

THE BRIEFING ROOM

NEWS AND DEVELOPMENTS IN EMPLOYMENT LAW AND LABOR RELATIONS FOR CALIFORNIA LAW ENFORCEMENT

May 2010

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THE BRIEFING ROOM

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

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6033 W. Century Blvd., Suite 500
Los Angeles, CA 90045
Tel: (310) 981-2000
Fax: (310) 337-0837

5701 N. West Ave.
Fresno, CA 93711
Tel: (559) 256-7800
Fax: (559) 449-4535

153 Townsend St., Suite 520
San Francisco, CA 94107
Tel: (415) 512-3000
Fax: (415) 856-0306

www.lcwlegal.com

■ PUBLIC SAFETY OFFICERS PROCEDURAL BILL OF RIGHTS ACT

Officer Who Was Promoted, then Restored to Former Position for Poor Performance Was Not Entitled to An Administrative Appeal.

Harold Guinn was a probation officer employed by the County of San Bernardino Probation Department. He was promoted to supervisor subject to a nine-month promotional probation period. His probationary period was extended by three months following unsatisfactory performance reviews. His probation was subsequently terminated and he was restored to his previous position because of unsatisfactory performance in the supervisory position. The County did not offer him any administrative appeal hearing.

Guinn filed a petition for writ of mandate to require the County to provide him an administrative appeal to contest his demotion. The superior court denied the petition and the California Court of Appeal affirmed.

Government Code section 3304, subsection (b) of the Public Safety Officers Procedural Bill of Rights Act states that, "no punitive action, nor denial of promotion on grounds other than merit, shall be undertaken by any public agency against any public safety officer who has successfully completed the probationary period that may be required by his or her employing agency without providing the public safety officer with an opportunity for administrative appeal."

Guinn argued that the "probationary period" refers solely to the initial probationary period imposed by an employer at the time of hiring, and does not refer to any probationary period imposed as a condition of promotion. He asserted that, because he was already a permanent employee, the County demoted him when it restored him to his previous position, thereby entitling him to an administrative appeal.

The Court disagreed and found that denial of promotion is not a punitive action within the meaning of Section 3304(b). The Court also disagreed that restoring a permanent employee to his or her previous position as a result of failure to perform adequately while on promotional probation constitutes a demotion. Instead, the Court considered what happened to Guinn to be a rejection during promotion. Therefore, while Guinn suffered a reduction in pay, the County's action was not punitive action within the meaning of Section 3304(b).

Guinn v. County of San Bernardino (2010) ___ Cal.App.4th ___ [2010 WL 1951153].

■ PEACE OFFICER PERSONNEL FILES

Driver Facing License Suspension Cannot Seek Discovery of Peace Officer Personnel Records in Department of Motor Vehicles Administrative *Per Se* Hearing.

California Highway Patrol Officer J.P. Desmarais observed a driver, later identified as Andrew Brown, following too closely behind the car in front of him and having difficulty maintaining his lane. Desmarais initiated a traffic stop and, after observing signs of intoxication, administered several field sobriety tests. Desmarais arrested Brown for driving while under the influence of alcohol. Brown subsequently requested an administrative *per se* hearing with the DMV.

When a driver is arrested for driving under the influence, the arresting officer or the Department of Motor Vehicles (DMV) serves the driver with a notice of an order of suspension or revocation of his or her driver's license, advising that the suspension will become effective 30 days from the date of service. The driver then has the right to an administrative *per se* hearing before the effective date of the suspension. The DMV will then review the merits of the suspension to determine whether the peace officer had reasonable cause to believe that the driver was under the influence of alcohol, the driver was placed under arrest, and the driver had a blood alcohol content of 0.08 percent or more at the time he or she was driving. The administrative *per se* hearing is usually presided over by a hearing officer who is a DMV employee without any legal training. The procedure is called "administrative *per se*" because it does not impose criminal penalties, but simply suspends a person's driver's license as an administrative matter upon a showing the person was arrested for driving with a certain blood-alcohol concentration, without additional evidence of impairment.

During the hearing, Brown filed a *Pitchess* motion requesting discovery of Desmarais's personnel records. The hearing officer denied the motion. Brown petitioned the Superior Court for a writ of mandamus directing the

hearing officer to grant his *Pitchess* motion. The Superior Court granted the petition. On appeal, the California Court of Appeal reversed, finding that the *Pitchess* procedure has no place in a DMV administrative *per se* hearing.

The Court found that nothing in the Administrative Procedures Act, which governs discovery in administrative hearings, provides for discovery of confidential peace officer personnel records. Moreover, the DMV administrative hearing officers are not qualified to conduct the legal analysis and balancing required for ruling on *Pitchess* motions. Finally, the DMV hearings are intended to be swift and certain, while the *Pitchess* procedure is a much longer process requiring a noticed motion and an in camera review of documents.

In dicta, the Court also suggested that the *Pitchess* procedures were intended to apply to civil proceedings where an officer or an agency is sued for police misconduct as in excessive force cases. In addition, the Court stated that "[i]f a challenge to the officer's credibility was a basis for obtaining the arresting officers' personnel records, why would any licensee in an administrative *per se* hearing - or, for that matter, any party in any proceeding, civil or criminal, in which an officer would be a witness - not pursue *Pitchess* discovery in the hope of finding something potentially damaging in the personnel records? The potential for discovery abuse is staggering."

It is unclear whether the rule in this case will be extended to apply in other types of administrative proceedings, for example administrative appeals from punitive actions under Government Code section 3304, subsection (b). The decision made sense in this case inasmuch as Brown was able to postpone the suspension of his driver's license for months simply by requesting discovery of peace officer personnel records. In other types of administrative cases, delays are more common and may not have the same negative impact.

Brown v. Valverde (2010) 183 Cal.App.4th 1531.

■ LABOR RELATIONS

County's Unilateral Implementation of Changes Which Were Reasonably Contemplated In Its Last, Best and Final Offer, Although Not Identical, Did Not Violate the Meyers-Milias-Brown Act.

The County of Sonoma and the Union were negotiating a successor memorandum of understanding (MOU). The negotiations focused on three areas - health benefits, equity adjustments to salaries, and cost of living adjustments. The parties reached impasse and then proceeded to mediation pursuant to the County's Employee Relations Ordinance. The mediation sessions were unsuccessful. Subsequently, the County implemented terms substantially similar, but not identical to the terms described in the County's last, best and final offer.

The Union filed an unfair practice charge with the Public Employment Relations Board alleging that the County violated its duty to bargain in good faith under the Meyers-Milias-Brown Act. The administrative law judge dismissed the charge, and the Board affirmed.

An employer's unilateral change in terms and conditions of employment prior to reaching an impasse in negotiations or completion of statutory impasse resolution procedures is a *per se* violation of the statutory duty to bargain in good faith. Once impasse has been reached and the parties have completed the statutory impasse resolution procedures, the employer may implement changes reasonably contemplated within its last, best and final offer. The employer does not have to implement changes identical with its last offer. But the unilateral adoptions must be reasonably comprehended within the pre-impasse proposals.

Here the County completed the statutory impasse resolution procedure - mediation - and implemented changes substantially similar to the County's previous proposals. The only differences were: (1) the County incorporated existing language from the previous MOU, and (2) the County changed the employee dental insurance contribution language from \$9.00 in the County's proposals to \$11.00, consistent

with the previous MOU language. The Board found that these minor changes were reasonably comprehended within the County's pre-impasse proposals.

Sonoma County Law Enforcement Ass'n. v. County of Sonoma (2010) PERB Dec. No. 2100M [34 PERC ¶ 54].

Legislature Considering Assembly Bill 155 Which Would Limit The Ability Of Local Agencies To File For Bankruptcy Without Approval Of The State.

Last year public employee unions, particularly firefighters, pushed Assembly Bill 155, authored by Assembly Member Mendoza. It would have required local agencies to get permission from the otherwise obscure California Debt and Investment Advisory Commission before being able to seek bankruptcy protection in federal court. The bill, a reaction to the Vallejo bankruptcy, was approved in short order by the Assembly, but then was bottled up in the Senate Local Government Committee.

AB 155 is back in the current session of the Legislature. The Senate Local Government Committee has already voted in favor of the measure. Now, AB 155 is in the Senate Appropriations Committee. It is expected that it will be up to the Governor to sign or veto the Bill.

■ FAIR LABOR STANDARDS ACT

Public Safety Employers Are Not Required to Give Employees Notice Prior to Establishing a 7(k) Work Period.

In April 1985, the Town of Framingham, Massachusetts issued a memo stating that the Town was declaring a 24 day work period for police and fire personnel pursuant to section 207(k) of the Fair Labor Standards Act and that the declaration would be effective beginning on April 13, 1986. The Town addressed the memo to the publicly available personnel file main-

tained by the Town's governing board and circulated the memo to the police chief, fire chief, personnel director, and town counsel.

A group of police officers sued the Town for failure to pay overtime in violation of the FLSA. The district court granted partial summary judgment in favor of the Town, finding that the Town had established a 207(k) work period. The First Circuit Court of Appeals affirmed.

The 207(k) exemption is a partial FLSA exemption for law enforcement and fire protection personnel. It allows for the public agency to raise the average number of hours public safety personnel can work without triggering the overtime requirement. Before a public employer may qualify for the limited public safety exemption, two things must be true: (1) the employees at issue must be engaged in fire protection or law enforcement within the meaning of the statute and (2) the employer must have established a qualifying work period. Assuming these conditions are satisfied, the employer can simply start paying its employees under section 207(k), although the employer may opt to pay its employees more than section 207(k) mandates without forfeiting the benefits of the exemption.

The First Circuit rejected the officers' argument that the Town was required to give the affected employees notice in order to establish a 207(k) work period. The FLSA does not have such a notice requirement, and there is no requirement that an employer formally state its intention or obtain an agreement in advance to pay employees under section 207(k).

Calvao v. Town of Framingham (1st Cir. 2010) 599 F.3d 10.



Department of Labor Will Now Only Issue Administrator Interpretations Instead of Opinion Letters.

On March 24, the United States Department of Labor, Wage and Hour Division (DOL) announced that it would no longer issue fact-specific opinion letters regarding wage and hour issues. The DOL will only respond to requests for opinion letters with references to statutes, regulations, interpretations and cases that are relevant to the specific request but without an analysis of the specific facts presented. Instead, the DOL will periodically publish "Administrator Interpretations" which will set forth a general interpretation of the law and regulations, applicable across-the-board to all those affected by the provision in issue.

The DOL believes that this will be a much more efficient and productive use of resources than attempting to provide definitive opinion letters in response to fact-specific requests submitted by individuals and organizations, where a slight difference in the assumed facts may result in a different outcome.

This is a fundamental shift in how the DOL operates in that the DOL has issued opinion letters to employers for decades. In addition, because the DOL will no longer issue opinion letters to specific employers, employers will no longer be able to ask the DOL to verify that they are in compliance with the law.

PRIVACY

City Officials Entitled To Qualified Immunity on Employees' Claim That Recording of All Phone Calls on City Phone Lines Violated Their Constitutional Rights.

The City of Providence, Rhode Island, built a new Public Safety Complex to house its police and fire stations. The Complex's telephone system recorded all phone calls. The police department had told its employees that all calls would be recorded, but the fire department did not notify the fire personnel about the recordings.

A group of police and fire personnel sued the City, the Communications Director and other City officials under Section 1983 for violation of their rights under the Fourth Amendment prohibiting unreasonable searches, and violation of the state's wiretapping laws. The district court denied the defendants' motion for summary judgment based on qualified immunity. The jury found in favor of the employees. On appeal, the First Circuit Court of Appeals reversed the summary judgment ruling.

Officials are entitled to qualified immunity unless (1) the facts demonstrate that there was a violation of a constitutional right, and (2) the right at issue was clearly established at the time of the alleged misconduct. The First Circuit found that the employees did not have a clearly established Fourth Amendment right to not have phone calls made at work recorded.

The Court also found that the City was entitled to judgment as a matter of law because the employees' calls were not recorded pursuant to any official policy or custom as required under Section 1983. The recordings only occurred at a single building and for a period of eight months. This incident was insufficient to show a well-settled custom or practice.

Walden v. City of Providence (1st Cir. 2010) 596 F.3d 38.

Note:

Would the result have been the same under California law? Penal Code Section 632, California's wire tapping law, makes it a crime to record or eavesdrop on any confidential communication, including a private conversation or telephone call, without the consent of all parties to the conversation. A confidential communication is a conversation in which one of the parties has a reasonable expectation that no one is listening in or overhearing the conversation. While the facts in this case did not involve conversations, but rather recordings of incoming calls that may at a subsequent time be responded to over the fire department phone system by fire department employees, California's constitutional protection of the right to privacy (Article I, Sec. 1), and assuming that fire department employees were found to have had a reasonable expect-

tation of privacy, the result on the privacy issue might have been different had the case occurred in California.

■ DISABILITY DISCRIMINATION

Disciplinary Termination of Police Chief for Drinking and Driving While Off-Duty Was Not Unlawful Disability Discrimination.

Charles Budde was the police chief for the Kane County Forest Preserve District in Illinois. While off duty one day, he drove home after having several glasses of wine. He rear-ended another vehicle and injured the driver and the passenger. His blood alcohol level was almost three times the legal limit. Consequently Budde's driver's license was revoked. And the District terminated his employment.

Budde sued the District for disability discrimination in violation of the Americans with Disabilities Act based on his alcoholism. The district court granted summary judgment in favor of the District. The Seventh Circuit Court of Appeals affirmed.

To state a disability discrimination claim, a plaintiff must first establish that he is a qualified individual with a disability. A qualified individual with a disability is someone who (1) satisfies the requisite skill, experience, education, and other job-related requirements of his employment position, and (2) can perform the essential job functions with or without reasonable accommodation.

Budde could not perform the essential job functions. Violation of a workplace rule, even if it is caused by a disability, is no defense to discipline. Here Budde's misconduct violated the District's rules prohibiting officers from being publicly intoxicated and prohibiting officers from violating public laws. In addition, the District had a general order stating that the ability to operate a vehicle is an essential job function, and Budde was unable to lawfully operate a vehicle. Accordingly, the District ter-

minated Budde because of his misconduct, and not due to discrimination.

Budde v. Kane County Forest Preserve (7th Cir. 2010) 597 F.3d 860.

■ PREGNANCY DISABILITY LEAVE

The Fair Employment and Housing Commission Publishes Proposed Regulations Regarding Pregnancy Disability Leave.

On April 16, 2010, the Fair Employment and Housing Commission (FEHC) issued an initial draft of revised regulations regarding California's Pregnancy Disability Law (PDL). The FEHC is seeking written comments on the proposed regulations through June 2. The proposed regulations do not contain many significant substantive changes. The changes primarily clarify the language of the existing regulations. Some of the regulations have been revised to conform with the recent changes to the federal Family and Medical Care Leave Act (FMLA) regulations.

The most significant change is that the FMLA and California Family Rights Act (CFRA) provisions regarding intermittent leaves and reduced leave schedules will now be applied to the PDL. This will potentially allow disabled pregnant employees to take off more PDL time than before as employees will be able to use their PDL in hourly increments and not simply in weeks.

Moreover, the FEHC also revised the regulations to reflect a pregnant woman's right to reasonable accommodation to reflect the 2000 legislative change adding pregnancy as a disability under the Fair Employment and Housing Act, which includes a reasonable accommodation requirement.

A copy of the proposed regulations can be found at:

http://www.fehc.ca.gov/act/pdf/pregnancyregulations/TEXT_OF_PREGNANCY_REGS.pdf

■ DUE PROCESS

Employee Could Not State a Liberty Interest Claim Where the Individual Defendants Did Not Publicly Disclose Stigmatizing Statements About Him.

Gerald Covell was the director of the Illinois Deaf and Hard of Hearing Commission. The Commission terminated his employment in 2003 without a name clearing or appeal hearing. Covell claims that the Commissioners disclosed that he was terminated for viewing pornographic material on a state-issued computer during work hours and altering his time sheets.

Covell sued the Commissioners under Section 1983 alleging that they violated his property and liberty interest rights. The district court found that the Commissioners were entitled to qualified immunity. The Seventh Circuit Court of Appeals affirmed.

To show a legitimate expectation of continued employment, a plaintiff must show a specific ordinance, state law, contract or understanding limiting the ability of the state to discharge him for good cause. The state law stated that the Director "shall serve at the pleasure of the Commission." Consequently, Covell was an at-will employee and was not entitled to an appeal hearing after the Commission terminated his employment.

In order to prevail on a liberty interest claim, a plaintiff must show that (1) he was stigmatized by the defendant's conduct, (2) the stigmatizing information was publicly disclosed, and (3) he suffered a tangible loss of other employment opportunities as a result of public disclosure. Covell could not show that the Commissioners themselves disseminated the stigmatizing information to the public. It was insufficient for Covell to show that some Commission employee released the information.

Covell v. Menkis (7th Cir. 2010) 595 F.3d 673.

■ BACKGROUND CHECKS

Employers May Not Use Information from "Megan's Law" Website As a Basis for Not Hiring Applicant.

William Mendoza submitted an application for employment. The Company hired ADP Screening and Selection Services, Inc. (SASS) to conduct a pre-employment background check on Mendoza. As part of its investigation, SASS accessed the Megan's Law website which identifies registered sex offenders. The Company did not hire Mendoza as a result of the information SASS obtained from the Megan's Law website.

Mendoza sued SASS for violation of Penal

Code section 290.46, which prohibits the use of any information that is disclosed on the Megan's Law website for purposes relating to employment. SASS filed a motion to strike the complaint. The district court granted the motion, and the California Court of Appeal affirmed.

The Court found that Section 290.46 was intended to create liability for damages against employers who use information disclosed on the Megan's Law website as a basis for an employment decision. The statute does not create a cause of action against an employment-screening business which reproduces or republishes information.

Mendoza v. ADP Screening and Selection Services, Inc.
(2010) 182 Cal.App.4th 1644 [107 Cal.Rptr.3d 294].

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The Briefing Room is a publication that discusses law enforcement issues that may impact your agency. The publication is distributed by Liebert Cassidy Whitmore and is available to law enforcement agencies. If you know someone who would benefit from this publication, it would be our pleasure to add them to the distribution list. Please send their name, agency, address, city, state, zip, phone number, fax number and e-mail address to info@lcwlegal.com.

Clients of Liebert Cassidy Whitmore may receive the newsletter either via surface mail or e-mail. Non-clients may receive it via e-mail.

If you have any questions, call Cynthia Weldon at (310) 981-2000.



FIRM PROFILE
Timothy R. Owen
Of Counsel

Timothy Owen is a senior litigator with over twenty-five years of experience trying cases to juries in California and New York. Most recently, Tim successfully defended a municipality in a jury trial in Los Angeles involving a discrimination and retaliation suit by a fired employee.

Before joining the Los Angeles office of LCW, Tim represented companies as lead trial counsel in complex business litigation and high-exposure product liability cases. Tim's trial experience includes defense of professional negligence and insurance bad faith claims, as well as unfair business practices suits.

Tim has taught continuing education for much of his career, sharing his invaluable courtroom experience with how juries view cases, and providing practical advice on avoiding common mistakes that lead to liability exposure. Tim's teaching experience will further enhance the firm's extensive management training.

Timothy earned his Juris Doctorate from Vermont Law School and his Bachelor of Arts from Colgate University, New York.

When not practicing law, Timothy enjoys skiing, fishing, and reading.



Congratulations to... **Grace Chan and Wesley Chua** on their recent wedding. Grace is an associate in the San Francisco office and author of *Private School Matters*. We we wish them a lifetime of happiness together.



Firm Publications

Steven Berliner and **Camille Townsend** of our Los Angeles office co-authored the article, "H1N1 in the Workplace: 'Go Home'" which appeared in the February issue of the California Public Employee Relations Journal (CPER). The complete article can be read online at <http://www2.lcwlegal.com/newspublications/newsandpubsearch.asp> and search for the keyword "H1N1".

Jeffrey Freedman of our Los Angeles office authored the article, "New Jersey Company Unlawfully Accesses Employee's E-mails " which appeared in the April 27, 2010 issue of the Los Angeles/San Francisco Daily Journal. The complete article can be read online at <http://www2.lcwlegal.com/newspublications/newsandpubsearch.asp> and search for the keyword "Jersey".

Brianne Marriott of our Fresno office authored the article, "Judicial Review of Employment Arbitration Decisions" which appeared in the May 17 2010 issue of the Los Angeles/San Francisco Daily Journal. The complete article can be read online at <http://www2.lcwlegal.com/newspublications/newsandpubsearch.asp> and search for the keyword "Arbitration".



New to the Firm

Liebert Cassidy Whitmore Welcomes Two New Associates

Alison Carrinski joins LCW's San Francisco Office. Alison advises and represents public sector clients in the areas of employment law and labor relations. Before joining Liebert Cassidy Whitmore, Alison was a Benefits Advisor for the United States Department of Labor. Alison can be contacted at (415) 512-3000 or emailed at acarrinski@lcwlegal.com.

Sang-Jin (SJ) Nam joins LCW's Fresno Office. SJ has extensive background representing and advising school and college districts, and some local agencies, in all aspects of employment, labor and education law. He is also experienced in handling special education and student expulsion as well as business and facilities. SJ can be contacted at (559) 256-7800 or emailed at sjnam@lcwlegal.com.

LIEBERT CASSIDY WHITMORE



Mandated Ethics Training

Do you have newly elected personnel who need Ethics Training?

Has it been two years since your last Ethics Training?

Then it's time for Mandated Ethics Training!

On October 7, 2005, the Governor signed Assembly Bill No. 1234 mandating a minimum of 2 (two) hours of ethics training for local agency officials in service as of January 1, 2006.

*AB 1234 mandates that if a local agency provides any type of compensation, salary, or stipend to a member of a legislative body, or provides reimbursement for actual and necessary expenses incurred by a member of a legislative body in the performance of official duties, then **all** local agency officials shall receive a minimum of 2 hours of ethics training by January 1, 2007, **and every two years thereafter**. This is in effect for officials in service as of January 1, 2006.*

Liebert Cassidy Whitmore has been a leader in providing management and supervisory training to employers for more than twenty-five years.

Our workshops are conducted by attorneys who practice employment law and who bring a wealth of current, timely information and tips into the presentation.

These workshops are in compliance with the Fair Political Practices Commission and the Attorney General's Office.

Please contact us for more information on how to bring this training to your agency by contacting Anna Sanzone-Ortiz at ASanzone-Ortiz@lcwlegal.com or (310) 981-2051.

Firm Activities

Consortium Workshop Training

May 4	"Wage and Hour Issues Affecting Independent Schools" Bay Area Jewish Schools Consortium San Francisco Donna Williamson
May 5	"Legal Issues for Negotiators" and "Finding the Facts: Disciplinary and Harassment Investigations" Gold Country ERC Citrus Heights Jack Hughes
May 6	"Supervisory Skills for the First Line Supervisor/Manager" East Inland Empire ERC Fontana Donna Evans
May 6	"Preventing Workplace Harassment, Discrimination and Retaliation" West Inland Empire ERC Diamond Bar Laura Kalty
May 6	"Prevention and Control of Absenteeism and Abuse of Leave" West Inland Empire ERC Diamond Bar Laura Kalty and Camille Townsend
May 12	"Embracing Diversity" and "Preventing Workplace Harassment, Discrimination and Retaliation" Bay Area ERC Palo Alto Laura Schulkind
May 12	"Annual Audit of Your Personnel Rules" and "Managing Performance Through Evaluation" Coachella Valley ERC Indian Wells Brian Walter and Lauren Liebes
May 12	"Employee Due Process Rights and 'Skelly': A Guide to Implementing Employee Discipline" and "12 Steps to Avoiding Liability" Central Valley ERC Kerman Shelline Bennett
May 13	"FLSA: New Developments and Hot Topics" and "Leaves, Leaves and More Leaves" San Diego ERC Chula Vista Peter Brown
May 13	"A Supervisor's Employment Relations Primer" Monterey Bay ERC Morgan Hill Kelly Tuffo
May 13	"Preventing Workplace Harassment, Discrimination and Retaliation" Gateway Public ERC Long Beach Donna Evans
May 13	"Prevention and Control of Absenteeism and Abuse of Leave" LA County Management Attorneys Consortium Los Angeles Jennifer Hong
May 14	"Advanced Investigations of Harassment Complaints in Community College Districts" Southern CA Community College Districts (CCDs) ERC Torrance Mark Meyerhoff
May 18	"Supervisory Skills for the First Line Supervisor/Manager" North San Diego County ERC San Marcos Laura Kalty
May 19	"Privacy Issues in Our Technological World" and "Introduction to Public Service" San Mateo County ERC San Mateo Jack Hughes
May 20	"Retirement Issues for California's Public Employers" Orange County ERC Cypress Steve Berliner and Frances Rogers
May 20	"Annual Audit of Your Personnel Rules" and "Prevention and Control of Absenteeism and Abuse of Leave" NorCal ERC Pleasant Hill Jack Hughes

May 20	"Preventing Workplace Harassment, Discrimination and Retaliation" Orange County ERC Cypress Frances Rogers
May 26	"Retirement Issues for California's Public Employers" and "Employee Due Process Rights and 'Skelly': A Guide to Implementing Public Employee Discipline" Sonoma/Marin ERC Rohnert Park Cepideh Roufougar
May 26	"Embracing Diversity" and "Handling Grievances" Ventura/Santa Barbara ERC Santa Barbara Donna Evans
May 27	"The Disability Interactive Process" and "Family and Medical Care Leave Acts" Humboldt County ERC Fortuna Morin I. Jacob
June 3	"Privacy Issues in the Workplace" Gateway Public ERC Santa Fe Springs Pilar Morin
June 4	"Disability Discrimination, Family and Medical Care Leave Acts, Workers' Compensation and Disability Retirement: Administering Overlapping Laws" Central Coast Personnel Council Santa Barbara Peter Brown and Doug Bray
June 16	"Managing Leave Laws and the Discipline Process" Orange County ERC Anaheim Peter Brown

Customized Training Presentations

May 1	"Preventing Workplace Harassment, Discrimination and Retaliation" City of Fresno Gage Dungy
May 4	"Discipline: Putting It Into Practice" County of Ventura, Human Services Agency Ventura Donna Evans
May 6	"Performance Evaluations" El Camino Community College District Torrance Mary Dowell
May 7	"Preventing Workplace Harassment, Discrimination and Retaliation" Redwood Empire Municipal Insurance Fund (REMIF) AM - Fortuna & PM - Arcata Jack Hughes
May 7	"Collective Bargaining Negotiations Training Seminar" The California Collegiate Brain Trust and Liebert Cassidy Whitmore Los Angeles Jean Malone and Mary Dowell
May 12	"12 Steps to Avoiding Liability" and "Managing the Marginal Employee" County of Sonoma Santa Rosa Jack Hughes
May 13	"The Meaning of At-Will, Part-Time and Contract Employment" and "Managing Leave Laws and the Discipline Process" City of Beverly Hills Mark Meyerhoff
May 14	"Preventing Workplace Harassment, Discrimination and Retaliation" County of Sonoma Santa Rosa Jack Hughes
May 17, 27	"Preventing Workplace Harassment, Discrimination and Retaliation" and "Violence in the Workplace" City of El Segundo Scott Tiedemann
May 17	"FMLA" City of Brentwood Jack Hughes
May 18	"Labor & Employment Relations Issues During Lean Economic Times" Employment Risk Management Authority Novato Jack Hughes
May 18	"Legal Issues Regarding Hiring" City of Glendale Mark Meyerhoff

May 26	"Supervisory Skills for the First Line Supervisor/Manager" City of San Bernardino Mark Meyerhoff
May 26	"Legal Aspects of Violence in the Workplace" Dublin San Ramon Services District AM- Dublin & PM - Pleasanton Jack Hughes
May 27	"Preventing Workplace Harassment, Discrimination and Retaliation" REMIF Ukiah Jack Hughes
June 1	"Preventing Workplace Harassment, Discrimination and Retaliation" and "Violence in the Workplace" City of El Segundo Scott Tiedemann
June 3	"Guide for Supervisors on Preventing Workplace Harassment, Discrimination and Retaliation" City of Fontana Jennifer Hong
June 8, 9	"Preventing Workplace Harassment, Discrimination and Retaliation" City of Inglewood Laura Kalty
June 10	"Disability Discrimination" Monjaras & Wismeyer Group Oxnard Peter Brown
June 10, 11	"Preventing Workplace Harassment, Discrimination and Retaliation" Town of Truckee Jack Hughes
June 11	"Freedom of Speech and Right to Privacy" Labor Relation Information System - LRIS Las Vegas Mark Meyerhoff
June 15	"Preventing Workplace Harassment, Discrimination and Retaliation" City of Fresno Gage Dungy
June 16	"Handling Grievances" and "Preventing Discrimination" County of Sonoma Santa Rosa Jack Hughes
June 22	"A Supervisor's Employment Relations Primer" Dublin San Ramon Services District Dublin Jack Hughes
June 28	"Preventing Workplace Harassment, Discrimination and Retaliation" City of Chico Jack Hughes

Speaking Engagements

LCW appreciates the invitation to address professional organizations and associations. To learn how you can have an LCW presentation at your association meeting, contact info@lcwlegal.com.

May 1	"Preparing for Negotiations: Collective Bargaining Values & Strategies" Community College League of California Annual Trustees Conference Long Beach Mary Dowell
May 5	"Assessing Options and Alternatives to Retirement Benefits" Association of California Water Agencies (ACWA) Spring Conference Monterey Steven Berliner
May 6	"Public Sector Employment Law Update" Western Region Intergovernmental Personnel Assessment Council Marina del Rey Peter Brown
May 6	"Social Networking or Notworking?" ACWA Spring Conference Monterey Pilar Morin
May 7	"POBR/FBOR" California State Bar Association Annual Public Sector Conference Sacramento Richard Kreisler

May 7	"Workplace Substance Abuse: Identification & Management from a Legal Perspective" League of California Cities City Attorneys Conference Santa Barbara Cynthia O'Neill
May 7	"Free Speech in the Public Sector" California State Bar Association Annual Public Sector Conference Sacramento Bruce Barsook
May 11	"A Practical Guide to Applying FBOR" California Fire, EMS, and Disaster Conference - Fire Chief's Summit Palm Springs Richard Kreisler
May 13	"The Do's and Don'ts of Ethics for Legal Professionals" County Counsels' Association of California Health and Welfare Conference Monterey Morin Jacob
May 18	"Engaging in the Interactive Process" Human Resource Association of Central California Fresno Shelline Bennett
May 18	"Managing Your Costliest Asset - Human Resources" Association of Chief Business Officials Spring Conference Sacramento Peter Brown
May 21	"Community Colleges" California Counsel of School Attorneys (CCSA) Spring Workshop Sacramento Eileen O'Hare Anderson
May 21	"Labor Negotiations Panel" CCSA Spring Workshop Sacramento Bruce Barsook
May 21	"Case Law Update" CCSA Spring Workshop Sacramento Laura Schulkind
May 21	"Big Issues: Furloughs, Retiree Benefits, PERS/STRS, FLSA and Working with Boards" CCSA Spring Workshop Sacramento Alison Neufeld
May 28	"Interagency Collaboration" Municipal Managers Association of Southern California Annual Conference Santa Barbara Steven Berliner
June 4	"City of Glendora Team Building Workshop" City of Glendora Palm Springs Richard Kreisler
June 11	"Hiring and Keeping Great Employees" Special Districts Association San Diego Judith Islas
June 16	"12 Steps to Avoiding Liability" California Special Districts Association (CSDA) Education Workshop Ontario Laura Kalty
June 16	"Trial and Deposition Testimony" Independent Cities Risk Management Authority Meeting Downey Melanie Poturica and Mark Meyerhoff
June 18	"Social Media and Harassment in the Workplace" Riverside County Bar Association Meeting Riverside Michael Blacher
June 23	"Understanding the Brown Act and Your Responsibilities" CSDA Workshop Goleta Mark Meyerhoff



LIEBERT CASSIDY WHITMORE

6033 West Century Blvd., Suite 500
Los Angeles, CA 90045

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