

FIRE WATCH

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

SEPTEMBER 2022

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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 VICTORIES

LCW Wins Defense Verdict In Civil Rights Act Case Against Police Department Administrators.

LCW Partner [Jennifer Rosner](#) and Associate Attorneys [Joung Yim](#) and [La Rita Turner](#) won a defense verdict in a trial of a U.S. Civil Rights Act case. A city police officer sued the police department’s former chief, the current chief, and a former lieutenant, under 42 USC Section 1983. The plaintiff officer alleged he was retaliated against for exercising his First Amendment free speech rights concerning his union activities. The initial lawsuit also alleged a cause of action for gender discrimination under the Fair Employment and Housing Act, but the court dismissed that cause of action on a motion for summary judgment. The plaintiff officer dismissed the city from the lawsuit at the start of the trial.

The plaintiff officer alleged that the department denied him a School Resources Officer (SRO) assignment because of his activity on behalf of the police officers association (POA). The officer contended that command staff (consisting of lieutenants, captains and the chief) unfairly judged POA board members as disloyal and had ranked him and other POA board members lower on ‘promotability’ than other non-member officers. The officer further alleged that administrators began a pattern of retaliation for his association and involvement with the POA and its work.

At trial, the officer asked for a total of \$8 million in past and future emotional distress damages.

During the trial, the LCW team disputed that the command staff retaliated against the plaintiff officer because of his union activity. Other than the SRO assignment, the officer had received every single special assignment he had ever applied for with the Department. In fact, even in this circumstance, the officer was offered two different special assignments that the department had deemed a better fit for his skills and experience. The LCW trial team also pointed to numerous occasions when the command staff was supportive of the POA, thanked them for their efforts, and recognized the merit of the work of several POA board members, including the plaintiff officer.

The LCW trial team emphasized that the damages the officer requested were clearly unwarranted, given that the officer admittedly did not seek any medical help despite his alleged distress, and later turned down other prestigious assignments the department offered.

After the selection of a foreperson, the jury was out for only 45 minutes before returning with a defense verdict for all three defendants.

LCW Defeats Police Officer’s Challenge To His Termination.

LCW Associate Attorneys [Joung Yim](#) and [Matt Nakano](#) succeeded in upholding a city’s termination of a police officer. In the only one year and a half that the officer

had worked for the city, he received multiple “below standards” performance evaluations on basic skills, and was involved in multiple incidents of misconduct.

In early January 2020, the officer responded to a call to take a report of domestic violence. Instead of doing so, he guilted the victim out of making a report, conduct that was only discovered when the victim was battered again just four days later. The officer had a duty to write a report, regardless of the victim’s statement.

Later in January 2020, the officer responded to a call of a stolen tile saw. The victim provided a description of the three suspects and the make and model of their car, and potential license plate numbers, and indicated she wanted to file a police report. Rather than take the report, the officer admitted he referred the victim to the city’s online crime reporting system and told her to complete her own report. The officer did not perform any follow-up investigation.

In February 2020, the officer responded to a call regarding the theft of a cell phone. The victim reported her phone was stolen at a restaurant and she had witnessed the theft on the restaurant’s surveillance footage. The victim provided a description of the suspect and his vehicle, and the license plate number. The officer falsely told the victim he could not go to the city where the vehicle was registered. The officer attempted to refer the victim to the city’s online crime reporting system. The victim pushed back. The officer stated he would prepare a theft report for the felony grand theft, but instead only filed a lost property report. The officer provided false and misleading information on the report, omitting critical information, such as the suspect information and even the fact that a theft occurred.

After reviewing the officer’s sworn testimony, the Hearing Officer determined the officer was simply not credible. Supporting this determination, the Hearing Officer cited several pages of LCW’s closing brief, which laid out the several instances when the officer was not credible or had undermined his own credibility.

In sum, the Hearing Officer noted that the officer’s dishonesty and poor judgment rendered him unsuitable for further employment and that the record was clear that the officer “was provided more than generous notice and opportunities to improve and that no amount of further training, support, and opportunities to improve would result in changed behavior.” Because dishonesty and lack of integrity are inconsistent with the position of a police officer, the Hearing Officer upheld the termination.

FIRST AMENDMENT

Ninth Circuit Provides Guidance For Responding To An Officer’s Hateful, Off-Duty Speech.

In 2013 and 2014, Sergeant Juan Hernandez, who worked for the City of Phoenix Police Department, posted news articles and memes on his Facebook page that denigrated Muslims and Islam. Hernandez posted the content while off duty and he did not state he was a City employee, although other content on his Facebook page showed him in uniform. The posts generated no controversy or disruption in the Department for several years.

In 2019, the Plain View Project, an organization that collects and maintains a database of Facebook posts from law enforcement departments nationwide, disclosed the posts, along with others from members of the Department that reflected bias. Once the posts were publicized, they generated significant criticism of the Department and media attention. In response, the Department took steps to discipline Hernandez for four of his Facebook posts, which it viewed as violating the Department’s social media policy.

Hernandez sued in federal court. He claimed that the Department was retaliating against him for his First Amendment-protected speech. Hernandez also challenged the Department’s social media policy as overbroad and vague, and thus unconstitutional. The federal trial court granted the City’s motion to dismiss and concluded that: 1) the City did not retaliate against Hernandez in violation of the First Amendment because his speech was not on a matter of “public concern,” and 2) the City’s social media policy was not overbroad or vague. Hernandez appealed to the Ninth Circuit.

The Ninth Circuit affirmed that the district court properly rejected Hernandez’s over-breadth challenge to the social media policy. The Ninth Circuit found that the City’s social media policy could lawfully prohibit social media posts that: 1) are “detrimental to the mission and functions of the Department,” 2) “undermine the goals and mission of the Department or City,” or 3) “undermine respect or public confidence in the Department.” The Ninth Circuit noted that most of the challenged restrictions on employee speech directly promoted the same interests that the U.S. Supreme Court had already found to be valid. Namely, government employers have a strong interest in prohibiting speech by their employees that undermines the employer’s mission or hampers the effective functioning of the employer’s operations.

The Ninth Circuit also found that the following provisions of the Department’s social media policy were potentially invalid as overbroad: 1) “Employees are prohibited from using social media in a manner that would cause embarrassment to or discredit the Department in any

way”; and 2) “Department personnel may not divulge information gained while in the performance of their official duties.” The Court did clarify, however, that the Department could prohibit the disclosure of confidential information. The Court was careful to point out that its decision to overturn the trial court’s decision as to these two provisions of the social media policy meant that the Department could still try to present evidence to support its need for these provisions.

On the question of whether Hernandez’s posts were protected by the First Amendment, however, the Ninth Circuit decided that the trial court was wrong. To prevail on a First Amendment retaliation claim, public employees must show that: 1) they spoke on a matter of “public concern,” 2) they spoke outside the scope of their “official duties,” and 3) their speech interests outweigh the countervailing administrative interests of their agency employer.

The Ninth Circuit acknowledged that the social media posts “expressed hostility toward, and sought to denigrate or mock, a major religious faith and its adherents.” In the Ninth Circuit’s view, the U.S. Supreme Court had made clear that the inappropriate or controversial character of a statement is irrelevant to the question whether the statement deals with a matter of public concern. The Ninth Circuit emphasized that even if the “public concern” test is met, speech that has a biased or bigoted character would “be of particularly low First Amendment value at the next step of the Pickering balancing test.” The fact that Hernandez’s posts had received extensive media coverage supported its finding that the posts were a matter of public concern.

The Ninth Circuit remanded the case in part back to the trial court because the district court had erroneously determined that Hernandez’s speech could not constitute a matter of public concern.

The Court emphasized that the remand did not mean “that the Department will face a particularly onerous burden to justify disciplining Hernandez for his posts, given the comparatively low value of his speech.” This is because the courts give considerable deference to a police department’s determination that an officer’s off-duty speech warrants discipline, and departments may consider the special status officers occupy in the community. An officer’s speech that suggests bias against racial or religious minorities can hinder that officer’s ability to work effectively and undermine the department’s ability to effectively carry out its mission.

Hernandez v. City of Phoenix, 43 F.4th 966 (9th Cir. 2022).

NOTE:

If a public employer learns of an employee’s off-duty social media posts that appear bigoted or hateful, the employer

must consider whether the First Amendment protects the speech. The employers must be able to identify the specific disruption that the speech caused to the agency, such as: an impairment to co-worker relations; an impact on the officer’s ability to carry out job duties; or the undermining of the agency’s ability to operate effectively.

A Board’s Censure Of Its Own Member Was Lawful.

In 2013, David Wilson was elected to the Board of Trustees of the Houston Community College System (HCC). Wilson often disagreed with the Board about the best interests of HCC and brought multiple lawsuits challenging the Board’s actions. By 2016, Wilson’s escalating disagreements led the Board to publicly reprimand him. At a 2018 meeting, the Board adopted a resolution “censuring” Wilson. The Board also imposed penalties which made Wilson ineligible for Board officer positions during 2018.

Wilson claimed that this censure violated the First Amendment of the U.S. Constitution. After multiple appeals, the U.S. Court of Appeals for the Fifth Circuit held that the verbal “reprimand against an elected official for speech addressing a matter of public concern is an actionable First Amendment claim.” HCC appealed to the U.S. Supreme Court.

On appeal, Wilson reiterated his claim that the verbal censure he received was a retaliatory action after the fact for his protected speech.

The Court began its analysis by stating it would give “long settled and established practice” regarding the meaning and application of the U.S. Constitution “great weight”. The Court noted that since colonial times, assemblies had the power to censure their members at the federal, state, and local level. Thus, verbal censure is in line with centuries of a practice that has been found to be consistent with the First Amendment.

The Court next analyzed the First Amendment claim under the contemporary doctrine, which requires the individual suing to show, among other things, that the government took a material adverse action in response to the individual’s speech that it would not have been taken absent the retaliatory motive. The Court held that a verbal censure was not a material adverse action for two important reasons. First, Wilson was an elected official. Elected officials are generally expected to shoulder a degree of criticism about their public service and continue exercising their free speech rights when the criticism comes -- in this case in in the form of a verbal censure. Second, this censure was simply a form of speech that admonishes another member of the same governmental body. The First Amendment guarantees the right to speak freely on questions of government policy, so one individual’s speech cannot “be used as a weapon to

silence other representatives seeking to do the same". By attempting to sue the Board and HCC for this censure, Wilson was attempting to silence the Board's proper exercise of its First Amendment rights.

The Court said its conclusion was bolstered by the fact that after receiving the verbal censure, Wilson continued to fight for what he thought was right. Indeed, Wilson had already received another verbal censure that did not come with additional disciplinary attributes. Wilson did not contest that this censure violated the First Amendment. The Court found this cut against Wilson's case because Wilson was essentially arguing that a verbal censure that also carries discipline was more material than a "plain" verbal censure. The Court implied that "discipline," such as not being able to hold certain positions, does not actually materially affect an individual's ability to speak freely and exercise their First Amendment rights.

A common theme in the Court's analysis was that this censure was from members of a governing body against another member, that is, peer-to-peer. None of the censuring members had any amount of inordinate power over the censured member. Finally, a verbal censure is simply a statement that reprimands the receiving individual. The censure was *itself* an exercise of First Amendment Rights. The censure did not prevent the censured individual from continuing to exercise his own First Amendment rights.

Houston Cmty. Coll. Sys. v. Wilson, (2022) 142 S. Ct. 1253, 1258, 212 L. Ed. 2d 303.

NOTE:

This case illustrates the latitude a governing Board has to censure and punish its own members. The Court did mention that certain censures from a body with more power and agency, against an individual with less, may indeed amount to a First Amendment violation.

DISCIPLINE

Ninth Circuit Sends Officers' Challenge To Their Discipline Back To State Court.

In March 2018, five City of Oakland police officers were involved in the fatal shooting of a homeless man. The Oakland Police Department (Department), the Chief of Police, and the Community Police Review Agency (CPRA) of the City's civilian oversight Police Commission, all investigated the incident and concluded that the officers' use of force was reasonable and complied with Department policy. The Compliance Director (an independent arm of the Department with limited

oversight), disagreed with the previous assessments and recommended the termination of the officers for unreasonable use of force. This disagreement caused the Commission to convene a "Discipline Committee." Following its review, the Discipline Committee agreed with the Compliance Director and directed termination. The City terminated the officers.

The officers sought a writ of mandate and declaratory relief in state court. They alleged that the City and the Commission violated their obligations under the City's Charter, the municipal code, and state law by assembling the Discipline Committee despite the consensus between the CPRA and the Department. They contended that their use of force was in fact reasonable. The City removed the case to federal court, invoking federal question jurisdiction under 28 U.S.C. § 1331. The U.S. District Court ultimately ruled in favor of the City, and the officers timely appealed.

On appeal, the Ninth Circuit declined to review the merits of the judgment because it did not have subject matter jurisdiction and had no authority to decide the case. The Ninth Circuit reached this conclusion after considering the law and the facts.

Under 28 U.S.C. § 1331, federal courts have subject matter jurisdiction over a civil case in only two categories. The first occurs when a claim in the case is based on federal law. The second occurs when a federal issue is: 1) necessarily raised; 2) disputed; 3) substantial; and 4) capable of resolution in federal court without disrupting the federal-state balance that Congress has approved. The Ninth Circuit determined it did not have either type of jurisdiction.

Regarding the first category, the officers did not allege any federal law cause of action. Rather, they asserted only state law causes of action. The City argued that it would defend itself in the case based on a federal court's Consent Decree regarding the department's operations. The Ninth Circuit found that the Consent Decree did not create the officers' claims. The Court noted that a state law claim may not be removed to federal court based on a federal defense.

Regarding the second category of subject matter jurisdiction, the Court applied similar reasoning because the officers' claims did not "necessarily" raise a federal issue. The officers were not directly attacking the federal district court's Consent Decree. Rather, they claimed the City violated its Charter and the Municipal Code by assembling the Discipline Committee.

The Court identified a potential federal issue involving how to resolve any alleged conflict between the Consent Decree and the Charter. The Court reasoned this was not an issue that is "necessarily raised" because it was not an "essential element" of any of the officers' claims. At most,

it is a federal issue that may arise as a potential defense. And as noted above, a federal defense alone is not a basis to remove to federal court.

For the reasons above, the Ninth Circuit vacated the district court’s order and remanded the case back to state court.

Negrete v. City of Oakland, 2022 WL 3570604 (9th Circuit).

CONSORTIUM CALL OF THE MONTH

Members of Liebert Cassidy Whitmore’s employment relations consortiums may speak directly to an LCW attorney free of charge regarding questions that are not related to ongoing legal matters that LCW is handling for the agency, or that do not require in-depth research, document review, or written opinions. Consortium call questions run the gamut of topics, from leaves of absence to employment applications, disciplinary concerns to disability accommodations, labor relations issues and more. This feature describes an interesting consortium call and how the question was answered. We will protect the confidentiality of client communications with LCW attorneys by changing or omitting details.

Question: Can a fire department require all employees to maintain a valid driver’s license if driving is not a requirement of the job?

Answer: No. Setting such a requirement, regardless of job duties, sets up a department to the risk of liability for disability discrimination. For example, if a person applies for a desk job that does not require driving, that person can argue the requirement is discrimination due to a disability that prevents the person from obtaining a license. All job requirements should be related to the successful performance of job duties. Blanket requirements that have no relevance to job duties and should be avoided.

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 fire safety.

- Effective July 1, 2022 the Department of Fair Employment and Housing (DFEH) was renamed the California Civil Rights Department (CRD). On August 15, 2022 the CRD began making appropriate updates to their website, posters, and brochures, and can now be reached at: <https://calcivilrights.ca.gov>.
- In the first program of its kind in the nation, California is launching a military firefighting strike team to help fight wildfires. The military personnel will operate four-wheel drive fire engines that can hold approximately 300 gallons of water each.
- At the request of the Red Cross, Anheuser-Busch agreed to donate 50,000 cans of emergency drinking water to keep CAL FIRE crews hydrated while they worked to contain the Oak Fire near Yosemite National Park.
- California Chief Service Officer Josh Fryday and Marin County officials announced a \$2.7 million investment to recruit young leaders for the #CaliforniansForAll Youth Jobs Corps program in Marin County. The new partnership provides funding for Marin County Fire Foundry to recruit, train, and hire local youth for the Fire Innovation, Recruitment & Education (FIRE) Foundry program. The objective of the FIRE Foundry program is to use emerging fire science technology to provide job training and skills development for local underserved, underrepresented, and underfunded communities.



LCW In The News

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

- Featured by Employment Risk Management Authority (ERMA) in their most recent *Legal Alert*, LCW Partner **Elizabeth Tom Arce** and attorney **La Rita Turner** authored an article entitled “The California Supreme Court Makes It Easier for Employees to Blow the Whistle,” which focuses on whistleblower retaliation and the laws California has implemented to protect employees.

NEW TO THE FIRM!



Seana Azad is an associate in the San Francisco office of Liebert Cassidy Whitmore. As a litigator, Seana has represented dozens of clients in arbitration and state and federal court and has experience representing clients from pre-litigation through trial.



Brent Richardson, an associate in our Fresno office, brings his vast expertise in municipal law, employment law, public safety, wage and hour, business contracts and facilities matters to aide LCW clients throughout the state. Brent is also a seasoned litigator who handles all facets of defense-side employment litigation, from pre-litigation through jury trial and appeal.

Julia Franco, an associate in our Los Angeles office, provides representation and counsel to LCW clients in all aspects of employment law, including wage and hour law. Julia is also skilled with alternative dispute resolution, including experience at all levels of the mediation process, from material preparation to settlement.

Cara Strike, an associate in our Los Angeles office, specializes in matters concerning public agency employment and education law, and has experience litigating harassment and discrimination matters.

We are happy to announce the new graduate law clerks! Please welcome Larissa Alvarez, Morgan Johnson, Alexandra Seymour, Jophiel “Anthony” Co and Gabriella Kamran.



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Celebratory Highlights!

1.

Liebert Cassidy Whitmore is proud to announce that we have been ranked 11th in Law360’s 2022 Pulse Diversity Snapshot.

LCW exceeded Law360’s Pulse benchmarks by 1.7 points with an 18.8% score for equity partners, 35.3% score for nonequity partners, and 29.2% score for associates. A total of 291 firms were evaluated in the 2022 edition of the Diversity Snapshot. The overall goal stands to increase diversity in the legal field, for the betterment of clients and firms alike.

2.



Attorneys Megan Atkinson, Amy Brandt, and Alysha Stein-Manes have been named to the 2023 Best Lawyers: Ones to Watch in America list.

Brandt and Stein-Manes were both recognized for their excellence in Litigation – Labor and Employment while Atkinson was recognized for her outstanding work in Labor and Employment Law – Management.

3.

Partner Steven M. Berliner has been named to the 2023 edition of Best Lawyers for his professional excellence in private practice.

Steve is the Chair of the firm’s Retirement, Benefits and Disability Practice Group and works to ensure that LCW stays on the cutting edge of the law related to these important areas. He has an extensive labor relations practice and unparalleled retirement law expertise. This recognition marks Berliner’s first year receiving this distinction.



MANAGEMENT TRAINING WORKSHOPS

Firm Activities**Consortium Trainings**

- Sept. 7** **“Public Service: Understanding the Roles and Responsibilities of Public Employees”**
Central Coast & Monterey Bay ERCs | Webinar | Nicholas M. Grether
- Sept. 7** **“Maximizing Supervisory Skills for the First Line Supervisor Part 1”**
NorCal & Sonoma/Marin ERCs | Webinar | Dana L. Burch and Laura Drottz Kalty
- Sept. 7** **“Employees and Driving”**
North State ERC | Webinar | Tony G. Carvalho
- Sept. 8** **“Maximizing Supervisory Skills for the First Line Supervisor”**
East Inland Empire ERC | Fontana | Nicholas M. Grether
- Sept. 8** **“Nuts & Bolts: Navigating Common Legal Risks for the Front Line Supervisor”**
Gold Country & Humboldt County & Imperial Valley & Mendocino County & North San Diego County & Orange County ERCs | Webinar | Alexander Volberding
- Sept. 8** **“Prevention and Control of Absenteeism and Abuse of Leave”**
LA County HR Consortium | Webinar | Mark Meyerhoff
- Sept. 14** **“Moving Into the Future: Telecommuting and Remote Work”**
Central Valley & Napa/Solano/Yolo & San Mateo County ERCs | Webinar | Daniel Seitz
- Sept. 15** **“Workplace Bullying: A Growing Concern”**
Gateway Public & West Inland Empire ERCs | Webinar | Christopher S. Frederick
- Sept. 21** **“Moving Into the Future: Telecommuting and Remote Work”**
Bay Area & San Diego & San Gabriel Valley ERCs | Webinar | Daniel Seitz
- Sept. 21** **“Maximizing Supervisory Skills for the First Line Supervisor Part 2”**
NorCal & Sonoma/Marin ERCs | Webinar | Dana L. Burch and Shelline Bennett
- Sept. 28** **“Human Resources Academy I”**
Imperial Valley & Ventura/Santa Barbara ERCs | Webinar | Matt Doyle
- Sept. 28** **“Human Resources Academy II” and “Distinguishing Between Discipline and Disability Accommodation”**
San Joaquin Valley ERC | Ripon | Jack Hughes
- Oct. 5** **“Maximizing Performance Through Documentation, Evaluation and Corrective Action” and “The Art of Writing the Performance Evaluation”**
Coachella Valley ERC | Cathedral City | I. Emanuela Tala
- Oct. 5** **“Maximizing Supervisory Skills For The First Line Supervisor”**
Imperial Valley ERC | El Centro | Nicholas M. Grether
- Oct. 6** **“Difficult Conversations”**
Mendocino County & Monterey Bay & NorCal ERCs | Webinar | Jack Hughes

- Oct. 12** **“Managing the Marginal Employee”**
 Bay Area & Central Coast & North State & Ventura/Santa Barbara ERCs | Webinar | Melanie L. Chaney
- Oct. 12** **“Finding the Facts: Employee Misconduct & Disciplinary Investigations” and “Advanced Misconduct and Disciplinary Investigations”**
 Gold Country ERC | Loomis | Shelline Bennett
- Oct. 12** **“Maximizing Supervisory Skills for the First Line Supervisor - Part 1”**
 Napa/Solano/Yolo ERC | Webinar | Nicholas M. Grether
- Oct. 12** **“Difficult Conversations” and “Supervisor’s Guide To Public Sector Employment Law”**
 San Gabriel Valley ERC | Alhambra | Laura Drottz Kalty & Anni Safarloo
- Oct. 13** **“Leaves, Leaves and More Leaves”**
 Central Valley & Humboldt County & San Diego ERCs | Webinar | Che I. Johnson
- Oct. 13** **“Supervisor’s Guide to Understanding and Managing Employees’ Rights: Labor, Leaves and Accommodations”**
 East Inland Empire & Gateway Public & San Joaquin Valley & Sonoma/Marin ERCs | Webinar | Laura Drottz Kalty
- Oct. 13** **“Nuts & Bolts: Navigating Common Legal Risks for the Front Line Supervisor”**
 Los Angeles County Human Resources Consortium | Webinar | Alexander Volberding
- Oct. 20** **“Maximizing Performance Through Documentation, Evaluation, and Corrective Action”**
 South Bay ERC | Rancho Palos Verdes | I. Emanuela Tala
- Oct. 26** **“Maximizing Supervisory Skills for the First Line Supervisor - Part 2”**
 Napa/Solano/Yolo ERC | Webinar | Nicholas M. Grether
- Oct. 26** **“A Guide to Implementing Public Employee Discipline”**
 San Mateo County & Ventura/Santa Barbara ERCs | Webinar | Lars T. Reed
- Oct. 27** **“A Guide to Implementing Public Employee Discipline”**
 West Inland Empire ERC | Webinar | I. Emanuela Tala

Customized Trainings

- Sept. 7** **“FLSA 101”**
 City of Rocklin | Lars T. Reed
- Sept. 9, 13&21** **“Preventing Workplace Harassment, Discrimination and Retaliation”**
 City of Sunnyvale | Lisa S. Charbonneau
- Sept. 14** **“Preventing Workplace Harassment, Discrimination and Retaliation”**
 Employment Risk Management Authority (ERMA) | Sierra Madre | Alison R. Kalinski
- Sept. 15** **“Reasonable Suspicion”**
 City of Roseville | Webinar | T. Oliver Yee
- Sept. 27&28** **“Ethics in Public Service and Ethics for All”**
 City of Poway | Stephanie J. Lowe
- Sept. 29** **“Ethics in Public Service and Ethics for All”**
 City of Poway | Kevin J. Chicas

- Sept. 29** **“Law and Standards for Supervisors”**
Orange County Probation Department | Santa Ana | Danny Y. Yoo
- Oct. 3&5** **“Ethics in Public Service”**
Merced County | Yesenia Z. Carrillo
- Oct. 4** **“Root Causes of Discrimination, Harassment and Unlawful Termination Claims”**
California Sanitation Risk Management Authority (CSRMA) | Webinar | Stephanie J. Lowe
- Oct. 5&6** **“Best Practices for Conducting Fair and Legally Complaint Public Safety Administrative Investigations - Day 1”**
Solano County | Fairfield | Jesse Maddox & Nathan T. Jackson
- Oct. 12, 13, 14, 18&19** **“Preventing Workplace Harassment, Discrimination and Retaliation”**
City of Sunnyvale | Lisa S. Charbonneau
- Oct. 18** **“First Amendment Issues in a Politically Charged World”**
Employment Risk Management Authority (ERMA) | Reedley | Micahel Youril
- Oct. 19** **“The Art of Writing the Performance Evaluation”**
City of Hesperia | Christopher S. Frederick
- Oct. 20** **“Preventing Workplace Harassment, Discrimination and Retaliation”**
City of Sunnyvale | Richard Bolanos
- Oct. 22** **“Preventing Workplace Harassment, Discrimination and Retaliation”**
City of Millbrae | Erin Kunze
- Oct. 27** **“Preventing Workplace Harassment, Discrimination and Retaliation”**
Employment Risk Management Authority (ERMA) | Coachella | Alison R. Kalinski

Seminars/Webinars

- Sept. 14** **“FLSA Academy Day 1”**
Liebert Cassidy Whitmore | Webinar | Lisa S. Charbonneau
- Sept. 15** **“FLSA Academy Day 2”**
Liebert Cassidy Whitmore | Webinar | Lisa S. Charbonneau
- Sept. 20** **“FLSA Academy Day 3”**
Liebert Cassidy Whitmore | Webinar | Peter J. Brown
- Sept. 21** **“FLSA Academy Day 4”**
Liebert Cassidy Whitmore | Webinar | Peter J. Brown
- Sept. 22** **“Nuts & Bolts of Negotiations - Part 1”**
Liebert Cassidy Whitmore Labor Relations Certification Program (LRCP) | Webinar | Laura Drottz Kalty & Peter J. Brown
- Sept. 29** **“Nuts & Bolts of Negotiations - Part 2”**
Liebert Cassidy Whitmore LRCP | Webinar | Laura Drottz Kalty & Peter J. Brown
- Oct. 20** **“The Public Employment Relations Board (PERB) Academy - Part 1”**
Liebert Cassidy Whitmore LRCP | Webinar | Adrianna E. Guzman & Peter J. Brown

Oct. 21 **“Labor Relations Update”**
 County Counsel Association, Fall Employment Law Study Session 2022 | San Diego | Melanie L. Chaney & Kevin J. Chicas

Oct. 27 **“The Public Employment Relations Board (PERB) Academy - Part 2”**
 Liebert Cassidy Whitmore LRCP | Webinar | Adrianna E. Guzman & Peter J. Brown

Speaking Engagements

Sept. 7 **“Best Practices in Labor Relations”**
 Orange County Human Resources Consortium | Webinar | Peter J. Brown

Sept. 9 **“Labor and Employment Litigation Update”**
 League of California Cities Annual Conference and Expo | Long Beach | Geoffrey S. Sheldon & Elizabeth Tom Arce

Sept. 19 **“Introduction to Labor Relations for Elected Officials”**
 California Special Districts Associations (SDLA) 2022 Special District Leadership Academy Napa | Napa | Jack Hughes

Sept. 20 **“Defining Board & Staff Roles and Relationships”**
 (SDLA) 2022 Special District Leadership Academy Napa | Napa | Che I. Johnson

Sept. 20 **“Public Sector Employment Law Update”**
 Public Agency Risk Management Association (PARMA) Fall Training Conference | Fresno | Shelline Bennett

Sept. 21 **“Legal Update”**
 County Personnel Administrators Association of California (CPAAC) Conference 2022 | Lodi | Che I. Johnson

Oct. 12 **“Human Resources Boot Camp: Day 1”**
 California Special Districts Association (CSDA) Human Resources Bootcamp | Webinar | Lars T. Reed

Oct. 13 **“Human Resources Boot Camp: Day 2”**
 California Special Districts Association (CSDA) Human Resources Bootcamp | Webinar | Jack Hughes

Oct. 14 **“Employment Law Legal Update”**
 Association of Workplace Investigators (AWI) Annual Conference | Burlingame | Shelline Bennett

Oct. 26 **“Litigation Trends In An Emerging Post-Pandemic World”**
 Municipal Management Association of Northern California (MMANC) Annual Conference | Monterey | Jesse Maddox

Oct. 27 **“Remote Work”**
 California Society of Municipal Finance Officers (CSMFO) Luncheon | Paramount | T. Oliver Yee

Oct. 27 **“Disability Interactive Process”**
 Employment Risk Management Authority (ERMA) | Anderson | Morin I. Jacob

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. 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.