

FIRE WATCH

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

OCTOBER 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.

FIRM VICTORY

Police Officer's Suspension For Insubordination Upheld.

LCW Partner **James Oldendorph** successfully represented a city in a peace officer's disciplinary appeal.

In June 2020, a city's police department (Department) learned of a large protest that was planned in response to George Floyd's killing. The Department's chief of police emailed personnel to advise of a tactical alert, and to order all sworn personnel to report for duty on the day of the protest unless a supervisor instructed otherwise. On the morning of the protest, a police officer informed a sergeant that he would not report because he was going to his family's restaurant due to rioting near that location. The sergeant explained that all sworn personnel were required to report to duty that day in accordance with the tactical alert. The officer reiterated that he would not report as ordered, and that he was going to his family's restaurant. A captain then offered to get the officer's family housed to ensure their safety so that the officer could report for duty as ordered. The officer informed the captain that he still intended to go to the restaurant to protect his family's business. The captain advised that the officer would be deemed insubordinate if he did not report to work. Despite this, the officer did not report as ordered.

The Department found that the officer violated multiple policies by failing to comply with the police chief's emailed directive and the captain's verbal order. The officer's policy violations included unauthorized absence, neglect of duty, disobedience, and insubordination. In January 2021, the officer received a 30-day suspension without pay based on these findings.

The police officer appealed his suspension to the city manager. The city manager upheld the decision. The police officer then filed an appeal for a hearing before the city's personnel board (Board), alleging that he did not follow the directives of his superior officers in order to protect his family. The Board found that the officer's statement to his captain that he needed to protect his family's business did not support this contention. The Board further acknowledged that the Department offered to protect the officer's family, but the officer declined.

The officer also alleged that his conversation with the captain was an improper interrogation in violation of the Public Safety Officers Procedural Bill of Rights Act (POBR). The Board disagreed, noting that the captain's conversation was not an interrogation, but rather, an offer to provide accommodation to the officer and his family during the protest. The Board found no POBR violation for two reasons. First, the captain did not ask the officer any questions about any rule violation that could lead to discipline. Second, the captain immediately ended the call after the officer confirmed that he was not going to report to work. Based on the foregoing, the Board upheld the police officer's 30-day unpaid suspension.

NOTE:

This case reaffirms that significant discipline is often appropriate in cases of insubordination. In fact, the Board noted that the police officer's conduct represented one of the highest degrees of disloyalty a police officer could display towards their department and community. The Board noted that the officer's conduct likely warranted termination, but that the Department was lenient given the officer's state of mind as to his family's business.

DISCRIMINATION & RETALIATION

No Immunity For Police Chief As To Claims That He Failed To Promote An Officer Based On Her Sex.

In 2017, Julie Ballou, a police officer in Vancouver, Washington, took an examination for promotion to the rank of sergeant. Under Washington civil service rules, a chief of police has discretion to promote any of the three highest-scoring candidates. Between 2013 and 2018, the Vancouver Police Department's Chief of Police, James McElvain, promoted the highest-ranked person on the relevant list.

In the months after the sergeant's promotional exam, McElvain initiated multiple investigations as to Ballou's alleged violations of the Department's report writing policy. While the investigations were pending, McElvain promoted two male officers who ranked lower than Ballou on the promotional list. After the investigations were concluded, Ballou received a letter of reprimand. McElvain informed Ballou that he would not promote her due to these investigations even though she was now the highest scoring officer up for promotion. Previously, two male officers had received promotions to corporal despite having been disciplined after personnel investigations. Moreover, a third male officer had failed to follow the Department's report writing policies, but he was not investigated.

Ballou submitted multiple complaints to the City of Vancouver, including an emailed complaint to the City Manager alleging that she was the victim of sex discrimination. In May 2019, more than a year after she first became eligible for promotion, McElvain promoted Ballou to the rank of sergeant.

Ballou sued, alleging that McElvain violated the First Amendment and the Equal Protection Clause of the Fourteenth Amendment. She alleged she was discriminated against because of sex as a result of: the internal affairs investigations that the Chief said precluded her eligibility for promotion; and the Chief's

decision not to promote her for over a year. Ballou also claimed McElvain retaliated against her for alleging discrimination in her various complaints.

McElvain moved for summary judgment, asserting qualified immunity as to Ballou's claims. Qualified immunity grants government officials performing discretionary functions immunity from civil suits unless the person suing shows that the official violated clearly established statutory or constitutional rights of which a reasonable person would have known. The district court denied the motion, and McElvain appealed.

The Ninth Circuit Court of Appeals accepted the appeal only as to whether the denial of qualified immunity was appropriate as a matter of law. The Ninth Circuit did not agree with McElvain's arguments. As to Ballou's sex discrimination claim under the Fourteenth Amendment, the Ninth Circuit found that Ballou's allegations showed that McElvain's conduct violated her constitutional right to be free from denial of a promotion on account of sex. The Ninth Circuit further held that any reasonable officer would recognize that using an investigation to stall a promotion on the basis of sex was unconstitutional.

McElvain also alleged that Ballou's sex discrimination claim failed because the male officers promoted over Ballou were not sufficiently similar to Ballou to demonstrate disparate treatment on the basis of sex. The Ninth Circuit disagreed, holding that the existence of a similar comparator was not the only way to allege disparate treatment.

As to Ballou's retaliation claim under the First Amendment, McElvain alleged that he was entitled to qualified immunity because Ballou's speech was not a matter of public concern or constitutionally protected. The Ninth Circuit disagreed. It held that Ballou's opposition to sex discrimination in the workplace was inherently speech on a matter of public concern and clearly protected by the First Amendment.

Ballou v. McElvain and City of Vancouver, 2021 WL 4436213 (9th Cir. Sept. 28, 2021) unpublished.

NOTE:

Although this case is unpublished, it offers clear guidance that there is no qualified immunity for blatant discrimination on the basis of sex.

Sheriff's Department Defeats Retaliation Claim Because Terminated Employee Could Not Show Pretext.

The Orange County Sheriff's Department (OCSD) terminated Vanessa Hamilton's employment after she failed to report for a mandatory overtime shift in May 2016. Hamilton sued, alleging retaliation in violation of the California Fair Employment and Housing Act (FEHA).

OCS D moved for summary judgment. OCS D alleged that Hamilton could identify no evidence to allow a reasonable jury to find that the reasons OCS D gave for her termination (i.e., her failure to report for the overtime shift) were pretextual and retaliatory. The district court granted summary judgment for OCS D and Hamilton appealed.

On appeal, the Ninth Circuit affirmed summary judgment for OCS D. The Ninth Circuit noted that: Hamilton did not dispute that she failed to report for the mandatory overtime shift; and the evidence supported OCS D's conclusion that Hamilton was deceptive as to why she failed to report to work. The Ninth Circuit further found no evidence that other employees were retained after similar misconduct, nor any other evidence from which a jury could infer that OCS D's reasons for terminating Hamilton were untrue.

Hamilton v. Orange County Sheriff's Department, 854 Fed.Appx. 938 (2021), unpublished.

NOTE:

Courts will deny an employer's motion for summary judgment if there is conflicting evidence as to the employer's reasons for taking adverse action against an employee. But, a summary judgment motion is a powerful tool if the employer's reasons for an adverse action are accurate and consistent.

Stray Remark That Assistant Dean "Wanted Someone Younger" Tanks Employer's Motion.

Linda Jorgensen started working at Loyola Marymount University (University) in 1994. In July 2010, the University appointed Stephen Ujlaki to be the Dean of its School of Film and Television (School). At the time, Jorgensen was over 40 years old.

In 2014, Ujlaki promoted Johana Hernandez to be an Assistant Dean. Hernandez was 30 years old, and she had begun work at the School four years earlier as an administrative assistant. Jorgensen helped train Hernandez, and claimed that Ujlaki "made Hernandez his favorite." Jorgensen alleged she was far more qualified and experienced for the Assistant Dean position than Hernandez. In a particularly insensitive decision, Ujlaki ordered Jorgensen to report to Hernandez.

Jorgensen further claimed that after Hernandez was promoted, Ujlaki and Hernandez sidelined her and left her with few duties. Jorgensen attributed her lost promotion and marginalization to age and gender discrimination. Jorgensen complained to the University, but it rejected her claims. Jorgensen then alleged she was punished for her complaint. Jorgensen sued the University in 2018 and resigned in 2019.

In the trial court, the University contended that Jorgensen was a problem employee who became insubordinate when Ujlaki and his team tried to improve the way the School operated. One Associate Dean – a woman older than Jorgensen – described Jorgensen as the "the most difficult employee I have ever had to manage by orders of magnitude." The University also presented facts that Hernandez's promotion was due to her competence, not age discrimination.

The University moved for summary judgment, arguing that the lawsuit had no merit. The trial court excluded from evidence a sworn statement from Carolyn Bauer, a former School employee. Bauer declared that while she was working at the School, a person expressed interest in another position that was unrelated to the Assistant Dean position Jorgensen sought. According to Bauer's statement, when Bauer told Hernandez about the person's interest in the other position, Hernandez responded she "wanted someone younger". Without this evidence, the trial court found for the University. Jorgensen appealed.

The Court of Appeal concluded that the trial court was wrong to exclude Bauer's sworn statement. Under California precedent, even a non-decision maker's age-based remark "may be relevant, circumstantial evidence of discrimination". Thus, even though Hernandez and not Ujlaki made this age-related remark about another position, the remark was relevant because it showed Hernandez could influence Ujlaki, the School's top decision maker, on all issues including hiring and promotion. The court noted that Ujlaki invited Hernandez to participate in the interviews for Assistant Dean positions and that they discussed hiring decisions. In addition, Ujlaki gave Hernandez a series of special assignments that flouted formal organization lines. Thus, a jury could reasonably conclude Hernandez could influence Ujlaki's decisions. The trial court erred in excluding Bauer's statement because: Bauer quoted Hernandez word-for-word; and Hernandez's remark explicitly described her state of mind.

The Court of Appeal next considered whether Hernandez's remark would have changed the trial court's analysis. In a discrimination case, the employee must first establish a prima facie case, in order to raise a presumption of discrimination. Second, the employer may rebut that presumption by showing it acted for legitimate and nondiscriminatory reasons. Finally, the employee may attack the employer's legitimate reasons as pretextual or offer other evidence of improper motives.

Here, the Court of Appeal concluded Hernandez's remark would have changed the trial court's analysis. Hernandez's remark she wanted someone younger was unambiguous. Also, there was evidence that: Ujlaki created a pay differential between male and female Associate Deans hired concurrently; and Hernandez

was an influential advisor to Ujlaki. People other than Jorgensen were also critical of Ujlaki's leadership. An outside consultant also evaluated Ujlaki's deanship and concluded the faculty consensus was the situation was "too dysfunctional to be allowed to continue." Taking all this evidence into account, the court held that the trial court improperly decided in the University's favor. The court remanded the case for further proceedings.

Jorgensen v. Loyola Marymount Univ., 68 Cal.Rptr. 5th 882 (2021).

NOTE:

California's stray remark precedent makes employer motions for summary judgement very difficult to win. A stray remark regarding an unrelated position can still impact a discrimination case, even if someone other than the final decision maker makes the remark.

LABOR RELATIONS

City Reasonably Applied Its EERR When It Dismissed A Petition For Recognition.

On November 12, 2019, Pasadena Non-Sworn Employees Association (PNSEA) filed a severance and representation petition with the City of Pasadena. PNSEA was seeking recognition as the exclusive representative of a new bargaining unit composed of all non-sworn classifications employed by the City of Pasadena Police Department. The proposed unit would contain 87 employees in approximately 14 separate classifications. PNSEA submitted its petition and proof of support from about 82 percent of the petitioned-for employees. The PNSEA petition requested that the City form the new unit by combining currently unrepresented employees with represented employees carved out from two other bargaining units represented by AFSCME and LIUNA.

Upon receiving PNSEA's request, the City held a hearing to determine if the petitioned-for unit was appropriate. On May 13, 2020, the City denied the petition because PNSEA failed to show: (1) that the classifications in the proposed unit shared a community of interest separate and distinct from the AFSCME and LIUNA units; and (2) a community of interest between the Police Supervisors and the other classifications in the proposed unit.

PNSEA alleged the City was unreasonable in applying its Employer-Employee Relations Resolution (EERR) to the facts and filed a PERB charge.

PERB clarified that because PNSEA was the challenger, it had the burden to show that its proposed unit was appropriate and the City's decision was not reasonable. PERB explained that a unit is appropriate when it has a community of interest separate and distinct from other

employees in the existing bargaining units. However, if reasonable minds could differ as to whether a unit is appropriate, PERB will not substitute its judgment for a local agency's determination. However, PNSEA did not have to show that its proposed unit was the most appropriate.

To analyze whether the City acted reasonably in determining that the proposed unit was inappropriate, PERB used the City's EERR unit determination criteria: (1) history of the City's labor relations; (2) labor relations in similar public employment; (3) common skills, working conditions, duties, education; (4) effect on the existing classification structure; and (5) efficiency of City operations.

As to the first factor, the City showed that AFSCME and LIUNA had represented their units since the 1980's, and that severing classifications from those established units could destabilize negotiating relationships. PERB agreed that maintaining historic continuity typically weighed against severance absent proof that the unit was incapable of addressing the needs of a discrete minority within the unit. Here, PNSEA attempted to show that employee relations were unstable and that employees' unique needs were not being addressed. However, PERB sided with the hearing officer, who held that there was a positive history of labor relations spanning decades, and that PNSEA failed to show that any lack of bargaining success was due to the existing units' failure to adequately represent non-sworn employees' interests. This evidence weighed against severing the established units.

With respect to the second factor, PERB found that the City afforded sufficient weight to other cities' practices. As to the third factor, PNSEA did not present evidence regarding non-sworn employees' common skills, job duties, or educational requirements. However, PNSEA did argue that the classifications in the proposed unit shared a common, unique work environment because the Police Department operated 24/7 and dealt with potentially unsafe situations. PERB found that these factors were neither unique to the Police Department's non-sworn employees, nor sufficient to warrant severing them from the unit. Thus, PERB found that PNSEA failed to establish that the non-sworn employees shared a community of interest separate and distinct from the AFSCME and LIUNA represented-employees.

As to the fourth factor, PNSEA planned to sever one of the four Maintenance Repairers and three of the 15 Maintenance Assistants from AFSCME to create its unit because these employees worked for the Police Department. PNSEA conceded that while these employees did work for the Police Department, their job duties were common across all City departments and not distinct to the Police Department. Thus, PERB agreed with the hearing officer that PERB generally disfavors splitting a single

classification across multiple bargaining units when the employees within that classification perform the same work under virtually the same employment conditions.

Finally, as to the last factor, PNSEA argued that it would be more efficient to put all non-sworn Police Department employees into a single bargaining unit, and that this change would improve employer-employee relations. AFSCME and LIUNA countered that creating a tenth bargaining unit would make labor relations with the City less efficient. Furthermore, the hearing officer worried this could lead to more units seeking to sever in order to form additional units. While PERB found both the City and PNSEA's efficiency arguments speculative, it held that PNSEA was still unable to show that the City unreasonably applied its local rules.

PERB also analyzed whether the City unreasonably declined to find a community of interest between supervisory and non-supervisory classifications. PERB said that an MMBA employer may not categorically require that all employees with supervisory duties be excluded from any bargaining unit that contains non-supervisors; rather, supervisory duties at most may be relevant to unit determination solely as one of numerous community of interest factors. Under the City's EERR, however, PERB noted that supervisors would be required to be in a separate unit from non-supervisors. PERB noted that since the City's EERR conflicted with the MMBA, the City's EERR would be unenforceable as to that rule. However, PNSEA had not challenged the City's rule; it challenged only the application of this rule. PERB found that the City still had a valid reasons to deny PNSEA's proposed unit and the City had not severed non-supervisors from their existing units.

Lastly, PERB determined that because the PNSEA never established that the City rejected an alternate unit comprised solely of 12 Police Supervisors, it did not need to consider whether such a rejection would be reasonable.

In light of these findings, PERB ultimately dismissed PNSEA's claim that the City unreasonably applied its EERR when it dismissed their petition.

City of Pasadena, PERB Dec. No. 2788-M (September 1, 2021).

NOTE:

This case shows that the party challenging a decision on the appropriateness of a unit has the burden of proof. Public agencies should ensure they are not only following the criteria listed in their respective Employee-Employer Relations Resolutions, but that those criteria are consistent with PERB regulations.

CALIFORNIA FAMILY RIGHTS ACT

Agency Unlawfully Terminated Peace Officer After He Returned From Leave.

In 2006, the Department of the California Highway Patrol (CHP) hired Stanley Vincent as a peace officer. Vincent, a native of Haiti, stood in loco parentis to his sister, who had paranoid schizophrenia. Vincent regularly traveled to Haiti to help with her care. In 2007 and 2010, Vincent took emergency leave from his CHP duties to care for his sister. On those occasions, CHP did not require him to fill out any forms prior to traveling for these emergencies, nor did it require him to provide any medical certifications.

On November 9, 2014, Haitian law enforcement informed Vincent that his sister had left the family home and was wandering the streets of Port-au-Prince. Vincent informed CHP Sergeant Eric Martinez that he might need to take an emergency leave of absence. The next day, Vincent told Sergeant Brian DeMattia that his sister was missing in Haiti, and requested a two-week leave of absence. Sergeant DeMattia notified Captain Mark D'Arelli that Vincent needed to leave the country to attend to family matters.

On November 11, 2014, Vincent left for Haiti. Over the next three days, two sergeants attempted to contact Vincent about his absence. One of the sergeants requested that Vincent come into the office to determine whether his request met CHP's family leave criteria. Vincent did not respond to these messages.

On November 14, 2014, CHP labelled Vincent absent without leave (AWOL) when he failed to show for work. Six days later, Captain D'Arelli directed CHP to initiate an investigation into Vincent's AWOL status. On November 25, 2014, Vincent contacted Lieutenant Mike Bueno from Haiti and requested an additional eight days of emergency leave. Lieutenant Bueno ordered Vincent to return to work immediately.

On December 4, 2014, Vincent returned to work and submitted documentation about his leave, including medical and financial documents that showed his support for his sister. CHP refused to accept or evaluate the documents, and opened an investigation into "possible adverse action issues" for being AWOL. CHP later expanded the scope of the investigation to include charges of dishonesty and mishandling of evidence based on misdated booking forms. CHP's investigation substantiated all charges against Vincent, but failed to mention that Vincent had requested family care leave before departing for Haiti. Based on the investigation's findings, Commissioner Joseph Farrow terminated Vincent.

Vincent sued CHP for wrongful termination, and violations of the California Family Rights Act (CFRA) and Fair Employment and Housing Act (FEHA). After Vincent prevailed at trial, CHP filed motions for judgment notwithstanding the verdict and a new trial. The trial court denied these motions, and CHP appealed. On appeal, CHP alleged that Vincent was ineligible for CFRA leave because he did not stand in loco parentis to his sister. The Court of Appeal disagreed, finding that the evidence showed that Vincent provided for his sister, including financially, on a day-to-day basis for nearly two decades.

CHP further alleged that Vincent failed to notify CHP of his in loco parentis claim. The Court of Appeal disagreed, citing to Vincent's notice to Sergeant DeMattia about his family situation before he left for Haiti. Sergeant DeMattia, in turn, informed Captain D'Arelli of Vincent's family's situation. The Court of Appeal also found that any lack of notice to CHP was the result of CHP's failures to follow CFRA regulations and ask Vincent for more information about his parental relationship to his sister.

CHP also alleged that Vincent failed to provide CHP with the requisite medical certification for his CFRA leave. Again, the Court of Appeal disagreed, citing to medical

documentation that Vincent provided upon his return from Haiti that CHP refused to accept or evaluate. Lastly, CHP alleged that Vincent's FEHA claim failed because he did not provide sufficient evidence that CHP intentionally retaliated against him for taking protected leave. The Court of Appeal disagreed. The jury had seen that the CHP's investigation omitted the fact that Vincent requested emergency leave before leaving for Haiti. The Court found that this deliberate concealment supported the jury's determination that CHP possessed retaliatory intent when it fired Vincent.

The Court of Appeal found that substantial evidence supported the jury's determination that Vincent proved his CFRA and FEHA claims.

Vincent v. Department of the California Highway Patrol, 2012 WL 3878390 (Cal. Ct. App. Aug. 31, 2021), unpublished.

NOTE:

Employers must be proactive in complying with all requirements of the CFRA, including gathering sufficient information from employees as to their eligibility for protected leave. Here, the Court of Appeal emphasized that the employee had communicated about the need for his leave, but that the employer did not follow up.



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LCW

Congratulations to Our New Partner!



Introducing LCW's newest partner, James E. Oldendorph!

James Oldendorph represents employers in cases involving alleged violations of Title VII, the Fair Employment and Housing Act, the Americans with Disabilities Act, the California and United States Constitutions, the Public Safety Officers Bill of Rights and the Firefighters Procedural Bill of Rights Acts, as well as collective and class actions under the Fair Labor Standards Act and the California Labor Code. He also advises clients on injunctions, wage and hour claims, and wrongful discharge actions.

James has extensive experience representing Liebert Cassidy Whitmore (LCW) clients in many forums from federal and state court to the Office of Administrative Hearings to civil service commissions, and arbitration. While James represents all types of employers, he focuses his practice on public safety agencies. James is fluent in Spanish, and utilizes this skill in consulting with LCW's Spanish-speaking clients and in translating and drafting correspondence and contracts in Spanish.



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Upcoming Webinar SB 278 - The Latest Pension Budget Buster: Mitigating the Risk

October 25, 2021 | 10:00 - 11:00am

SB 278 to inflate your agency's pension costs. It goes into effect on January 1, 2022 and your agency needs to be prepared for it.

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Firm ActivitiesConsortium Training

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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 | Kevin J. Chicas
- Oct. 14** **“Maximizing Supervisory Skills for the First Line Supervisor - Part 1”**
East Inland Empire ERC | Webinar |
- 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** **“Nuts & Bolts: Navigating Common Legal Risks for the Front Line Supervisor”**
West Inland Empire ERC | Webinar | Danny Y. Yoo
- Oct. 27** **“Maximizing Performance Through Documentation, Evaluation and Corrective Action”**
Imperial Valley ERC | Webinar | Ronnie Arenas
- Oct. 27** **“Maximizing Performance Through Documentation, Evaluation and Corrective Action”**
San Gabriel Valley ERC | Webinar | Ronnie Arenas
- Oct. 27** **“Maximizing Performance Through Documentation, Evaluation and Corrective Action”**
Ventura/Santa Barbara ERC | Webinar | Ronnie Arenas
- Nov. 3** **“Advanced FLSA”**
Central Coast ERC | Webinar | Lisa S. Charbonneau
- Nov. 3** **“Advanced FLSA”**
Central Valley ERC | Webinar | Lisa S. Charbonneau

- Nov. 4** **“Supervisor’s Guide to Understanding and Managing Employees’ Rights: Labor, Leaves and Accommodations”**
Bay Area ERC | Webinar | Jack Hughes
- Nov. 4** **“Maximizing Supervisory Skills for the First Line Supervisor - Part 2”**
Coachella Valley ERC | Webinar | Kevin J. Chicas
- Nov. 4** **“Maximizing Supervisory Skills for the First Line Supervisor - Part 2”**
East Inland Empire ERC | Webinar |
- Nov. 4** **“Supervisor’s Guide to Understanding and Managing Employees’ Rights: Labor, Leaves and Accommodations”**
Gateway Public ERC | Webinar | Jack Hughes
- Nov. 4** **“Managing the Marginal Employee”**
LA County HR Consortium | Webinar | Christopher S. Frederick
- Nov. 4** **“Disaster Service Workers - If You Call Them, Will They Come?”**
Mendocino County ERC | Webinar | Lisa S. Charbonneau
- Nov. 4** **“Supervisor’s Guide to Understanding and Managing Employees’ Rights: Labor, Leaves and Accommodations”**
West Inland Empire ERC | Webinar | Jack Hughes
- Nov. 9** **“Public Service: Understanding the Roles and Responsibilities of Public Employees”**
Humboldt County ERC | Webinar | Ronnie Arenas
- Nov. 9** **“Public Service: Understanding the Roles and Responsibilities of Public Employees”**
San Mateo County ERC | Webinar | Ronnie Arenas
- Nov. 10** **“Prevention and Control of Absenteeism and Abuse of Leave”**
Napa/Solano/Yolo ERC | Webinar | T. Oliver Yee
- Nov. 10** **“Difficult Conversations”**
North State ERC | Webinar | Erin Kunze
- Nov. 10** **“Prevention and Control of Absenteeism and Abuse of Leave”**
San Gabriel Valley | Webinar | T. Oliver Yee
- Nov. 10** **“Difficult Conversations”**
San Joaquin Valley ERC | Webinar | Erin Kunze
- Nov. 17** **“Human Resources Academy I”**
Orange County Consortium | Webinar | Ronnie Arenas

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City of Gardena | Alison R. Kalinski
- Oct. 13** **“Preventing Workplace Harassment, Discrimination and Retaliation”**
Merced County | Webinar | Che I. Johnson
- Oct. 20** **“Preventing Workplace Harassment, Discrimination and Retaliation”**
Merced County | Webinar | Shelline Bennett

Oct. 25 **“The Art of Writing the Performance Evaluation”**
County of Monterey, Health Department | Webinar | Erin Kunze

Oct. 26 **“Terminating the Employment Relationship”**
CSRMA | Webinar | Danny Y. Yoo

Oct. 26 **“Addressing Workplace Violence”**
Midpeninsula Regional Open Space District | Webinar | Erin Kunze

Nov. 3 **“Preventing Workplace Harassment, Discrimination and Retaliation”**
City of Fremont | Webinar | Jack Hughes

Nov. 3 **“Implicit Bias”**
ERMA | Webinar | Laura Drottz Kalty

Nov. 11 **“Disability Interactive Process”**
CSRMA | Webinar | Danny Y. Yoo

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

Speaking Engagement

Oct. 14 **“Conducting Defensible Workplace Investigations in a Virtual World”**
Association of Workplace Investigators AWI Annual Conference | Denver | Paul D. Knothe

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 CDAA Annual Conference | Carlsbad | T. Oliver Yee

Nov. 17 **“The Wonderful World of Words in the Labor Agreement: An Important Review of Contract Language”**
California Public Employer Labor Relations Association CALPELRA 2021 Annual Training Conference | Monterey | Che I. Johnson & Jack Hughes

Nov. 17 **“Hot Topics and Emerging Issues with CalPERS”**
CALPELRA 2021 Annual Training Conference | Monterey | Steven M. Berliner & Michael Youril

Nov. 17 **“Labor Relations Game Show!”**
CALPELRA 2021 Annual Training Conference | Monterey | J. Scott Tiedemann & Laura Drottz Kalty

Nov. 17 **“Advanced Costing: How to Handle Complicated Contract Costing Conversations”**
CALPELRA 2021 Annual Training Conference | Monterey | Peter J. Brown & Che Johnson

Nov. 18 **“Connecting and Establishing Credibility with Elected Officials”**
CALPELRA 2021 Annual Training Conference | Monterey | Shelline Bennett & Melanie L. Chaney

Nov. 18 **“Legal Update”**
CALPELRA 2021 Annual Training Conference | Monterey | Peter J. Brown & Janet Summers & Tim Davis

- Nov. 18** **“FLSA Audit: the Key to Saving Lots of Dollars for your Agency”**
CALPELRA 2021 Annual Training Conference | Monterey | Peter J. Brown & Brian P. Walter
- Nov. 18** **“Wage & Hour Workplace Case Studies: Identifying & Correcting Compliance Issues”**
CALPELRA 2021 Annual Training Conference | Monterey | Richard Bolanos & Lisa S. Charbonneau
- Nov. 18** **“What Can You Do in Your Labor Negotiations to Reduce Liability for Police Departments?”**
CALPELRA 2021 Annual Training Conference | Monterey | J. Scott Tiedemann & Donna Williamson
- Nov. 19** **“The Public’s Perception Of Police And Its Impact On Employment Litigation”**
CALPELRA 2021 Annual Training Conference - SPARKS Session | Monterey | Brian P. Walter
- Nov. 19** **“How To Self-Audit Your Agency’s Compliance With Independent Contractors”**
CALPELRA 2021 Annual Training Conference - SPARKS Session | Monterey | Melanie L. Chaney
- Nov. 19** **“Navigating the Disability Interactive Process and Disability Retirements for Public Safety Employees”**
CALPELRA 2021 Annual Training Conference - SPARKS Session | Monterey | Michael Youril

Seminars/Webinars

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

- Oct. 14** **“The Rules of Engagement: Issues, Impacts & Impasse - Part 2”**
Liebert Cassidy Whitmore | Webinar | T. Oliver Yee
- Oct. 15** **“Train the Trainer Refresher: Harassment Prevention”**
Liebert Cassidy Whitmore | Webinar | T. Oliver Yee
- 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. 19** **“A Practical Approach for Regular Rate of Pay Reviews”**
Liebert Cassidy Whitmore | Webinar | Lisa S. Charbonneau
- Oct. 20** **“FLSA Academy Day 1”**
Liebert Cassidy Whitmore | Webinar | Lisa S. Charbonneau
- 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
- Oct. 21** **“FLSA Academy Day 2”**
Liebert Cassidy Whitmore | Webinar | Lisa S. Charbonneau
- Oct. 22** **“Train the Trainer: Harassment Prevention”**
Liebert Cassidy Whitmore | Webinar | Christopher S. Frederick
- Oct. 27** **“FLSA Academy Day 3”**
Liebert Cassidy Whitmore | Webinar | Lisa S. Charbonneau
- Oct. 28** **“FLSA Academy Day 4”**
Liebert Cassidy Whitmore | Webinar | Lisa S. Charbonneau
- Nov. 3** **“Trends & Topics at the Table - Part 1”**
Liebert Cassidy Whitmore | Webinar | Richard Bolanos

- Nov. 4** **“Trends & Topics at the Table - Part 2”**
Liebert Cassidy Whitmore | Webinar | Richard Bolanos
- Nov. 9** **“Train the Trainer Refresher: Harassment Prevention”**
Liebert Cassidy Whitmore | Webinar | Christopher S. Frederick

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