



## Richard Bolanos

Partner | San Francisco

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### EXPERIENCE

Richard (Rick) Bolanos has an exclusive practice representing California cities, counties, community college districts and special districts in labor relations services, representation in disciplinary proceedings, arbitration, mediation, fact-finding hearings, and administrative law proceedings. Rick provides oversight of complex personnel investigations and specialized advice and counsel concerning workplace harassment, discrimination and retaliation matters. In addition, Rick is one of the firm's specialists in Fair Labor Standards Act (FLSA) consultation and litigation.

Rick has conducted training programs and seminars on employer-employee relations before the California Public Employer Labor Relations Association (CalPELRA), the National Employment Law Institute (NELI), the Fire Districts Association of California (FDAC), the Napa-Solano Chapter and Mother Lode Chapter of the International Public Management Association for Human Resources (IPMA-HR), the Solano County Police Chiefs' Association, California Public Employee Relations (CPER), the California Sanitation Risk Management Authority and the California State Association of Counties Institute for Local Government. In addition, Rick has also provided intensive training sessions to individual clients regarding such current issues as Sexual Harassment, Compliance with the Americans Disabilities Act (ADA), the Fair Labor Standards Act (FLSA) and Public Employee Discipline.

Rick's published opinions include *Barner v. City of Novato* (9th Cir. 1994) 17 F.3d 1256; *Zazueta v. County of San Benito* (1995) 38 Cal.App.4th 106; *Stanley v. City of Tracy* (9th Cir. 1997) 120 F.3d 179; *Imada v. City of Hercules* (9th Cir. 1998) 138 F.3d 1294; *Papadopoulos v. Modesto Police Department* (E.E. CA. 1998) 31 F.Supp.2d 1209; and *Robinson v. Manteca*, 78 Cal.App.4th 472, 92 Cal.Rptr.2d 748 (3rd Dist.).

Rick was the San Francisco Office's Managing Partner for 15 years until 2016 when he transitioned back to full-time law practice.

### EDUCATION

JD, Santa Clara University School of Law  
MA, San Jose State University  
BA, San Francisco State University

### LEGAL EXPERTISE

Employment Law  
Labor Relations & Collective Bargaining  
Public Safety  
Wage & Hour  
Retirement, Health & Disability

## REPRESENTATIVE MATTERS

### APPELLATE

***Balestrieri et al v. Menlo Park Fire Protection District (2015)*** - Successfully defended the District against firefighters' claims, alleging that the District was obligated to pay for time spent traveling between fire station to pick up or drop off "turnout gear," before or after voluntary overtime shifts. The firefighters also claimed that the District should have included, in the regular rate calculation for overtime, the amount of money the District cashed out to employees for unused time in their "Annual Leave" bank. The firefighters claimed that the unused Annual Leave was akin to unused sick leave, which must be included in the regular rate. After the District successfully moved for summary judgment on both claims, the firefighters appealed. The Ninth Circuit affirmed the District Court's decision and held that under the Fair Labor Standards Act, the travel time was not compensable. The Ninth Circuit also agreed that because the cashouts of annual leave were made in order to reduce the District's liability for banked leave hours, the unused leave was not akin to sick leave and therefore did not have to be included in the regular rate used to calculate overtime.

### NEGOTIATIONS

***City of Los Altos*** - Safety and Non-Safety Units.

***County of Sonoma*** - Safety and Non-Safety Units.

***County of Contra Costa*** - Non-Safety Units.

***West Valley Mission CCD*** - Safety and Faculty Units.

***County of Mariposa*** - Safety and Non-Safety Units.

***City of San Luis Obispo*** - Safety and Non-Safety Units.

***City of Martinez*** - Safety and Non-Safety Units.

## AWARDS

Selected for inclusion in Northern California *Super Lawyers* (2008-2009, 2012-2019)

## PUBLICATIONS

**California Supreme Court Adopts New "ABC Test" for Classification of Independent Contractors: Potential Risk and Impact on Public Agencies**, May 9, 2018

**Nine LCW Attorneys Selected to the List of 2017 Northern California Super Lawyers and Rising Stars**, *Press Release* Jul 10, 2017

**FLSA and Contract Overtime**, Oct 5, 2016

**Responding to Requests for Information**, Sep 2, 2015

**Using Conceptual Agreements to Avoid Impasse**, Sep 3, 2014

**PRESENTATIONS**

**Navigating the Crossroads of Discipline and Disability Accommodation**, San Mateo County ERC, Menlo Park, Dec 5, 2019

**FLSA for Labor Negotiators**, California Public Employers Labor Relations Association (CALPELRA) 2019 Annual Training Conference, Monterey, Nov 20, 2019

**Human Resources Academy II**, Bay Area ERC, Santa Clara, Sep 5, 2019

**Navigating the Crossroads of Discipline and Disability Accommodation**, Bay Area ERC, Santa Clara, Sep 5, 2019