ERC | Webinar | Monica M. Espejo

Apr. 21 **"Difficult Conversations"**
Gold Country ERC | Webinar | Heather R. Coffman

Apr. 21 **"Legal Issues Regarding Hiring"**
North State ERC | Webinar | Monica M. Espejo

Apr. 21 **"Legal Issues Regarding Hiring"**
San Joaquin Valley ERC | Webinar | Monica M. Espejo

Apr. 21 **"Human Resources Academy I"**
Sonoma/Marin ERC | Webinar | Kristi Recchia

Apr. 22 **"Maximizing Performance Through Evaluation, Documentation and Corrective Action"**
LA County HR Consortium | Webinar | Ronnie Arenas

Apr. 22 **"Finding the Facts: Employee Misconduct & Disciplinary Investigations"**
North San Diego County ERC | Webinar | Melanie L. Chaney

Apr. 22 **"Finding the Facts: Employee Misconduct & Disciplinary Investigations"**
West Inland Empire ERC | Webinar | Melanie L. Chaney

Apr. 28 **"Nuts and Bolts: Navigating Common Legal Risks for the First Line Supervisor"**
Orange County ERC | Webinar | Danny Y. Yoo

Apr. 28 **"The Future is Now - Embracing Generational Diversity and Succession Planning"**
San Diego Fire Districts | Webinar | Stacey H. Sullivan

Apr. 28 **"Nuts and Bolts: Navigating Common Legal Risks for the First Line Supervisor"**
Ventura/Santa Barbara ERC | Webinar | Danny Y. Yoo

May 5	**"Advanced Misconduct and Disciplinary Investigations"** Bay Area ERC | Webinar | Shelline Bennett
May 5	**"Advanced Misconduct and Disciplinary Investigations"** Central Valley ERC | Webinar | Shelline Bennett
May 5	**"Workplace Bullying: A Growing Concern"** Humboldt County ERC | Webinar | Erin Kunze
May 5	**"Workplace Bullying: A Growing Concern"** Monterey Bay ERC | Webinar | Erin Kunze
May 6	**"Leaves, Leaves and More Leaves"** Gateway Public ERC | Webinar | T. Oliver Yee
May 6	**"The Disability Interactive Process"** NorCal ERC | Webinar | Danny Y. Yoo
May 6	**"Difficult Conversations"** North San Diego County ERC | Webinar | Stacey H. Sullivan
May 6	**"Leaves, Leaves and More Leaves"** San Mateo County ERC | Webinar | T. Oliver Yee
May 12	**"Addressing Workplace Violence"** Coachella Valley ERC | Webinar | Kevin J. Chicas
May 12	**"Iron Fists or Kid Gloves: Retaliation in the Workplace"** North State ERC | Webinar | Shelline Bennett
May 12	**"Difficult Conversations"** Orange County ERC | Webinar | Stacey H. Sullivan
May 13	**"Nuts and Bolts: Navigating Common Legal Risks for the First Line Supervisor"** East Inland Empire ERC | Webinar | Danny Y. Yoo
May 13	**"The Art of Writing the Performance Evaluation"** LA County HR Consortium | Webinar | I. Emanuela Tala
May 13	**"Leaves, Leaves and More Leaves"** San Diego ERC | Webinar | T. Oliver Yee
May 19	**"Leaves, Leaves and More Leaves"** Central Valley ERC | Webinar | Che I. Johnson
May 19	**"Leaves, Leaves and More Leaves"** Gold Country ERC | Webinar | Che I. Johnson
May 20	**"The Future is Now - Embracing Generational Diversity & Succession Planning"** Mendocino County ERC | Webinar | Christopher S. Frederick
May 20	**"The Future is Now - Embracing Generational Diversity & Succession Planning"** Sonoma/Marin ERC | Webinar | Christopher S. Frederick
May 20	**"The Future is Now - Embracing Generational Diversity & Succession Planning"** West Inland Empire ERC | Webinar | Christopher S. Frederick

Customized Training

Apr. 10 **"The Brown Act"**
City of Wasco | Che I. Johnson

Apr. 13 **"Legal Update to Include California Family Rights Act"**
San Antonio Water Company | Webinar | Erin Kunze

Apr. 14, 15 **"Maximizing Performance Through Evaluation, Documentation, and Corrective Action"**
Mendocino County | Webinar | Jack Hughes

Apr. 15 **"Remote Working: Moving Into the Future"**
CSRMA | Webinar | Alexander Volberding

Apr. 20 **"Firefighters Bill of Rights (FBOR)"**
Chino Valley Fire District | Stefanie K. Vaudreuil

Apr. 20 **"Harassment/Discrimination Investigations"**
City of Ontario | Webinar | Laura Drottz Kalty

Apr. 21 **"Skelly"**
County of Placer | Webinar | T. Oliver Yee

May 3 **"Maximizing Supervisory Skills for the First Line Supervisor"**
City of Stockton | Webinar | Che I. Johnson

May 4 **"Legal Update"**
California Joint Powers Risk Management Authority (CJPRMA) | Webinar | Richard Bolanos

May 5 **"Performance Management/Evaluation and Coaching"**
City of Ontario | Webinar | Kristi Recchia

May 5 **"Preventing Workplace Harassment, Discrimination and Retaliation"**
Employment Risk Management Authority (ERMA) | Reedley | Michael Youril

May 6 **"Maximizing Supervisory Skills for the First Line Supervisor - Part 1"**
CSRMA | Webinar | I. Emanuela Tala

May 6 **"Supervisor's Guide to Understanding Employee Rights Regarding Labor, Leaves and Accommodations"**
ERMA | Webinar | Lisa S. Charbonneau

May 10 **"Maximizing Supervisory Skills for the First Line Supervisor"**
City of Stockton | Webinar | Che I. Johnson

May 13 **"Maximizing Supervisory Skills for the First Line Supervisor - Part 2"**
CSRMA | Webinar | I. Emanuela Tala

May 18 **"Maximizing Performance Through Evaluation, Documentation, and Corrective Action"**
City of Stockton | Webinar | Che I. Johnson

May 19 **"Preventing Workplace Harassment, Discrimination and Retaliation"**
City of Fremont | Webinar | Jack Hughes

May 19 **"Progressive Discipline and discipline appeals, including Skelly"**
City of Ontario | Webinar | Leighton Henderson

May 19 **"Ethics in Public Service"**
County of Placer | Webinar | T. Oliver Yee

May 20 **"CSRMA Guide to Lawful Termination"**
CSRMA | Webinar | Erin Kunze

May 24 **"Preventing Workplace Harassment, Discrimination and Retaliation"**
City of Stockton | Webinar | Shelline Bennett

May 28 **"Preventing Workplace Harassment, Discrimination and Retaliation"**
City of Stockton | Webinar | Shelline Bennett

Speaking Engagements

Apr. 8 **"Legislative Update"**
Southern California Public Management Association for Human Resources (SCPMA-HR) Annual Conference | Webinar | J. Scott Tiedemann

Apr. 21 **"Human Resources Boot Camp for Special Districts: Day 1"**
CSDA Human Resources Bootcamp | Webinar | Jack Hughes

Apr. 22 **"PERB Panel"**
California Lawyers Association (CLA) Annual Public Sector Conference | Virtual | Kevin J. Chicas & James Coffey & Kathleen Mastagni Storm

Apr. 22 **"Human Resources Boot Camp for Special Districts: Day 2"**
CSDA Human Resources Bootcamp | Webinar | Jack Hughes

Apr. 22 **"Risk Management"**
Public Agency Risk Management Association (PARMA) Central Valley Chapter Spring Conference | Webinar | Che I. Johnson

Apr. 29 **"Workplace Bullying - A Growing Concern"**
County General Services Association (CGSA) Annual Conference | Webinar | Shelline Bennett

Apr. 30 **"Labor and Employment Litigation Update"**
League of California Cities 2021 City Attorneys' Spring Conference | Webinar | Suzanne Solomon

May 14 **"Labor Relations and Negotiations"**
California State Association of Counties (CSAC) Faculty Meeting | Webinar | Richard S. Whitmore & Richard Bolanos

May 26 **"Defining Board & Staff Roles and Relationships"**
Special District Leadership Academy (SDLA) Day 1 | Webinar | Mark Meyerhoff

May 27 **"Defining Board & Staff Roles and Relationships"**
SDLA Day 2 | Webinar | Mark Meyerhoff

Seminars/Webinars

Apr. 22 **"Labor Relations Academy: Bargaining Over Benefits: Part 1"**
Liebert Cassidy Whitmore | Webinar | Kristi Recchia & Steven M. Berliner

Apr. 29 **"Labor Relations Academy: Bargaining Over Benefits: Part 2"**
Liebert Cassidy Whitmore | Webinar | Kristi Recchia & Steven M. Berliner

Apr. 30 **"Train the Trainer Refresher: Harassment Prevention"**
Liebert Cassidy Whitmore | Webinar | Christopher S. Frederick

May 11 **"Are Your Exempt Employees Really Exempt?"**
Liebert Cassidy Whitmore | Webinar | T. Oliver Yee

May 12 **"Labor Relations Academy: Communication Counts: Part 1"**
Liebert Cassidy Whitmore | Webinar | Kristi Recchia & Jack Hughes

May 19 **"Labor Relations Academy: Communication Counts: Part 2"**
Liebert Cassidy Whitmore | Webinar | Kristi Recchia & Jack Hughes

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