LIEBERT CASSIDY WHITMORE

FIRE WATCH

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

JANUARY 2022

INDEX

LCW NEWS

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.

COVID-19

Court Declined To Enjoin Termination Of Firefighters Who Didn't Abide By COVID-19 Vaccine Mandate.

On August 18, 2021, the Los Angeles City Council adopted Ordinance No. 187134, requiring all current and future City of Los Angeles (City) employees to be fully vaccinated for COVID-19 by October 19, 2021, or request an exemption to the vaccine mandate based on a sincerely held religious belief or individual medical condition.

On September 24, 2021, the Los Angeles Fire Department (Department) emailed all employees to notify them to report their vaccination status in compliance with the City's vaccine mandate. On October 14, 2021, the City issued a "Last, Best, and Final Offer" regarding any non-compliance. This offer gave City employees who failed to timely comply with the vaccine requirement, and who were not seeking a medical or religious exemption, to comply by December 18, 2021, if they agreed to certain conditions, including bi-weekly testing at their own expense. Any employees who failed to show proof of vaccination by the new deadline would be subject to corrective action – involuntary separation from City employment, including placement on unpaid leave pending a Skelly conference on the proposed separation.

In response, the Firefighters4Freedom Foundation (the Foundation) filed a lawsuit against the City. The Foundation is a non-profit organization representing firefighters who were placed on administrative leave for failing to comply with the vaccine mandate or to seek an exemption. The Foundation alleged that the City's actions violated the firefighters' privacy and due process rights, among other claims.

On November 16, 2021, the Foundation moved for a preliminary injunction to bar the City from terminating or placing any City firefighter on unpaid leave for non-compliance with the City's vaccination mandate without first providing due process, including the right to a hearing before an impartial hearing officer under the Firefighters Procedural Bill of Rights Act (FBOR).

In order to determine whether to issue a preliminary injunction, the trial court assessed: (i) the likelihood that the firefighters would prevail on the merits of their claims at trial; and (ii) the interim harm that the firefighters were likely to sustain if the injunction was denied as compared to the harm that the City was likely to incur if the preliminary injunction was issued. The trial court denied the motion, finding that the Foundation had not satisfied its burden of proof as to either factor.

The court found that the Foundation was unlikely to prevail on the merits of its claims at trial. The Foundation had not shown a due process violation because the firefighters had ample notice of the vaccine mandate and were placed on unpaid leave pending a Skelly meeting before their termination. The court found that this constituted adequate due process, particularly given the emergency COVID-19 created.

The court also found that the Foundation could not present sufficient evidence that the City Council abused its discretion in passing the vaccination mandate. The Foundation alleged that the City did not have sufficient evidence to declare a state of emergency due to COVID-19. The Court disagreed, citing in part to evidence of how COVID-19 outbreaks in fire stations to upend daily life and threaten public safety.

The Foundation failed to show a violation of the unvaccinated firefighters' privacy rights. Supervening public concerns – namely, the City's goal to protect the City's workforce and the public it serves from COVID-19 – clearly outweighed the firefighters' privacy rights. The court also noted that none of the Foundation-represented firefighters had sought a religious or medical exemption.

Lastly, the trial court found that the balance of harm weighed "overwhelmingly" against granting an injunction. The court acknowledged that while individual firefighters who were on unpaid leave incurred a "severe harm," the COVID-19 deaths significantly outweighed that monetary loss. The trial court acknowledged that there have been 1,477,842 COVID-19 cases and 26,001 COVID-19 deaths to date in Los Angeles County, excluding cases and deaths in the cities of Long Beach and Pasadena. Based on the foregoing, the court denied the Foundation's motion for preliminary injunction.

Firefighters4Freedom Foundation v. City of Los Angeles, Case No. 21STCV34490 (Super. Ct. Cal. Dec. 21, 2021).

Note:

Because this is a trial court decision, it is not binding legal precedent on any parties other than the City of Los Angeles and its firefighters. This decision does show how a court may rule on challenges to COVID-19 vaccine mandates. LCW attorneys monitor all vaccination decisions applicable to California employers and will provide an update on developments.

WRONGFUL TERMINATION

Chief Deputy Who Campaigned On Stopping Extramarital Sexual Relationships In The Department Loses The First Round On His Wrongful Discharge Claim.

In 2018, Justin Fleeman, then a Chief Deputy with the Kern County (County) Sheriff's Department (Department), ran for election for County Sheriff. One of Fleeman's campaign messages was that he would stop Department employees from having extramarital sexual relationships with other employees, among other types of conduct that Fleeman deemed inappropriate. During his campaign, Fleeman spoke of a Department employee having a sexual relationship with another employee's spouse.

Following Fleeman's election defeat, the Department placed Fleeman on administrative leave pending an investigation into some of his campaign statements. On February 28, 2019, Fleeman filed a tort claim against the County regarding his placement on leave. On March 6, 2019, the County rejected Fleeman's tort claim.

The Department's investigation determined that Fleeman's campaign statements amounted to an improper disclosure of confidential information about the Department employee. Based in part on this finding, the Department terminated Fleeman. Following his termination, Fleeman filed a second tort claim, alleging that he was improperly investigated and terminated because of his campaign statements. On September 25, 2019, the County rejected Fleeman's second tort claim.

Thereafter, Fleeman filed suit against the County for wrongful termination in violation of Labor Code Section 232.5, among other claims. Under Labor Code Section 232.5, an employer may not discharge, formally discipline, or otherwise discriminate against an employee who discloses information about the employer's "working conditions."

Under the Government Claims Act (Act), any claim for personal injury must include the "date, place and other circumstances of the occurrence or transaction which gave rise to the claim." The County moved to dismiss Fleeman's wrongful termination claim on the grounds that the two government tort claims Fleeman presented failed to provide adequate notice of a Labor Code Section 232.5 claim because they: (i) did not notify the County of Fleeman's allegation that he was improperly terminated for disclosing information about "workplace conditions"; and (ii) failed to identify Labor Code Section 232.5 as the state law at issue. The district court disagreed, noting that Fleeman's second tort claim put the County notice of the act (his termination) and the relevant circumstances surrounding that act, namely that Fleeman had shared with the public his concerns about Department employees' sexual conduct.

The County also moved to dismiss Fleeman's wrongful termination claim on the ground that Fleeman failed to state a cognizable claim under Labor Code Section 232.5. Fleeman failed to identify the "workplace condition" related to the sexual conduct. The district court agreed, noting that although Fleeman's complaint alleged that he disclosed allegedly improper sexual behavior, he did not cite to any County policy that addressed such behavior. The district court granted the County's motion to dismiss

Fleeman's wrongful termination claim, but granted Fleeman the opportunity to try again to state a claim under Labor Code Section 232.5.

Fleeman v. Cty. of Kern, 2021 WL 5514498 (E. D. Cal. Nov. 24, 2021) – unpublished.

Note:

As this decision shows, a government tort claim does not have to specifically identify the alleged statutory violation, but merely needs to put an agency on notice of the act giving rise to the claim and the circumstances surrounding that act.

QUALIFIED IMMUNITY

Officer Gets Qualified Immunity For Acting On Content Of Reporter's Speech During Protest.

In June 2019, the Spokane Public Library hosted a children's book reading event called "Drag Queen Story Hour." The event proved to be controversial, and drew protesters to the library. The police separated 150 protesters and 300 counterprotesters into two zones near the library.

Afshin Yaghtin, both the editor in chief and a journalist for Saved Magazine (Saved), sought to cover the event. He wore his press badge, and he identified himself to police officers as a member of the press. Yaghtin alleged he was assigned a police "detail" to accompany him through a crowd of counterprotesters to the library entrance. One Spokane police officer, Kevin Vaughn, warned Yaghtin that he would be subject to arrest if he started "engaging people" or caused "a problem."

While Yaghtin was walking through the counterprotest zone, he began to converse with a counterprotester who asked him whether he was the person who had previously advocated for the execution of gay people. When Yaghtin responded "No that is what the Bible says," an unidentified officer, Officer Doe, told Yaghtin he was not exercising his press rights and was instead engaging the counterprotester. Yaghtin responded that he was "asked a question" and "was there to comply." Officer Doe then directed the counterprotesters to get out of the way and let Yaghtin continue to move through the zone.

In August 2020, after amending their complaint, Yaghtin and Saved filed a lawsuit against the Spokane Police Department, the Department's Chief of Police, and Officer Doe for violations of their First Amendment rights. Yaghtin and Saved contended that the police officers violated their right to freedom of the press when Officer Doe monitored Yaghtin's communications and intervened in the conversation between Yaghtin and a counterprotester. They also alleged that the City adopted the officer's actions as policy "through silent acquiescence." The district court dismissed the lawsuit. Yaghtin and Saved appealed.

On appeal, Yaghtin and Saved argued that Officer Doe was not entitled to qualified immunity. The Ninth Circuit panel disagreed. Qualified immunity shields government officials who perform discretionary functions from liability for civil damages. To get this immunity, the government has to show that its employee's conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known.

Courts use a two-prong test to determine whether a police officer is entitled to qualified immunity: 1) was there a violation of a constitutional right; and 2) was that right was clearly established at the time of the officer's alleged misconduct. The panel concluded that, the second prong was dispositive. The panel was not aware of any precedent that would alert Officer Doe that his actions violated clearly established First Amendment law. Considering the lack of any precedent to the contrary, it was reasonable for Officer Doe to believe that it was lawful for him to examine the substance of Yaghtin's speech in order to enforce the separate protest zone policy.

Further, the panel rejected Yaghtin and Saved's argument that the district court erred in dismissing their First Amendment claim against the Spokane Police Department. The panel reasoned that even assuming Spokane police officers violated Yaghtin's First Amendment rights, nothing in the complaint indicated any Police Department policy, custom, or practice leading to that violation. The Ninth Circuit noted that there was no case law supporting their theory that a city's silence about a single incident could support the finding of a city-wide custom. Instead, it determined that Yaghtin's allegations amounted to no more than an "isolated or sporadic incident" that could not form the basis of liability.

Saved Magazine. v. Spokane Police Dep't, 19 F.4th 1193 (9th Cir. 2021).

Note:

The basis for the "clearly established" prong of the qualified immunity from suit test is fairness; it would be unfair to hold government officials to a rule that reasonable people were not aware of at the time.

PUBLIC RECORDS ACT

County Ordered To Produce 42,582 Emails Spanning Six Years.

Dean Getz is a member of the Serrano El Dorado Owners Association (Serrano). The place where he lives was developed and managed by Parker Development Company (Parker). On March 29, 2018, Getz submitted a request to the County of El Dorado under California Public Records Act (CPRA) Getz wanted records regarding the County's contacts with Serrano and Parker. Getz initially requested all "development plans, proposals, reports and applicable correspondence including electronic (e.g. email) records" between the County and any other party pertaining to the planned development.

In response, the County used software and search terms to locate potential records. A County employee reviewed each document to determine the responsiveness to the request. The employee also worked with county counsel to review the responsive records for records that could be withheld due to attorney client privilege or work product. The County then produced an index of responsive documents, including emails, on a CD with hyperlinks to the texts of the emails or documents.

After reviewing the CD, Getz believed that the County did not produce all responsive records. On August 1, 2018, Getz submitted another CPRA request seeking all emails between the County and anyone with email domains from Serrano, Parker, and two other businesses – a law firm and a political consulting firm – dating back to January 1, 2013. On August 28, 2018, the County notified Getz that approximately 47,000 emails were potentially responsive to the request, of which 42,582 were newly identified. The County estimated it would take 40 to 50 business days to review and sort responsive records. As a result, the County asked Getz to "further refine" his request to allow for a more focused search and to reduce the County's burden in reviewing the responsive records. Getz responded that he did not believe he was required to narrow the focus of the request and that the County was required to produce all requested documents.

On March 25, 2019, the County produced an index of the 42,582 emails and asked Getz to narrow his focus to describe identifiable public records relevant to his inquiry. The index identified the sender, recipient, subject, date and whether the email had an attachment. Unlike the prior index, the emails were not readable; the index contained no hyperlinked text. Getz responded that having reviewed the index, he could not find a way to reduce his request because the information he sought seemed to be prevalent throughout the index. He also reiterated his request that the 42,582 emails be produced without further delay. The County did not respond.

On April 2, 2019, Getz submitted another CPRA request to the County for all records from April 2, 2018 to April 2, 2019 pertaining to the district attorney's efforts to review a misdemeanor Getz allegedly committed but for which he was never charged. The County acknowledged receipt of the request and noted "to the extent there are records responsive to this request with the District Attorney's Office, they are not provided because they are records in investigatory files and those records are completely exempt from disclosure under California Government Code 6245(f)." Getz replied that since the statute of limitations had run on the charge, the exemption did not apply because there was no prospect of law enforcement. The County did not respond further.

Getz then filed a petition for writ of mandate directing the County to produce the records he requested on both August 28, 2019 and April 2, 2019. The trial court denied Getz's petition on the grounds that his request for emails was overbroad, and the district attorney had met its burden of demonstrating that the documents related to the misdemeanor investigation were exempt. Getz appealed.

The California Court of Appeal disagreed with the trial court's finding that the request for emails was "overbroad and unduly burdensome". Records requests always impose some burden on government agencies, but an agency is obligated to comply so long as the records can be located with reasonable effort. The court concluded that because the County had already located and indexed the 42,582 emails without objection, the County had demonstrated that the records could be located with reasonable effort and the volume of material was not unmanageable.

Further, the court found that the County failed to provide sufficient evidence that it would be required to review all 42,852 emails to determine which of those emails were responsive. Getz's request was simply for all emails between the County and the several domain names he provided, and the County's search identified 42,852 emails that met those criteria. There was no evidence that those emails contained anything but County business with those entities, as opposed to primarily personal matters between employees of those entities.

The County also argued that some of the requested documents were drafts that need not be disclosed under Government Code Section 6254(a). The court disagreed. In order for a document to be withheld as a draft, the County had to prove: 1) the record sought is a preliminary draft, note, or memorandum; (2) the record is not retained by the public agency in the ordinary course of business; and (3) the public interest in withholding the draft must clearly outweigh the public interest in disclosure. The court found that the County did not provide evidence those criteria were met.

The court also disagreed with the County's contention that all of the emails with the law firm domain name had to be reviewed for attorney-client privilege. The court found that the County's privilege argument: only extended to a discrete subset of the e-mails requested; failed to identify any specific privileged e-mails or documents; and was equivocal regarding whether any privileged e-mails or documents even existed. The court noted that only emails with the law firm or specifically referencing County legal matters would need to be reviewed for attorney-client privilege.

The Court of Appeal agreed that the County did not need to provide records related Getz's alleged involvement in filing a false police report. Government Code Section 6254(f) allows public agencies to withhold records of "investigations conducted by . . . any state or local police agency" or "any investigatory or security files complied by any state or local police agency… for correctional, law enforcement, or licensing purposes." Because Getz was investigated for allegedly filing a false police report, the trial court properly denied Getz's request for documents related to the district attorney's review of the investigation.

The Court of Appeal thus directed the County to produce the text of emails and any attachments on the County's index of 42,852 emails and pay Getz's costs and reasonable attorneys' fees.

Getz v. Superior Ct. of El Dorado Cty., 2021 WL 5879194 (Cal. Ct. App. Nov. 17, 2021).

Note:

The Court of Appeal acknowledged that digital communications produce an enormous volume of public records, but also noted that computer software makes those records easier to produce. The County's ability to provide an index of the 42,582 emails indicated that Getz's request was not "overbroad and unduly burdensome", because the County had already located and indexed the responsive documents using the criteria in Getz's request.

DISCRIMINATION & HARASSMENT

Comments About Employee's Retirement Did Not Establish Any Claims.

ProTec is a San-Diego based company that provides services to homeowners' associations. In 2014, ProTec hired Laura Swirski as its Human Resources Manager. Swirski was 53 years old.

In August 2016, Swirski sent an email to ProTec managers stating that "leaders who don't listen will eventually be surrounded by people who have nothing to say." A manager forwarded the email to another manager noting that "coworkers who don't listen to (and do) what their boss asks them to do will be looking for another job." The manager inadvertently copied Swirski on the correspondence. Swirski subsequently met with the manager privately and informed him that she was uncomfortable with his comments and felt threatened. The manager apologized for his "transgression" and later sent the other ProTec managers two articles from Swirski explaining the importance of listening and building personal connections with employees.

In January 2018, ProTec engaged a consultant to train certain employees to use an employee assessment tool. Swirski volunteered to train in the tool. In response, ProTec's Chief Financial Officer (CFO) asked Swirski how long she expected to remain working at ProTec. Following the CFO's inquiry, Swirski emailed the executive team noting that she had no plans to retire and wanted to work at ProtTec for a long time. The CFO later told Swirski that she did not mean to offend her or imply that the question was at all age-related. Swirski ultimately received the training.

Following this incident, ProTec employees made other comments about Swirski that she believed were age-related. For example, the consultant noted that it was "unknown" how long Swirski would remain working at ProtTec at a company retreat. In addition, other managers made a joke about Swirski's lack of technological proficiency. One manager transferred the responsibility of maintaining an Excel spreadsheet with a company staffing plan to his executive assistant because she was "younger and better at technology." Swirski also heard some managers make comments that certain potential employees were "too old" or "fat" to climb ladders or do other physical work required of a technician. Afterwards, Swirski believed that managers began discussing human resources issues with employees other than Swirski.

In August 2019, a former employee made claims of sexual harassment and fraud against ProTec. Swirski was the main point of contact between ProTec and its employment attorney, but she felt that managers were undermining her by interfering in the lawsuit. Also during this time, a manager informed Swirski that employees were complaining that she was receiving special treatment for being allowed to bring her dog to the office. On three occasions, the manager told Swirski that she could have a good retirement by taking her dog to hospitals and retirement homes as a therapy dog. On October 28, 2019, Swirski gave ProTec her letter of resignation. She was 59 years old. ProTec hired Barbara Jimenez, age 52, to replace Swirski.

After her resignation. Swirski initiated a lawsuit against

ProTec alleging, among other claims, age discrimination, hostile work environment, retaliation, and failure to prevent retaliation and harassment. ProTec moved for judgment in its favor.

First, the court found that there was no evidence of any age discrimination. The comments about Swirski's retirement did not reference her age and appeared to be discrete, isolated remarks. Further, the comments about her technological proficiency were not clearly motivated by age-related animus, but rather were made in relation to her Excel spreadsheet skills or lack thereof. The court also found that there was insufficient evidence that the comments about hiring "old" people for the technician position were motivated by discriminatory intent instead of safety concerns related to performing manual labor. Finally, the court reasoned that Swirski could not show that a substantially younger employee replaced her. Jimenez was 52 years old; a protected age and only seven years younger than Swirski. Thus, the court concluded that, at most, Swirski's evidence showed the frustrating and uncomfortable interactions with coworkers that permeate any workplace.

Second, Swirski cited four incidents that she argued created hostile work conditions: 1) the August 2016 email in which the manager wrote that "coworkers who don't listen to (and do) what their boss asks them to do will soon be looking for another job; 2) the January 2018 comment about how long Swirski expected to remain working at ProTec; 3) the comment at the company retreat about how much longer Swirski intended to work at ProTec; and 4) the comments that a potential employees were "too old" or "too fat" for certain positions. She also suggested that the comments made to her about her technology proficiency and her dog lent to this hostile work environment (HWE). The court noted that only one of these comments actually referenced Swirski's age, and they were not sufficient to support an inference of harassment since they were not severe or pervasive. Instead, these were sporadic and isolated comments that could not rise to the level of an HWE.

Third, the court concluded that Swirski also could not establish her retaliation claims. Swirski could not demonstrate that she participated in protected activity, a necessary element of a retaliation claim. Swirski never complained about age discrimination to an outside agency during her employment, nor did she inform anyone in ProTec's management. The court noted that complaints about personal grievances, or vague or conclusory remarks, do not put an employer on notice as to what conduct it should investigate, and are not sufficient to be protected activity. In addition, even if Swirski could establish any protected activity, she still did not present any evidence of a causal connection between her complaints and her alleged constructive discharge.

Finally, because Swirski could not establish her harassment or retaliation claims, the court determined that her failure to prevent retaliation and harassment claim also failed.

For these reasons, the court entered judgment in ProTec's favor on Swirski's claims.

Swirski v. ProTec Building Services, Inc., 2021 WL 5771222 (S.D. Cal. Dec. 6, 2021).

Note:

This is a district court case that has not been appealed to date. Case law is clear that an employee cannot maintain a failure to prevent claim if he or she has not been discriminated against or harassed.

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LCW In The News

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

- Managing Partner J. Scott Tiedemann and Associate Emanuela Tala published the article "The Great Awakening in the 21st Century Workplace" in the Winter 2021 issue of *California Police Chief*. In the piece, Tiedemann and Tala encourage law enforcement executives to better familiarize themselves with laws concerning the pandemic, individuals' sincerely held religious beliefs and religious accommodation, work schedules, grooming requirements and more that lies at the intersection of individual freedom and employer regulations. The piece also breaks down some of the key differences between California and federal law in the areas of religious accommodation and workplace mandates.

NEW TO THE FIRM!

Jennifer Puza is an Associate in the Sacramento office where she advises clients in matters pertaining to labor and employment law. She has experience conducting investigations into allegations of discrimination, hostile work environment, and harassment and advises clients on FMLA and CFRA matters, and works with clients on employee discipline, wage and hour laws, and bargaining unit grievances.

La Rita R. Turner is an Associate in the Los Angeles office where she is an experienced litigator and has handled FEHA, whistleblower retaliation, wage and hour claims, and class actions in state and federal courts.

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LCW 2022

Public Sector Employment Law Annual Conference

February 3 - 4, 2022

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Police and Fire Legal Update
The Public Safety Legal Update is a conference staple. During this session, the most significant new court decisions, administrative decisions and statutes impacting personnel management of employees in law enforcement and fire departments will be discussed. Please join the presenter in an analysis of how these new laws impact your public safety agency, and learn practical tips for navigating new challenges that these laws create for managers, supervisors and human resources professionals.

Top 10 Things Public Safety Management Needs to Know About HR and Personnel Law
Your department's most important assets are its employees. Your employees will also present you with your most significant leadership challenges.It is imperative that you are aware of the key legal issues that you will confront as you work to ensure your strategic plan stays on track and is not derailed. This session covers labor relations, discipline, fitness for duty and disability retirement issues to help you stay ahead of the curve.

The Public's Perception of Public Safety and Its Impact on Employment Litigation
In light of wide-spread civil unrest following highly-publicized police use of force incidents, such as those resulting in the deaths of George Floyd and Breonna Taylor, calls have grown louder in California and nationally for significant reform to law enforcement. At the same time, a polarized perception of law enforcement has materialized. Likewise, publicized incidents of racial and gender disparity within the firehouse have also lead to poor public opinion. The impact of these often strongly held-viewpoints on jurors, judges and arbitrators is something that litigators must prepare for in those cases that involve law enforcement or fire safety departments and personnel. This presentation will cover the impacts that those viewpoints, as influenced by current events, have on civil litigation and administrative appeals involving public safety personnel.

Register Here!

Template COVID-19 Prevention Program (CPP) Updated December 2021

On December 16, 2021, the Occupational Safety and Health Standards Board (OSHSB) readopted an amended version of the Cal/OSHA COVID-19 Regulations (8 C.C.R. §§ 3205). The amendments will require that employers update their COVID-19 Prevention Programs (CPP) in order to protect the health and safety of the workplace in the manner that Cal/OSHA now requires.

The updated CPP template provides for each of the regulatory amendments in redline, so that employers understand the changes to the law, and provides commentary on the substantive amendments, so that employers better understand the implications of the regulatory changes and how those changes may affect their legal obligations and authority.

- If you are a Premium Liebert Library member, you can view and download the CPP directly with your membership.
- If you are a Basic Liebert Library member, you can only view the CPP as a PDF on the website.
- If you are a non-Liebert Library member, you can purchase the document here: https://www.lcwlegal.com/knowledge/template-covid-19-prevention-program-cpp-updated-december-2021/

If you purchase the CPP, it will be sent as a redlined Word document version so that you can see the edits made in Track Changes. This will also be the case for Premium Liebert Library members who choose the "Download Document" option.

MANAGEMENT TRAINING WORKSHOPS

Firm Activities

Consortium Trainings

Jan. 12 **"Public Sector Employment Law Update"**
Gold Country & Monterey Bay ERCs & Orange County Consortium | Webinar | Richard S. Whitmore

Jan. 12 **"A Guide to Implementing Public Employee Discipline"**
North State & San Joaquin Valley ERCs | Webinar | Michael Youril & Joel Guerra

Jan. 13 **"Public Sector Employment Law Update"**
Coachella Valley & San Diego & East Inland Empire ERCs | Webinar | Richard S. Whitmore

Jan. 13 **"The Art of Writing the Perfromance Evaluation"**
Los Angeles County Human Resources Consortium | Webinar | Laura Drottz Kalty

Jan. 27 **"Public Sector Employment Law Update"**
North San Diego County & Sonoma/Marin & South Bay ERCs | Webinar | Richard S. Whitmore

Feb. 10 **"Difficult Conversations"**
Los Angeles County Human Resources Consortium | Webinar | Heather R. Coffman

Feb. 23 **"The Art of Writing the Performance Evaluation"**
Central Coast & Imperial Valley & NorCal ERCs & Orange County Consortium | Webinar | Stephanie J. Lowe

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.

Jan. 11 **"Disability Leave Management Training"**
County of Los Angeles Fire Department | Webinar | Christopher S. Frederick

Jan. 13 **"File That! Best Practices for Employee Document & Record Management"**
California Joint Powers Risk Management Authority (CJPRMA) | Webinar | Erin Kunze

Jan. 18 **"FLSA"**
Metropolitan Water District of Southern California | Webinar | T. Oliver Yee

Jan. 20 **"Preventing Workplace Harassment, Discrimination and Retaliation"**
County of San Luis Obispo | Webinar | Yesenia Z. Carrillo

Jan. 20 **"Preventing Workplace Harassment, Discrimination and Retaliation"**
Employment Risk Management Authority (ERMA) | Lindsay | Michael Youril

Jan. 24 **"Managing the Marginal Employee"**
County of Monterey, Health Department | Webinar | Heather R. Coffman

Jan. 25 **"Training Academy for Workplace Investigators: Core Principles, Skills & Practices for Conducting Effective Workplace Investigations"**
City of Hanford | Shelline Bennett

Jan. 25 **"Workplace Bullying: A Growing Concern"**
City of Santa Rosa | Heather R. Coffman

Jan. 27 **"Ethics in Public Service"**
County of San Luis Obispo | Webinar | Yesenia Z. Carrillo

Jan. 27 **"Writing/Conducting Performance Evaluation"**
Califiornia Sanitation Risk Management Authority (CSRMA) | Webinar | Erin Kunze

Jan. 27 **"Law and Standards or Supervisors"**
Orange County Probation Department | Santa Ana | Danny Y. Yoo

Feb. 9 **"Ethics in Public Service"**
City of Salinas | Che I. Johnson

Feb. 11 **"Maximizing Performance Through Evaluation, Documentation, and Corrective Action"**
Cal Matters | Webinar | T. Oliver Yee

Feb. 24 **"Conducting Internal Investigations"**
CSRMA | Webinar | Heather R. Coffman

Feb. 27 **"Leave Issues"**
California Chapter of National Emergency Number Association, Inc. (CALNENA) | San Diego | English R. Bryant

Feb. 28 **"Difficult Conversations"**
County of Monterey, Health Department | Webinar | Heather R. Coffman

Speaking Engagements

Jan. 27 **"Annual Employment Law Update"**
California Special Districts Association (CSDA) Webinar | Michael Youril

Feb. 3 & 4 **"Opening Session: Defining Legal Issues to Prepare for 2022"**
2022 Public Sector Employment Law Annual Conference | San Francisco | J. Scott Tiedemann

Feb. 17 **"How to Handle Complicated Contract Costing Conversations"**
California Society of Municipal Finance Officers (CSMFO) / 2022 CSMFO Annual Conference COVID-19 Protocols | San Diego | Peter J. Brown & Kim Sitton

Feb. 17 **"Post COVID-19"**
Southern California Public Labor Relations Council (SCPLRC) Annual Conference | Lakewood | Peter J. Brown

Feb. 17 **"Legal Update"**
SCPLRC Annual Conference | Lakewood | J. Scott Tiedemann

Feb. 28 **"First Amendment Issues in a Politically Charged World"**
Public Agency Risk Managers Association (PARMA) Annual Conference | Anaheim | Mark Meyerhoff

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The information in *Fire Watch* should not be acted on without professional advice. To contact us, please call 310.981.2000, 415.512.3000, 559.256.7800, 619.481.5900 or 916.584.7000 or e-mail info@lcwlegal.com.