

FIRE WATCH

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

SEPTEMBER 2021

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Fire Watch is published monthly for the benefit of the clients of Liebert Cassidy Whitmore. The information in *Fire Watch* should not be acted on without professional advice.

FIRST AMENDMENT

Agency Wins Qualified Immunity From Scientist's Claim That The First Amendment Protected His On-Duty Trial Testimony.

The State of Arizona employed Greg Ohlson was a forensic scientist. Ohlson worked in the Department of Public Safety, Scientific Analysis Bureau (Department). Ohlson's job was to test blood samples for alcohol content, report the findings, and testify about those findings in court.

The Department used a variety of quality control policies, including ensuring the accuracy of blood samples by looking at an entire batch of samples. That quality control policy allowed the Department to identify non-conformities and catch instrument failures or malfunctions that skew test results. Department policy limited criminal defendants to only the individual sample results; absent a court order, the remaining samples in the batch were not disseminated.

Ohlson felt strongly that the Department should provide the results of all of the samples within a batch to criminal defendants. He suggested releasing the batch data on a public website. Ohlson suggested this approach to his supervisors on multiple occasions. Each time, they informed him that while the release of batch results may be a good idea, it was not feasible because the Department would need technological help. Also, Ohlson's supervisors said they were not authorized to make a Department-wide decision.

Ohlson began creating a private PDF file of all the data within the batches. Part of Ohlson's job duties was to meet with defense attorneys for pre-trial interviews. During those interviews, he began instructing defense attorneys to request the data for the entire batch.

Then, in May 2016, Ohlson testified in a criminal proceeding that the disclosure of the entire batch was necessary to ensure accuracy of the result and that he had a PDF of the batch results he could send to the parties if permitted to do so. Ohlson's supervisors told him he had violated Department policy, counseled him to bring his future testimony in line with policy, and directed him to delete the PDF files. After Ohlson reacted strongly, Ohlson's supervisor gave him a Performance Notation that instructed him to, among other things, adhere to policies, stop scanning of batch results, cease use of job-related legal proceedings to advance his personal views, and align his testimony with the Department's positions.

A few days later, Ohlson testified in another evidentiary hearing. Ohlson testified that his personal belief, after 35 years of job experience, was that batch results should be disclosed. He also expressed his disagreement with his supervisors. He underscored his testimony by stating that it was not in his "best interest in terms of career advancement" to testify as he had.

Following his testimony, the Department placed Ohlson on administrative leave pending investigation by the Professional Standards Unit. After the investigation findings led to a 16-hour suspension, Ohlson gave notice of his retirement.

Ohlson then filed a complaint in federal district court alleging a First Amendment retaliation claim for: “testifying truthfully and completely under oath”; and advocating within the Department for “a change in the manner in which the Department responds to requests in criminal cases for entire batch runs.” The district court found that while Ohlson had First Amendment rights to his trial testimony, those rights were not clearly established, so the Department had qualified immunity. After the district court entered judgment in the Department’s favor, Ohlson appealed.

On appeal, Ohlson argued that the First Amendment protected both his testimony in court and his advocacy in the workplace concerning the production of batch results.

The Ninth Circuit determined that the only dispute was whether Ohlson was speaking as a private citizen or a public employee. If Ohlson was speaking as a private citizen, his speech was protected by the First Amendment; if he was speaking as part of his duties as a public employee, it was not. The Ninth Circuit disagreed with the district court that Ohlson’s speech was protected, in large part because Ohlson spoke against his supervisor’s orders. If courts were to protect speech that violates a supervisor’s orders, it would be difficult for a public agency to enforce any rules.

The Ninth Circuit also disagreed with the district court’s conclusion that because citizens have a duty to testify, Ohlson was speaking as a private citizen. The Ninth Circuit noted that Ohlson was testifying in court as part of his job duties; Ohlson was not called to testify as a private citizen.

The Ninth Circuit noted that the US Supreme Court had not addressed whether a government employee who testifies as part of her job duties has First Amendment protection in that speech. The only US Supreme Court case on the topic involved a government employee whose testimony was not made as part of his job duties. (*See Lane v. Franks*, 573 U.S. 228, 238 n.4 (2014).)

The Ninth Circuit affirmed the district court’s ultimate decision that regardless of whether Ohlson had a First Amendment right, the Department was entitled to judgment in its favor because the Department had not

violated any clearly established law. Because Ohlson’s First Amendment rights were not clearly established, the Department had qualified immunity.

Ohlson v. Brady, 2021 WL 3716784 (9th Cir. Aug. 23, 2021).

NOTE:

Qualified immunity protects government employees from being sued for violating an individual’s civil rights. Qualified immunity is generally available if the law a governmental official or entity violated is not “clearly established.” Here the Ninth Circuit noted that after 40 years of US Supreme Court cases on the First Amendment rights of public employees, many free speech issues still remain unsettled.

RETIREMENT

Former Fire Chief Was Wrongly Accused Of Pension Spiking.

Peter Nowicki was employed with the Moraga-Orinda Fire District (District) from 1983 until 2009. In July 2006, Nowicki became the District’s fire chief. Nowicki had an employment contract with a four-year term. Later, Nowicki and the District agreed to two contract amendments. The amendments granted Nowicki added benefits, including salary increases, annual vacation and holiday “sell-backs,” and additional vacation and administrative leave credit. Nowicki was a member of the Contra Costa County Employees’ Retirement Association (CCCERA), which administers pensions for Contra Costa County.

On January 30, 2009, two-and-a-half years into his term as fire chief, Nowicki retired for personal reasons. Nowicki’s contract said he was eligible for retirement benefits under the then-applicable formula, which took into account a member’s “highest annual compensation earnable.” When Nowicki retired, his retirement allowance was based on the total of his final year’s salary, plus the vacation leave and holiday cash-outs he took during his final year of employment.

In late 2013, CCCERA began a “lookback project” to review past incidents of unusual compensation increases at the end of employment, and to determine if pension spiking had occurred through “members’ receipt of pay items that were not earned as part of their regularly recurring employment compensation during their careers.”

In August 2015, Nowicki received a letter from CCCERA’s Board of Retirement (Board) that the Board had scheduled a hearing to determine whether adjustments to his retirement allowance were warranted. The letter noted

that before the Board adjusted Nowicki’s retirement benefits, it would give him the opportunity to present his position and any relevant information.

Following a September 2015 open public meeting on the issue, CCCERA sent Nowicki a letter stating that the Board had determined he had caused his final compensation to be improperly increased at the time of retirement, and therefore, his retirement allowance would be reduced from \$20,448.09 to \$14,667.74 per month. CCCERA also informed Nowicki that his retirement allowance had been overpaid from January 2009 through September 2015 and that Nowicki would be responsible for repaying the overpayments plus interest, which totaled \$585,802.90.

Nowicki subsequently filed a petition for writ of administrative mandate requesting an order rescinding the Board’s decision to reduce his pension benefit and reinstating the benefit as originally calculated. The trial court denied Nowicki’s writ after determining that Nowicki did not meet his burden of establishing that the Board’s decision to decrease his monthly allowance was an abuse of discretion. Nowicki appealed.

The California Court of Appeal reversed the trial court’s ruling. The statute at issue in this case was Government Code Section 31539, subdivision (a)(2), which provides that the board of retirement may, in its discretion, correct any error made in the calculation of a retired member’s monthly allowance if “the member caused his or her final compensation to be improperly increased or otherwise overstated at the time of retirement and the system applied that overstated amount as the basis for calculating the member’s monthly retirement allowance.” On appeal, Nowicki argued that there was no evidence of impropriety on his part, given that he acted to increase his final year’s compensation under CCCERA’s own rules and he simply sold benefit accruals back in his final year, as he had in prior years.

First, the Court of Appeal considered the meaning of “improperly” as used in Section 31539. Relying on the history behind the statute’s enactment, the court concluded that the use of the word “improperly” unquestionably reflected an intent for subdivision (a)(2) to address actual wrongdoing.

Next, the court analyzed whether the evidence of Nowicki’s pre-retirement conduct supported a finding that he caused his “final compensation to be improperly increased or otherwise overstated at the time of retirement.” The court noted that Nowicki’s contract expressly allowed for annual salary adjustments. While his original contract did not include benefit sell-back provisions, it did permit contract amendments by mutual written agreement. In addition, Nowicki had previously utilized the sell-back provisions in his prior battalion chief

contract every year between 2000 and 2006. Nowicki twice used the sell back provisions, and his amended contract permitted him to do so. This was also permitted under the law and CCCERA guidelines in place at the time.

The court also found the Board’s lookback project the Board used standards that took effect in 2013 and were only to be applied prospectively. The Board had no authority to apply the 2013 standards to Nowicki’s 2009 retirement.

The Court of Appeal concluded that the Board erroneously applied subdivision (a)(2) to Nowicki. The court found that “it simply is not plausible that the Legislature intended to empower retirement boards to target long retired county employees who had negotiated with their employer for contract terms permitted under then-existing law and county retirement association guidance, solely because those acts enabled them to increase their final compensation at the time of retirement.” Thus, the trial court erred in denying Nowicki’s petition for writ of mandate.

Nowicki v. Contra Costa Cty. Employees’ Ret. Ass’n, 67 Cal.App.5th 736 (2021).

NOTE:

In 2013, the Legislature enacted the Public Employees’ Pension Reform Act (PEPRA) to curb pension spiking. PEPRA would also have prohibited Nowicki’s conduct, had it occurred after 2013.

LABOR CODE

Employee Forced To Pay For Her Employer’s Business Losses Has A Potential Labor Code Claim.

Krizel Gallano worked as a cashier and customer service representative for Burlington Coat Factory (Burlington) at its Daly City store. In March 2014, loss prevention personnel confronted her in a room at the back of the store about mistakes she purportedly committed that resulted in business losses. She was then allegedly coerced into signing a statement confessing to the mistakes, which included processing a return of perfume that resulted in a loss of \$400 and ringing up items that had been mismarked by other employees with the wrong price tags. Burlington characterized these mistakes as “fraudulent” returns and other acts of “shoplifting.”

After signing the confession, Gallano was directed to sign a promissory note establishing a personal debt of \$880 for the losses her employer had allegedly sustained. Burlington told her that if she paid the amount owed on the promissory note and resigned, it would not pursue criminal charges against her. Gallano resigned, and

no criminal proceedings were ever initiated against her in connection with her employment at Burlington. However, Gallano received two civil demand letters from a law firm seeking \$350 for “shoplifting, theft, or fraud.”

In 2015, Gallano filed a class action complaint against Burlington. She declared that the purpose of her complaint was to stop Burlington’s “unlawful practice of intimidating its employees into indemnifying the company for [its] ordinary business losses.” She alleged that Burlington had a practice of mischaracterizing routine retail mistakes as theft, such a processing fraudulent returns or selling mis-tagged items, and intimidating employees into signing promissory notes to shoulder the debt for the company’s financial losses. Gallardo asserted a cause of action for violations of Labor Code Section 2802, among other claims. After significant litigation, the case made its way to the California Court of Appeal.

On appeal, one of the issues the court considered was whether Gallano could maintain a claim for violations of Labor Code Section 2802. Section 2802 provides that “[a]n employer shall indemnify his or her employee for all necessary expenditures or losses incurred by the employee in direct consequence of the discharge or his or her duties.” To prove a violation of Section 2802, an employee must therefore establish that: (1) he or she made expenditures or incurred losses; (2) the expenditures or losses were incurred in direct consequence of the employee’s discharge of his or her duties, or obedience to the directions of the employer; and (3) the expenditures or losses were necessary.

While Burlington argued that Gallano could not meet the first element because she “never paid Burlington any money in relation to the promissory note or the civil demand letters,” the court disagreed. The Court of Appeal reasoned that to “incur” is “to become liable or subject to.” When Gallano signed the promissory note, she incurred an economic loss. She became legally obligated under the promissory note, subject to debt collection efforts, and possible exposure to civil liability. For these reasons, the court concluded that an employee may incur a “loss” for purposes of Section 2802 when the employer causes or directs the employee to become

personally liable for a necessary business-related expense. Thus, Gallano could maintain her claim.

Gallano v. Burlington Coat Factory of California, LLC, 2021 WL 3616152 (Cal. Ct. App. Aug. 16, 2021).

NOTE:

It is unsettled whether Labor Code Section 2802 applies to public entities. In the teleworking context, however, the most risk adverse approach is to reimburse public employees for some teleworking expenses if the employer requires the employee to work from home because of the COVID-19 pandemic. LCW attorneys can assist in determining whether agencies need to reimburse certain employee expenses.

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.

- The temporary Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) health insurance premium subsidy Congress granted to eligible individuals through the American Rescue Plan Act of 2021 (the ARP) will expire at the end of September 2021. Employers should be aware of their obligation to timely notify COBRA recipients of this fact.
- On July 29, the U.S. Department of the Treasury announced regulatory changes providing new qualifying reasons for tax credits under the American Rescue Plan Act (ARPA). Eligible employers may now claim payroll tax credits if they provide Emergency Paid Sick Leave (EPSL) or Emergency Family and Medical Leave (EFML) to employees who take time off to either: 1) accompany an individual to receive an immunization against COVID-19; or 2) care for an individual who is recovering from an immunization against COVID-19. The expanded EPSL and EFML leave provisions are discretionary, and the associated tax credits are limited to employers that provide such leave between April 1 and September 30, 2021, in compliance with the ARPA.
- A public agency has 10 days to provide an initial response to a public records request notifying the requestor whether their request seeks disclosable records. (Gov. Code, § 6253, subd. (c).)

2 Day Internal Affairs Investigation Seminar

October 19, 2021 | 9:00am - 4:00pm

AND

October 20, 2021 | 9:00am - 4:00pm

The Internal Affairs investigation is a key element in whether an agency will be successful in imposing discipline. What do decision makers, hearing lawyers and courts look for in an IA report? This two-day course will unlock the difference between an IA that supports discipline versus those that undermine it.

This **POST-approved** course provides a complete guide to conducting a fair and thorough internal affairs investigation that will create a defensible disciplinary action in the event of sustained findings. You will gain an understanding of the impact that good decision-making and strategy have on the agency's success in defending IAs and winning appeals.

This 2-day seminar will encompass legal aspects of a properly conducted IA Seminar, including topics such as:

- Overview of the Peace Officers' Bill of Rights (POBR) and consequences of violations for your agency
- Best practices in initiating and organizing the IA investigation
- How to obtain documents and other evidence
- Interview techniques and transcript recommendations, plus pitfalls to avoid
- Identifying common mistakes during IA investigations and solutions
- Current and emerging legal trends in public safety allegations and discipline

WHERE?

City of Tustin Community Center at the Market Place (located behind Rubio's Coastal Grill & across California Pizza Kitchen)
2961 El Camino Real, Tustin, CA 92782

PARKING?

Complimentary parking at location inside outdoor shopping center

WHO SHOULD ATTEND?

Experienced and Aspiring HR and Labor Relations Professionals.

MCLE?

Liebert Cassidy Whitmore is an approved MCLE provider. Participating attorneys are eligible for 12 hours of MCLE. The person from your agency that registers for this webinar will receive the official set of MCLE forms. In order to receive your MCLE credit, you will need to complete and return these forms that will be available at the workshop.

CANCELLATION POLICY?

Cancellations must be received by October 12, 2021, to receive a full refund. No refunds will be given after that time. All credit card refunds requested after 45 days from the registration will be subject to a 10% refund charge. Participant substitutions are accepted any time prior to October 18, 2021.

QUESTIONS?

Please email Kaela Arias at karias@lcwlegal.com or 310.981.2087

REGISTER HERE!

NEW TO THE FIRM!

Keenan O'Connor is an Associate in the San Diego office of LCW. He is experienced in all phases of litigation, including developing responsive pleading strategies, dispositive motion practice, and all phases of discovery, including crafting written discovery and deposition preparation.



LCW In The News

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

Partners **Mark Meyerhoff**, **Morin Jacob** and Associate **Paul Knothe** penned "Free Speech in the Age of Facebook" for the July/August 2021 issue of *Sheriff & Deputy Magazine*. In the piece, the attorneys address the importance of developing and enacting updated agency social media policies that balance employees' First Amendment rights. The article also shares details on how the courts determine whether employee posts are protected speech or inflammatory remarks that may not serve in the interest of the law enforcement agency or in preserving public trust.

Associate **Alex Volberding** spoke with KABC-TV anchors John Gregory and Rachel Brown during an Aug. 7, 2021, segment centered on vaccine mandates at the workplace. Alex provided details on the segment topic, including: legal implications surrounding vaccination and/or weekly testing measures for city and state employees; the prospect of upcoming FDA vaccine approval and what this means for employers/employees; the ramifications of private employers who require employee proof of vaccination; and potential legal challenges that could stem for these measures and mandates.

Partner **Shelline Bennett's** article "Codes of conduct and ethics in the public sector" was published in the Aug. 24, 2021 edition of *American City & County*. The piece, which is part two of her series addressing the prevalence of bad behavior from elected officials, provides elected officials useful tips on constructing a governing code of conduct and specific measures and consequences for those who fail to abide by established rules.



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. Participants may take one or all of the classes, in any order. Take all of the classes to earn your certificate and receive 6 hours of HRCI credit per course!

Join our other upcoming HRCI Certified - Labor Relations Certification Program Workshops:

1. October 7 & 14, 2021 - The Rules of Engagement: Issues, Impacts & Impasse
2. November 3 & 4, 2021 - Trends & Topics at the Table
3. December 9 & 16, 2021 - Communication Counts!

The use of this official seal confirms that this Activity has met HR Certification Institute's® (HRCI®) criteria for recertification credit pre-approval.



Learn more about this program here.



What is the Liebert Library?

The Liebert Library is LCW’s online collection of workbooks (reference guides), sample forms, templates, and model personnel policies. The site is continuously updated to ensure the materials contain the latest legal developments and practical applications.

Subscriptions Levels:

Basic

Provides access to LCW workbooks in a digital readable PDF format (but not downloadable).

LCW Consortium Members: \$405 per year
 Non-Members: \$450 per year

Premium

Provides unlimited access to LCW workbooks in digital format, as well as over 400 sample forms, model policies, and checklists that can be downloaded and used as templates. Additionally, Premium Members also receive a \$15 discount on any workbook they choose to purchase.

LCW Consortium Members: \$900 per year
 Non-Members: \$1,000 per year

LCW Sample COVID-19 Related Personnel Policies

The LCW Sample COVID-19 Related Personnel Policies are available on the Liebert Library as part of your subscription! The following policies have been recently added:

- Religious Accommodation Request Form for Policy Requiring COVID-19 Vaccination
- Disability Accommodation Request Form for Policy Requiring COVID-19 Vaccination
- Mandatory Vaccination Policy With Vaccines Approved Under Emergency Use Authorization

Join or upgrade today!

Become a member today at <https://liebertlibrary.com/>. LCW Consortium Members, please email Library@lcwlegal.com to receive a coupon code for 10% off your registration fee.

Questions? Contact us at Library@lcwlegal.com



Don't Miss Our Upcoming Webinar!

A Practical Approach for Regular Rate of Pay Reviews

October 19, 2021 | 10:00 - 11:00am

Register on our [website](#).



Are you involved as a volunteer for a nonprofit organization? You may be interested in our Nonprofit Newsletter and Nonprofit Legislative Round Up.

In addition to our public safety practice, the firm also assists nonprofit organizations across the state. To learn more, visit our [Nonprofit Page](#).

Firm Activities

Consortium Trainings

- Sept. 8 **“Supervisor’s Guide to Understanding and Managing Employees’ Rights: Labor, Leaves and Accommodations”**
Imperial Valley ERC | Webinar | Laura Drottz Kalty
- Sept. 8 **“Supervisor’s Guide to Understanding and Managing Employees’ Rights: Labor, Leaves and Accommodations”**
Monterey Bay ERC | Webinar | Laura Drottz Kalty
- Sept. 8 **“Supervisor’s Guide to Understanding and Managing Employees’ Rights: Labor, Leaves and Accommodations”**
NorCal ERC | Webinar | Laura Drottz Kalty
- Sept. 8 **“Managing the Marginal Employee”**
North State ERC | Webinar | Erin Kunze
- Sept. 8 **“Managing the Marginal Employee”**
San Gabriel Valley ERC | Webinar | Erin Kunze
- Sept. 8 **“Managing the Marginal Employee”**
San Joaquin Valley ERC | Webinar | Erin Kunze
- Sept. 8 **“Supervisor’s Guide to Understanding and Managing Employees’ Rights: Labor, Leaves and Accommodations”**
Ventura/Santa Barbara ERC | Webinar | Laura Drottz Kalty
- Sept. 9 **“Managing COVID-19 Issues: Now and What’s Next”**
Bay Area ERC | Webinar | Alexander Volberding
- Sept. 9 **“Managing COVID-19 Issues: Now and What’s Next”**
Coachella Valley ERC | Webinar | Alexander Volberding
- Sept. 9 **“Managing COVID-19 Issues: Now and What’s Next”**
Gold Country ERC | Webinar | Alexander Volberding
- Sept. 9 **“Moving Into the Future”**
LA County HR Consortium | Webinar | Alysha Stein-Manes
- Sept. 9 **“Managing COVID-19 Issues: Now and What’s Next”**
San Diego ERC | Webinar | Alexander Volberding
- Sept. 15 **“Public Sector Employment Law Update”**
Orange County Consortium | Webinar | Richard S. Whitmore
- Sept. 23 **“Leaves, Leaves and More Leaves”**
Central Coast ERC | Webinar | Che I. Johnson
- Sept. 23 **“Difficult Conversations”**
Mendocino County ERC | Webinar | Heather R. Coffman
- Sept. 23 **“Difficult Conversations”**
South Bay ERC | Webinar | Heather R. Coffman
- Sept. 23 **“Leaves, Leaves and More Leaves”**
West Inland Empire ERC | Webinar | Che I. Johnson

Oct. 5	“Difficult Conversations” San Mateo County ERC Webinar Heather R. Coffman
Oct. 6	“The Meaning of At-Will, Probationary, Seasonal, Part-Time and Contract Employment” Humboldt County ERC Webinar Heather R. Coffman
Oct. 6	“Finding the Facts: Employee Misconduct & Disciplinary Investigations” NorCal ERC Webinar Shelline Bennett
Oct. 6	“Privacy Issues in the Workplace” Sonoma/Marin ERC Webinar Jack Hughes
Oct. 7	“Difficult Conversations” Central Valley ERC Webinar Heather R. Coffman
Oct. 7	“Difficult Conversations” North San Diego ERC Webinar Heather R. Coffman
Oct. 7	“Difficult Conversations” West Inland Empire ERC Webinar Heather R. Coffman
Oct. 13	“Supervisor’s Guide to Public Sector Employment Law” Central Coast ERC Webinar Jack Hughes
Oct. 13	“File That! Best Practices for Employee Document and Record Management” Gold Country ERC Webinar James E. Oldendorph
Oct. 13	“Supervisor’s Guide to Public Sector Employment Law” San Joaquin Valley ERC Webinar Jack Hughes
Oct. 13	“File That! Best Practices for Employee Document and Record Management” Ventura/Santa Barbara ERC Webinar James E. Oldendorph
Oct. 14	“Maximizing Supervisory Skills for the First Line Supervisor - Part 1” Coachella Valley ERC Webinar Kristi Recchia
Oct. 14	“Maximizing Supervisory Skills for the First Line Supervisor - Part 1” East Inland Empire ERC Webinar Kristi Recchia
Oct. 14	“Managing COVID-19 Issues: Now and What’s Next” LA County HR Consortium Webinar Alexander Volberding
Oct. 20	“Leaves, Leaves and More Leaves” Monterey Bay ERC Webinar Che I. Johnson
Oct. 20	“Leaves, Leaves and More Leaves” North State ERC Webinar Che I. Johnson
Oct. 20	“Leaves, Leaves and More Leaves” Orange County Consortium Webinar Che I. Johnson
Oct. 21	“Nuts & Bolts: Navigating Common Legal Risks for the Front Line Supervisor” Bay Area ERC Webinar Danny Y. Yoo
Oct. 21	“Disaster Service Workers - If You Call Them, Will They Come?” Mendocino County ERC Webinar Brian J. Hoffman

Oct. 21 **“Nuts & Bolts: Navigating Common Legal Risks for the Front Line Supervisor”**
 West Inland Empire ERC | Webinar | Danny Y. Yoo

Customized Trainings

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.

Sept. 8 **“Preventing Workplace Harassment, Discrimination and Retaliation”**
 ERMA | Wasco | Michael Youril

Sept. 10, 11 **“Ethics in Public Service”**
 City of Compton | Webinar | Meredith Karasch

Sept. 15, 22 **“Preventing Workplace Harassment, Discrimination and Retaliation”**
 Merced County | Webinar | Michael Youril

Sept. 16 **“Root Causes of Discrimination, Harassment and Unlawful Termination Claims”**
 CSRMA | Webinar | I. Emanuela Tala

Sept. 28 **“Management Guide to Public Sector Labor Relations”**
 Los Angeles Homeless Services Authority | Webinar | T. Oliver Yee

Sept. 29, 30 **“The Art of Writing the Performance Evaluation”**
 Mendocino County | Webinar | Jack Hughes

Sept. 29 **“Preventing Workplace Harassment, Discrimination and Retaliation”**
 Merced County | Webinar | Erin Kunze

Sept. 30 **“The Disability Interactive Process”**
 ERMA | Webinar | Danny Y. Yoo

Sept. 30 **“Preventing Workplace Harassment, Discrimination and Retaliation”**
 Rancho Simi Recreation and Park District | Simi Valley | Alison R. Kalinski

Oct. 5 **“Key Legal Principles for Public Safety Managers - POST Management Course”**
 Peace Officer Standards and Training - POST | San Diego | English R. Bryant

Oct. 6 **“Preventing Workplace Harassment, Discrimination and Retaliation”**
 ERMA | Hesperia | Alison R. Kalinski

Oct. 7, 20 **“Preventing Workplace Harassment, Discrimination and Retaliation”**
 Merced County | Webinar | Shelline Bennett

Oct. 13 **“Preventing Workplace Harassment, Discrimination and Retaliation”**
 Merced County | Webinar | Che I. Johnson

Oct. 21 **“Addressing Workplace Violence”**
 Midpeninsula Regional Open Space District | Webinar | Heather R. Coffman

Speaking Engagements

Sept. 16 **“How to Adopt a Non-Negotiable Vaccination Requirement”**
 Southern California Public Labor Relations Council (SCPLRC) | Alexander Volberding

Sept. 17 **“Legal Update”**
 County Personnel Administrators Association of California (CPAAC) | Lodi | Che I. Johnson

- Sept. 22** **“Confronting Hate Group Affiliation or Speech by Public Safety Personnel”**
League of California Cities 2021 Annual Conference | Sacramento | Richard Bolanos & Harry Stern & Anthony W. Batts
- Sept. 23** **“Introduction to Labor Relations for Elected Officials”**
League of California Cities 2021 Annual Conference | Sacramento | Jack Hughes
- Sept. 24** **“The Impact of Diversity, Equity, and Inclusion Efforts on Employment Litigation”**
League of California Cities 2021 Annual Conference City Attorney’s Track | Sacramento | Suzanne Solomon
- Sept. 24** **“Labor and Employment Litigation Update”**
League of California Cities 2021 Annual Conference City Attorney’s Track | Sacramento | Brian P. Walter
- Sept. 29** **“Executive Briefing: What Police Chiefs Need to Know about Labor Relations and Personnel Issues”**
California Police Chiefs Association (CPCA) Becoming a Police Chief: Developing a Mindset for Success and Service | Pismo Beach | J. Scott Tiedemann
- Oct. 14** **“Conducting Defensible Workplace Investigations in a Virtual World”**
Association of Workplace Investigators (AWI) Annual Conference | Denver | Shelline Bennett
- Oct. 14** **“Legislative Update”**
Municipal Management Association of Northern California (MMANC) Virtual Annual Conference | Webinar | Erin Kunze
- Oct. 15** **“First Amendment Issues in a Politically Charged World”**
MMANC Virtual Annual Conference | Webinar | Kelly Tuffo
- Oct. 18** **“Labor Issues: Past Practices - Changing Policies”**
California District Attorneys Association (CDA) Annual Conference | Carlsbad | T. Oliver Yee

Seminar/ Webinars

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

- Sept. 9** **“Bargaining Over Benefits - Part 1”**
Liebert Cassidy Whitmore | Webinar | Kristi Recchia & Steven M. Berliner
- Sept. 16** **“Bargaining Over Benefits - Part 2”**
Liebert Cassidy Whitmore | Webinar | Kristi Recchia & Steven M. Berliner
- Oct. 7** **“The Rules of Engagement: Issues, Impacts & Impasse - Part 1”**
Liebert Cassidy Whitmore | Webinar | Kristi Recchia & T. Oliver Yee
- Oct. 14** **“The Rules of Engagement: Issues, Impacts & Impasse - Part 2”**
Liebert Cassidy Whitmore | Webinar | Kristi Recchia & T. Oliver Yee
- Oct. 15** **“Train the Trainer Refresher: Harassment Prevention”**
Liebert Cassidy Whitmore | Webinar | Christopher S. Frederick
- Oct. 19** **“A Practical Approach for Regular Rate of Pay Reviews”**
Liebert Cassidy Whitmore | Webinar | Lisa S. Charbonneau
- Oct. 19** **“Best Practices for Conducting Fair and Legally Compliant Internal Affairs Investigations - Day 1”**
Liebert Cassidy Whitmore | Tustin | Geoffrey S. Sheldon & James E. Oldendorph
- Oct. 20** **“Best Practices for Conducting Fair and Legally Compliant Internal Affairs Investigations - Day 2”**
Liebert Cassidy Whitmore | Tustin | Geoffrey S. Sheldon & James E. Oldendorph

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|---------|---|
| Oct. 20 | "FLSA Academy Day 1"
Liebert Cassidy Whitmore Webinar Lisa S. Charbonneau |
| Oct. 21 | "FLSA Academy Day 2"
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