LCW LIEBERT CASSIDY WHITMORE

Jeffrey C. Freedman

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Jeff Freedman has forty years of experience representing public agencies as well as private companies in all areas of labor and employment relations law. Jeff joined Liebert Cassidy Whitmore in 2002 after having been a partner in his own labor law firm for more than twenty years and in a large national firm.

His areas of practice include representing clients in state and federal court litigation, before the EEOC, Fair Employment and Housing Commission, California OSHA, the NLRB, and other state and federal regulatory agencies.

He is also experienced in representing public agency clients in the meet and confer process, disciplinary and grievance matters, arbitrations, wage and hour matters, and in interpreting and applying laws such as Title VII, the Americans with Disabilities Act, the Fair Employment and Housing Act and the Family and Medical Leave Act. Jeff has developed a detailed understanding of both the employment and public access provisions of the ADA.

Jeff has published several dozen articles on various employment law issues and has frequently spoken before employer groups on labor and employment law matters. He has been involved in helping improve the judicial system as a member of many court and bar association committees, and has served as a member of the Board of Trustees of the Los Angeles County Bar Association and as President of the Century City Bar Association. He presently serves as a mediator for the Los Angeles County Superior Court and as arbitrator in attorney-client fee disputes for the L.A. County Bar Association.

Jeff is also a contributing author to the firm's California Public Agency Labor & Employment Blog.

He was a California Deputy Attorney General for five years.

Education

JD, University of California, Los Angeles School of Law
BA, Occidental College

Legal Expertise

Employment Law
Investigations
Labor Relations and Negotiation Services
Litigation Services
Public Safety
Wage and Hour

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Representative Matters

Litigation:

Jowski v. City of Hesperia (2012) - The Court found that the City was entitled to summary judgment against Jowski and his claims for disability discrimination and retaliation under the FEHA. Jowski was an insulin dependent diabetic. The City released Jowski after four months of probation with the City because he could not perform the essential functions of the Code Enforcement Officer position, which included communicating and interacting with members of the public. The Court found that Jowski could not demonstrate that he was performing competently in his job position or that his disability was a factor in the City's decision to release him from probation. The Court found that the City had legitimate, non-discriminatory and non-retaliatory reasons for releasing Jowski from employment.

Christopher Crispo v. City of Santa Fe Springs, et al (2012) - Retired Fire Department Division Chief filed suit against City of Santa Fe Springs claiming he was a member of the Fire Fighters bargaining unit and therefore entitled to pay increases which negotiated between IAFF and the City. Our attorneys successfully showed that the 2007-2010 and 2011-2012 memoranda of understanding did not include his classification among those to which the MOUs applied and that a 1987 memo from the then City Manager on which the retiree based his claim actually supported the City's position and not his.

Mack and Gossett v. City of Hawthorne (2011) - Plaintiffs were housing department employees who were investigated by the City for taking bribes in return for moving them up on the waiting list low income housing. The District Attorney filed charges and then dropped the charges before there was a criminal trial. Plaintiffs sued for retaliation, race, gender, and disability discrimination, harassment, defamation, and intentional infliction of emotional distress. After Plaintiffs presented their evidence to a jury, the judge dismissed the case and entered judgment in favor of the City.

Professional Peace Officers of Los Angeles v. County of Los Angeles (2010) - Pursuant to the Los Angeles County Code, supervisors must earn at least one dollar more per hour than their subordinates under certain criteria. At the direction of the County's Chief Executive Office, the Sheriff's' Department issued specific eligibility guidelines that clarified existing practice and criteria contained in the County Code and County Interpretive Manual. PPOA filed suit for back pay, injunctive and declaratory relief alleging that the guidelines included additional criteria than was required to earn the bonus pay and were an unreasonable interpretation of the County Code. The court found that the guidelines were a reasonable interpretation of and were consistent with the County Code. Judge Brazile denied relief on all causes of action and entered costs in favor of the County.

Negotiations:

City of Orange - Jeff was chief negotiator for the City in five sets of negotiations in 2011 and is currently responsible for eight sets in 2012. Agreements were reached with all five groups in 2011, which included pension reform in terms of a second tier PERS formula for subsequently hired miscellaneous employees and an agreement by Firefighters to pay their full PERS 9% member contribution and miscellaneous employees to pay virtually all of their PERS member contribution. Along with these results there were no pay increases for the 2011-12 fiscal year.

City of Hawthorne - Jeff has been chief negotiator for the City for most of the last 20 years and handled negotiations with all units at the City. Over the course of negotiating numerous agreements a full panoply

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of issues have been resolved over two decades with no impasses.

City of Santa Fe Springs - Jeff served as negotiator for the City in 2012 and assisted in resolving new agreements with three units and obtained agreement on PERS cost sharing with all three units.

Affiliations

Los Angeles County Bar Association, 1985, Board of Trustees

Century City Bar Association, 1981 (President), 1976-1985 (Board Member)

Century City Chamber of Commerce, 1985 (President), 1981-1990 (Board Member)

Awards

Selected for inclusion in *Southern California Super Lawyers 2007-2009*

Publications

Extending Qualified Immunity To Private Individuals, *Employment and Appellate Law360*, May 2012, with Jennifer Rosner

Overlapping Laws and How They Sometimes Create Strange Results, *IPMA HR News*, January 2012, with Connie C. Almond

Must a Plaintiff Claiming Retaliation Prove a Tangible Employment Loss? Not Necessarily Says the 10th Circuit U.S. Court of Appeals, August 2011

Overtime Pay For Off-Duty Cell Phone Calls And Text Messages?, *Los Angeles/San Francisco Daily Journal*, June 2011

Federal Court of Appeals in Chicago Finds Software Account Manager Exempt from Overtime Under FLSA's Administrative Exemption, June 2011

Complaining About Harassment To The Perpetrator May Be Enough To Put The Employer On Notice, April 2011

Court Of Appeal Issues Second Decision Holding Anti-Strike Injunction Statutes Invalid, February 2011

Court Of Appeal Holds That Company Lawfully Read Employees Emails To Her Attorney Written On Company Computer, February 2011

Faith, Fashion, And The American Workplace, *Los Angeles/San Francisco Daily Journal*, September 2010

Faith, Fashion, and the American Workplace: An Employee's Appearance May Be Protected By Religion , September 2010

Court Of Appeal Strikes Down As Unconstitutional Two California Laws Which Prohibited

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Injunctions In Labor Disputes, August 2010

New Jersey Company Unlawfully Accesses Employee's E-mails, *Los Angeles/San Francisco Daily Journal*, April 2010

Does FBOR Require "Transactional Imunity"?, *Employee Relations Department Newsletter*, February 2010

Firefighters: Immunized To What Extent?, *Los Angeles/San Francisco Daily Journal*, December 2009

Pay for Commuting And 'Off-the-Clock' Work, *Los Angeles/San Francisco Daily Journal*, October 2009

Are Your Layoffs Legal?, *Los Angeles/San Francisco Daily Journal*, February 2009, with T. Oliver Yee

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