



Danny Y. Yoo

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EXPERIENCE

Danny represents public agency clients in all facets of labor and employment law. He regularly provides advice to clients on the evaluation and discipline of employees and disability interactive process. Danny assists clients in updating rules and policies, including drug testing policies, leave policies, disability retirement procedures, and personnel rules.

As a litigator, he has successfully represented clients in administrative appeal hearings of employee discipline. He has also litigated on behalf of clients in state and federal court, both at the trial and appellate level. Danny's litigation matters include wage and hour, discrimination, and employee discipline cases.

Prior to joining Liebert Cassidy Whitmore's Los Angeles office, Danny worked for a Los Angeles-based agency that litigated on behalf of tenants and for housing rights. Danny also has an extensive training background and has conducted various seminars, certifications, and workshops prior to his time at LCW.

EDUCATION

JD, Loyola Marymount University School of Law
BS, University of California, Berkeley

LEGAL EXPERTISE

Audit Services
Employment Law
Litigation Services
Retirement, Health & Disability
Wage & Hour

REPRESENTATIVE MATTERS

ADMINISTRATIVE HEARINGS

In the Matter of the Appeal for CalPERS Membership of L by City (2016) - Administrative Law Judge ruled in favor of City and overturned CalPERS decision classifying an independent contractor as a City employee.

M v. County (2016) - Hearing officer upheld the termination of a public safety officer who was arrested for and pled no contest to DUI and was in possession of a firearm at the time.

H v. City (2014) - Hearing officer upheld the termination of an administrative clerk who deleted mass

amounts of files from the City's server in an attempt to sabotage her supervisor.

T v. City (2014) - Negotiated a resignation in lieu of termination for an employee who stole gas from the City's gas pumps.

R v. City (2013) - Hearing officer upheld the suspension of public works employee for violating safety protocol.

APPELLATE

Ellins v. City of Sierra Madre (2016) - John Ellins was a police officer with the City of Sierra Madre. He was investigated for conducting improper searches on CLETS (a highly confidential law enforcement database) for his ex-girlfriend and her family. Out of concern for his ex-girlfriend's safety, the City delayed disclosure of the specific nature of the investigation until immediately prior to the interrogation. Following written and verbal interrogation admonitions, the City provided Ellins and his attorney time to discuss the specific charges. His attorney had requested this time prior to the interrogation. After meeting with his attorney, Ellins refused to cooperate in the investigation. The City terminated Ellins for the improper CLETS searches and for insubordination. At the Court of Appeal, Ellins argued that he should not have been terminated for insubordination because the City violated his rights under the Public Safety Procedural Bill of Rights Act (POBR) because it did not provide him a meaningful opportunity to consult with his attorney. The Court of Appeal disagreed and held that the City did give him reasonable notice prior to the interrogation under the POBR and that it did provide him a meaningful opportunity to discuss the specific charges with his attorney.

Berndt et al v. City of Los Angeles et al. (2015) - Approximately 20 Police officers employed by the City of Los Angeles' Police Department ("LAPD") filed a lawsuit in federal court alleging various wage and hour violations under the FLSA and provisions of the Labor Code. After the trial court granted the City's motion to dismiss, the only remaining claims were allegations that (1) the City's policy of paying police officers with compensatory time off (CTO) for non-FLSA hours worked violated the FLSA, and (2) the City should have paid overtime to the plaintiffs using a 40-hour overtime threshold for a seven-day period rather than the 171-hour overtime threshold for a 28-day period that the City adopted pursuant to the FLSA's section 207(k) (also known as the 7(k) exemption). Regarding the 7(k) exemption, the plaintiffs argued they did not qualify for the exemption because they were purportedly no longer performing "law enforcement activities" when they were assigned to do administrative work pending internal investigations. The City successfully moved for summary judgment on both FLSA claims, and the plaintiffs appealed. The Ninth Circuit affirmed the District Court's decision and held that the FLSA regulations expressly permit employers to compensate employees with CTO for "non-FLSA" overtime, and the Ninth Circuit also agreed that the City properly established the 7(k) exemption and that the police officers did not present sufficient evidence to demonstrate that it did not apply to any of them individually.

Harris v. City of Baldwin Park (2015) - Court of Appeal affirmed trial court's decision to uphold the termination of a long-time public works supervisor. Employee claimed that the trial court erred by not reviewing the entire administrative record, but the Court of Appeal held that the trial court was not required to do so.

LITIGATION

Scarpino v. City of Perris and County of Riverside (2017) - Plaintiffs alleged the County's CalPERS retirement benefit formula should apply to their years of service at a prior CalPERS agency. The Court granted summary judgment in favor of the client, the county, on the grounds the Plaintiffs failed to exhaust their administrative remedies before CalPERS.

Alaniz v. City of Los Angeles; Mata v. City of Los Angeles (2014) - Decertified collective action of approximately 2,500 current and former police officers claiming uncompensated overtime by showing that their claims were inherently individualized.

Ellins v. City of Sierra Madre (2014) - Successfully defended the City of Sierra Madre against a former police officer who was terminated for insubordination and improper use of the CLETS system.

Nolan v. City of Los Angeles (2014) - Trial court granted the City's request to dismiss a multi-plaintiff case because of Plaintiffs' failure to prosecute the case.

Harris v. City of Baldwin Park (2013) - Successfully defended the City of Baldwin Park against a former public works supervisor who sought reinstatement after the City terminated her for dishonesty, insubordination, threatening behavior and interference with an ongoing investigation.

PUBLICATIONS

The California Rule on Public Employee Pensions Under Attack: Will We Still Call It The "California Rule" If It Is No Longer The Rule In California?, Feb 19, 2019

New Law on Out-of-Class Assignments Requires More Homework for CalPERS Agencies, Nov 28, 2017

Summer Lovin', Had Me A Look At The Recreational Establishment Exemption. Tell Me More, Tell Me More!, Jun 13, 2017

New Year, New Minimum Wage, Jan 20, 2017

New Year, New Minimum Wage, Jan 14, 2017

California's New Minimum Wage Takes Effect on January 1, 2017 - Are You Ready?, Dec 15, 2016

A Closer Look At The Restrictions On Hiring Retirees (And Also The Exceptions!), Aug 9, 2016

Court of Appeal Provides Guidance on the Timing of Notice to Officers "Prior To" an Interrogation Under the POBR, Feb 1, 2016

New CFRA Regulations Impacting Family and Medical Leave Will Be Effective July 1, 2015, Sep 1, 2015

PRESENTATIONS

Prevention and Control of Absenteeism and Abuse of Leave, South Bay ERC, Palos Verdes Estates, Feb 19, 2020

Difficult Conversations, LA County Human Resources Consortium, Los Angeles, Dec 5, 2019

Workplace Bullying: A Growing Concern, East Inland Empire ERC, Fontana, Nov 7, 2019

Prevention and Control of Absenteeism and Abuse of Leave, East Inland Empire ERC, Fontana, Nov 7, 2019

Workplace Bullying: A Growing Concern, West Inland Empire ERC, Chino Hills, Sep 19, 2019

Legal Issues Regarding Hiring, West Inland Empire ERC, Chino Hills, Sep 19, 2019

Managing the Marginal Employee, ERMA, Barstow, Aug 21, 2019

Preventing Workplace Harassment, Discrimination and Retaliation, Kern Health Systems, Bakersfield, Jul 10, 2019

FLSA, Los Angeles World Airports (LAWA), Los Angeles, Jun 27, 2019

Preventing Workplace Harassment, Discrimination and Retaliation, City of Pico Rivera, Pico Rivera, Jun 25, 2019

Managing the Marginal Employee, County of Riverside, Riverside, Jun 13, 2019

Preventing Workplace Harassment, Discrimination and Retaliation, City of Hesperia, Hesperia, Jun 11, 2019

Legal Update, California Society of Municipal Finance Officers (CSMFO) Central LA Chapter Meeting, Paramount, Apr 25, 2019

Preventing Workplace Harassment, Discrimination and Retaliation, Conejo Recreation and Park District, Thousand Oaks, Apr 24, 2019

Preventing Workplace Harassment, Discrimination and Retaliation, Conejo Recreation and Park District, Thousand Oaks, Apr 23, 2019

Preventing Workplace Harassment, Discrimination and Retaliation, County of San Luis Obispo, San Luis Obispo, Apr 12, 2019

Nuts & Bolts Navigating Common Legal Risks for the Front Line Supervisor, LA County HR Consortium, Los Angeles, Apr 11, 2019

Human Resources Academy II, San Gabriel Valley ERC, Alhambra, Apr 10, 2019

Legal Issues Regarding Hiring and Promotion, San Gabriel Valley ERC, Alhambra, Apr 10, 2019