LCW LIEBERT CASSIDY WHITMORE

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Scott Tiedemann is the Managing Partner of Liebert Cassidy Whitmore, California's largest public sector labor, employment and education law firm.

Scott is a leading advocate for, and trusted advisor to public safety agencies across California. He is called upon in high profile cases to advise public safety executives regarding how to conduct complex investigations, including how to manage media relations and navigate the procedural complexities of the Public Safety Officers and Firefighters Procedural Bill of Rights. He has earned a reputation for successfully prosecuting many difficult cases involving allegations ranging from excessive force to sexual abuse to fraud.

Scott has prevailed in multiple published appellate cases that have helped public safety employers more effectively manage their employees. His published decisions on behalf of public safety employers include, among others: *Upland Police Officers Association v. City of Upland* (2003) 111 Cal.App.4th 1294, *Benach v. County of Los Angeles* (2007) 149 Cal.4th 836 and *Thompson v. City of Monrovia* (2010) 186 Cal.App.4th 860, and *Ferguson v. City of Cathedral City* (2011) 197 Cal.App.4th 1161.

Scott represents a wide variety of other government agencies and schools in labor and employment matters as well. He is a skilled litigator in federal and state courts and a successful appellate attorney, who has handled a variety of litigation matters, including trials and administrative hearings. Scott is also experienced in labor, including relations serving as lead negotiator in collective bargaining with safety and general employee bargaining units.

Scott's practice also includes investigations, counseling and management training. He frequently speaks at national and statewide conferences on subjects such as disciplinary investigations, workplace harassment, employment discrimination, free speech, privacy and ethics.

Scott frequently is asked to lend his knowledge and expertise to other professional organizations. He is the Chair of the Labor Relations subcommittee on the dissolution of redevelopment agencies for the League of California Cities, a member of the Board of Advisors of the California Public Employee Relations (CPER) program and the firm's representative to the Employment Risk Management Authority. Additionally, Scott authored the CPER Pocket Guide to the Firefighters Procedural Bill of Rights and Chapter 8 (The Firefighters Procedural Bill of Rights Act) of California Public Sector Employment Law book, State Bar of California/LexisNexis (2011).

Education

JD, Loyola Marymount University School of Law
BA, Loyola Marymount University

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Legal Expertise

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

Representative Matters

Appellate:

Alice Robin v. City of Monrovia (2013) - Appellant Robin sued the City for allegedly retaliating against her, in violation of Title VII, after she filed complaints with the Equal Employment Opportunity Commission. At trial, the jury was instructed to consider whether four separate actions by the City – including the offer of a retirement package known as the "Golden Handshake" – were retaliatory acts. The jury returned a verdict in favor of the City and the Ninth Circuit Court of Appeals affirmed. Robin appealed on the grounds that the trial court erred by not giving a jury instruction that the settlement agreement offered to her as part of the Golden Handshake did not comply with the Older Workers Benefit Protection Act (OWBPA). The Ninth Circuit rejected this argument, but it did conclude that the district court erred by declining to give an instruction setting forth the OWBPA's requirements. Although the Court found error, it concluded that it was harmless based on the evidence at trial because it is more probable than not that the jury would have reached the same verdict even with the OWBPA instruction.

Ferguson v. City of Cathedral City (2011) - The Court of Appeal upheld termination of a police officer for solicitation of prostitution after the officer declared an earlier settlement agreement with the City "null and void" under which he had been suspended without pay. The Court of Appeal also held that the City did not violate the officer's *Skelly* rights when the officer, who claimed to be unable to be able to drive the City for a *Skelly* meeting, was terminated without a *Skelly* meeting after he did not avail himself of various accommodations offered to him by the City to enable him to exercise his *Skelly* rights.

Thompson v. City of Monrovia (2010) - In a case handled by Scott Tiedemann and Judith Islas, the Court of Appeal, second judicial district, affirmed summary judgment in this alleged retaliation and harassment case brought by a Caucasian police officer based on alleged discriminatory treatment towards his African-American co-worker. Specifically, the officer claimed he was retaliated against for reporting alleged discriminatory treatment of his African-American co-worker and for testifying on the co-worker's behalf in a separate lawsuit brought by the co-worker. The officer also alleged the City failed to investigate the alleged harassment and retaliation. In a lengthy opinion, the Court decisively rejected all of the officer's arguments. Key in the court's analysis was the long and well documented history of the officer's performance issues. On the harassment and hostile environment claims, the Court concluded that a Caucasian officer can premise these causes of action based on an association with or advocacy on behalf of another officer's protected classification but must show he was personally subjected to unwanted racial comments as a result of the association or advocacy and also, that the conduct was severe and pervasive, which the officer failed to so in this case.

Lopez v. Imperial County Sheriff's Office (2008) - Two correctional officers appealed a Personnel Board ruling upholding their terminations based upon a tie vote by the Board. The correctional officers argued that their terminations should be overturned on a tie vote. The Appellate Court rejected that position affirming the trial court's ruling that the terminations were not to be overturned but the officers were to

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o receive a new hearing.

Benach v. County of Los Angeles (2007) - The Court held that removing a deputy from a special assignment as a pilot "without a concomitant loss of pay" is not a punitive action entitling the officer to a POBR administrative appeal.

Litigation:

Silberman v. Greater Los Angeles County Vector Control District (2009) - In an age and religious discrimination case, judgment was entered in favor of the employer disposing of all of Plaintiff's claims resulting from a prior reorganization leading to layoffs.

Tackett v. County of Imperial (2007) - Summary judgment was awarded in this lawsuit brought by a Sheriff Deputy claiming retaliation and race discrimination.

Ho v. City of Azusa (2007) - Obtained a summary judgment on behalf of the city in this case brought by the union president alleging first amendment retaliation.

Benach v. County of Los Angeles (2005) - The California Court of Appeal held that removing a deputy sheriff from his special assignment as a pilot "without a concomitant loss of rank or pay" is not a punitive action which entitles the deputy sheriff to an administrative appeal under the Public Safety Officers Procedural Bill of Rights Act.

Publications

What You Need to Know About Regionalizing Public Safety Responsibilities, *Western City Magazine*, October 2010, with Jack Hughes

When the 5th Won't Help You, *Los Angeles/San Francisco Daily Journal*, February 2009, with Morin I. Jacob

Is Federally Mandated Collective Bargaining on the Horizon for Local Public Safety Employers?, *NPELRA newsletter*, January 2008

The Firefighters Procedual Bill of Rights Act...at First Glance, *CPER*, December 2007

Recent Appellate Decisions Benefit Police Management, *ERMA*, July 2007

Public Employee Speech Gets No Protection From 'Ceballos', *San Francisco/Los Angeles Daily Journal*, June 2006, with Arlin Kachalia

The New (and Improved) Dating Game: Employers Endeavor To Change The Rules To Limit Liability, *May/June 2006 issue of Municipal Lawyer*, May 2006, with Jennifer Rosner

The Rights Of Employees In Taking And Returning From Military Leave, *Employment Practices Monthly*, May 2006, with Jennifer Rosner

Liebert Cassidy Whitmore prevails in a Published Sixth District Court of Appeal Decision Clarifying an Officer's Right to Receive Investigation Materials under Skelly and Public Safety

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Officers Procedural Bill of Rights Act, *Police Chiefs' and Sheriffs' Legal Update*, July 2005

City of San Diego v. Roe: Its Impact on the Discipline of Officers for Off-Duty Speech, *Municipal Lawyer*, February 2005

Labor Code § 234 And Its Impact On Absence Control Policies, September 2003

The Legal Implications of Conducting Layoffs, May 2003

Public Safety Officers And The Right To Representation In Internal Affairs Investigations, February 2003

Legislation Impacting Background and Disciplinary Investigations, *ERMA Employment Practices Quarterly*, September 2002

Haas v. County of San Bernardino and Its Impact on Your Selection of Hearing Officers for Administrative Hearings, May 2002

Presentations

PERB Update - Public Employer Labor Relations Association of California (PELARC) Annual Training Conference - Long Beach - October 18, 2013

Employment Law Update - Housing Authority Human Resources Consortium - Fresno - May 22, 2013

The Perils of Punishing Public Employees for Protected Speech: Applying 'Pickering' to Posts and Pins - League of California Cities 2013 City Attorneys' Spring Conference - Napa - May 9, 2013

Labor and Employment Law Update - Orange County Chiefs of Police & Sheriff's Association (OCCPSA) Annual Tri-County Spring Workshop - Palm Springs - April 24, 2013

Making it Stick: Legal Trends and Developments in Employee Discipline - Liebert Cassidy Whitmore Annual Conference - Newport Beach - March 22, 2013

Disability Interactive Process - Liebert Cassidy Whitmore Annual Conference - Newport Beach - March 21, 2013

Public Safety Legal Update - Liebert Cassidy Whitmore Annual Conference - Newport Beach - March 21, 2013

Looking Ahead: Hot Labor and Employment Issues Facing Public Entities - Liebert Cassidy Whitmore Annual Conference - Newport Beach - March 21, 2013

Employment Law Update - Southern California Public Management Association - Human Resources (SCPMA-HR) Annual Training Conference - Alhambra - March 14, 2013

A Police Chiefs Primer on PEPRA: What Every Chief Needs to Know on Pension Reform - California Police Chiefs Association (CPCA) Annual Training Symposium - Palm Springs - February 27, 2013

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Legislative and Legal Update - Southern California Public Labor Relations Council (SCPLRC) Annual Conference - Lakewood - February 21, 2013

Free Speech and the Public Sector Workplace - University of La Verne College of Law Civil Rights Symposium - Ontario - February 8, 2013

Pensions, Bargaining Unit Basics, and Understanding Unfunded Liability - Association of California Cities - Orange County - Anaheim - February 8, 2013

Surviving the Next Big Incident - Independent Cities Association (ICA) Winter Conference Panel - Santa Barbara - February 2, 2013

Managing Performance Through Evaluation - Yorba Linda Water District - Placentia - January 29, 2013

Managing the Marginal Employee - Yorba Linda Water District - Placentia - January 14, 2013

Finding the Facts: Disciplinary and Harassment Investigations - Gateway Public ERC - Lynwood - January 10, 2013

Executive Level Briefing - South Bay ERC - Culver City - January 8, 2013

Annual Labor Relations Game Show - California Public Employer Labor Relations Association (CalPELRA) Annual Conference - Monterey - December 6, 2012

Accommodating Bad Behavior: We're Not Going To Take It - CA Public Employer Labor Relations Association (CalPELRA) Annual Conference - Monterey - December 5, 2012

Disability Boot Camp for Public Safety Managers: Everything a Fire or Peace Officer Manager Needs to Know About Managing Employee Disabilities - California JPIA Risk Management Educational Forum - San Francisco - November 8, 2012

Pension Reform Act - Orange County Chiefs of Police and Sheriff's Association Conference - Santa Ana - November 7, 2012

Public Safety Update - Riverside County Law Enforcement Administrators Association - Cathedral City - October 24, 2012

Pre-Investigative Questionnaire Workshop - California Background Investigators Association Quarterly Meeting - Los Angeles - July 26, 2012

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