LCW 2020
Public Sector Employment Law Annual Conference
Hyatt Regency San Francisco
January 22-24, 2020

www.lcwlegal.com
We hope you can join us at the 2020 LCW Conference! This three-day event is a key resource for public agency management and includes a variety of informative and engaging presentations that offer practical lessons for success in the workplace.

2020 Annual Public Sector Employment Law Conference
January 22-24, 2020 at the Hyatt Regency San Francisco

WEDNESDAY
January 22
8:00 AM - 8:45 AM: PRE-CONFERENCE REGISTRATION & BREAKFAST
9:00 AM - 4:00 PM: PRE-CONFERENCE SESSION
4:00 PM - 7:00 PM: CONFERENCE REGISTRATION

THURSDAY
January 23
8:00 AM - 8:45 AM: REGISTRATION & BREAKFAST
8:45 AM - 10:00 AM: GENERAL SESSION
10:00 AM - 10:20 AM: BREAK & ASK THE EXPERT
10:20 AM - 11:50 AM: CONCURRENT SESSION #1
12:00 PM - 1:00 PM: LUNCH
1:15 PM - 2:45 PM: CONCURRENT SESSION #2
2:45 PM - 3:15 PM: BREAK & ASK THE EXPERT
3:15 PM - 4:45 PM: CONCURRENT SESSION #3
5:00 PM - 7:00 PM: RECEPTION

FRIDAY
January 24
7:00 AM - 8:00 AM: SCOTT & MORIN’S WALKING TOUR (optional)
8:00 AM - 9:00 AM: BREAKFAST & ASK THE EXPERT
9:00 AM - 10:30 AM: CONCURRENT SESSION #4
10:30 AM - 11:00 AM: COFFEE BREAK & ASK THE EXPERT
11:00 AM - 12:30 PM: CONCURRENT SESSION #5
12:30 PM - 2:00 PM: FAREWELL RECEPTION
Concurrent Sessions

Sessions Listed by Topic:

**HR BOOTCAMP**
- Public Sector Employment: Come for the Service, Stay for the Unique Legal and Personnel Challenges
- A Legal Tune-up to Get, and Stay, in Peak Legal Shape
- Importance of Performance Management in Public Agencies and Reimaging the Evaluation Process

**LABOR RELATIONS**
- Negotiating Health Benefits - Protections & Pitfalls
- The Employer’s Dos and Don’ts Regarding the Representation Processes for Employee Organizations
- The Impact of Philosophy, Psychology, and Data on Labor Negotiations
- Understanding the Impact of Employee Overtime Pay – Best Practices to Address the Intersection of FLSA Requirements and Contractual Obligations in MOU Agreements
- What Employers Should Know About Workplace Violence Prevention

**LITIGATION**
- Battle Lessons from Trial Warriors
- Making The Investigator’s Pen Mightier than the Plaintiffs’ Attorney’s Sword
- Navigating #MeToo2020, Retaliation and Other Employment Litigation Trends

**PUBLIC SAFETY**
- Public Safety Legal Update
- Honesty and Good Behavior are the Best Policies: How to Make Charges of Dishonesty and Conduct Unbecoming Stick

**RETIREMENT, HEALTH & DISABILITY (RHD)**
- Negotiating Health Benefits - Protections & Pitfalls
- Retiree, CalPERS Health and Disability Retirement Legal Update
- Exploring the Challenges of Disability Retirements (Both Industrial and Non-Service Based)
- Strategies for Managing Increasing Pension Costs

**WAGE & HOUR**
- After the FLSA Audit: Implementing Changes to Your Agency’s Compensation Practices to Address FLSA Compliance Issues
- Recent Changes in Wage and Hour Laws
- Understanding the Impact of Employee Overtime Pay – Best Practices to Address the Intersection of FLSA Requirements and Contractual Obligations in MOU Agreements
The keys to successful negotiations include planning and costing. Just like planning a vacation, the amount of time and effort you put into planning and costing can determine the success of the trip. Costing contract proposals is similar to costing excursions on a vacation - they all sound like a good idea but can we afford them? Join us at this workshop to learn the importance of costing and methods you can use to make costing easy.

This session is also part of our Labor Relations Certificate program. We’ve added Bonus Content, since it is also our pre-conference session:

**Compensation Surveys & Collective Bargaining!**

As a bonus to this year’s pre-conference workshop, additional information on the development, impact, and usefulness of compensation surveys in collective bargaining will be highlighted shared with attendees!

**Social Activities throughout the week**

**THURSDAY NIGHT RECEPTION:**
Unwind with colleagues after a thought provoking day with a buffet reception and drinks in the Atrium.

**FRIDAY MORNING WALK:**
Morin Jacob and Scott Tiedemann kick off day two of the conference with a stroll though some of San Francisco’s key attractions. Join them and your fellow conference attendees in a fun way to start the morning!

**FRIDAY FAREWELL RECEPTION:**
Before heading home stop by the Farewell Reception to grab a bite to eat, ask those last questions and bid farewell to colleagues. We’ll have both “grab and go” as well as “sit and stay” options to best meet your needs.

Join in on the conversation! Follow us @lcwlegal and #LCW2020 for conference updates.
Conference Schedule

DAY ONE
THURSDAY
January 23

GENERAL SESSION
8:45 AM - 10:00 AM

The Times, They Are a-Changin’
We kick off our annual conference by taking a quick look at some of the biggest developments impacting public agencies. We will dive into the continuing cost crunch combo of rising labor costs and expenditures outpacing revenue while discussing ways to contain the costs. We’ll provide an overview of the tactics and trends of labor organizations and how this impacts you today and into the future. Finally, we’ll wrap up with strategies for creating and valuing inclusion at your agency and how that may help you with recruitment, retention and reduced liability. The times ARE changing, but that provides an opportunity for you to lead the way.

CONCURRENT SESSION #1
10:20 AM - 11:50 AM

Public Sector Employment: Come for the Service, Stay for the Unique Legal and Personnel Challenges
Working in the public sector provides a range of unique opportunities to make an impact on the greater good. It also implicates unique legal and personnel challenges that do not exist in the private sector. This session will identify some of the challenges that only public sector HR professionals face through the use of realistic scenarios. From transparency laws to privacy issues; from special ethics obligations to labor relations; this fast-moving presentation will provide an interactive guide for Human Resources professionals and supervisors. If you have team members who are newer to the public sector, or if you want to better understand the unique nature of public sector service in California, this session is for you.

Public Safety Legal Update
A conference staple, the Legal Update discusses the most critical court decisions and laws impacting public safety employers in the past year. Please join the presenter in an analysis of the newest statutes and court opinions and how these new developments impact your public safety agency. The presenter will also provide practical tips for steps your agency can take to ensure compliance with new legal requirements. Please note that this session will also be available on Day Two of the Conference.

Battle Lessons from Trial Warriors
Litigation is a mighty sword that can both expose weaknesses and highlight strengths in an Agency’s policies and practices. Reflecting on the numerous employment law cases this past year allows us to identify patterns and provide guidelines for others. This session will highlight key litigation lessons learned, and how to translate them into best practices to avoid costly lawsuits and verdicts. Topics will include expectations and communication before lawsuits are filed, best practices for addressing allegations, tactics when you’re preparing for trial, and the aftermath of litigation.
Negotiating Health Benefits - Protections & Pitfalls

This session will explore a variety of health benefit arrangements that agencies may offer employees, including new developments related to health reimbursement arrangements for employees. We will discuss cafeteria plans, health flexible spending accounts, cash-in-lieu and opt out.

When negotiating health benefits, there are various steps you should take to protect your agency from IRS penalties and other financial consequences. We will explore the best way to avoid common pitfalls when structuring health benefits. We will also mention the newest developments and changes in the law that could impact your health benefit negotiations.

CONCURRENT SESSION #2

1:15 PM - 2:45 PM

Elimination of Headaches and Self-Inflicted Wounds in Personnel Policies and Procedures: How to Identify and Fix Problematic Personnel Policies and Procedures Before They Manifest

Properly drafted personnel policies and procedures set forth a public safety agency’s expectations for its employees, and they also help define its culture. Well written personnel policies and procedures also provide legal protection to the agency and its employees. While well intentioned, some policies have unintended consequences or make personnel management more difficult than need be. Personnel policies must be periodically reviewed and in some cases, customized, to ensure that they are contemporary, accurately reflect your agency’s practices, and can easily be carried out in practice. This session will identify some common policy language that can cause headaches and self-inflicted wounds, and we will discuss best practices for reviewing and updating these documents – even when your agency subscribes to a service that provides “best practices” policies. The session will also address how to ensure your personnel practices and policies conform with the law and how you can use them to better implement effective personnel management.

Retiree, CalPERS Health and Disability Retirement Legal Update

This session will discuss the latest developments from the courts, the Legislature and retirement systems on these 3 important topics that are constantly undergoing change. This workshop will start with an update on the status of the California Rule at the California Supreme Court as well as other important rulings from the courts. Then, the important recent Legislative changes related to these topics will be covered. Finally, new and/or changing interpretations of the law or regulations by CalPERS will be discussed. The workshop will focus on breaking down these legal issues to what is important to you: their impact on your agency and suggestions on how to address them.

A Legal Tune-up to Get, and Stay, in Peak Legal Shape

Whether you are new to public sector labor and employment relations, or an experienced practitioner, this legal tune-up ensures you are up to date on the most significant legal developments in this area and operating at peak efficiency to tackle the challenges ahead.
The Employer’s Dos and Don’ts Regarding the Representation Processes for Employee Organizations
Understanding an employer’s duties and obligations during a representational change is critical to protecting your agency against unnecessary litigation. This session will discuss the essential steps and governing provisions of the labor relations statutes that an employer must know when processing representation petitions, including what actions employer can and cannot do during a recognition, decertification, unit modification & severance change.

CONCURRENT SESSION #3
3:15 PM - 4:45 PM

Honesty and Good Behavior are the Best Policies: How to Make Charges of Dishonesty and Conduct Unbecoming Stick
Charges of dishonesty and conduct unbecoming are routinely contested by peace officers because of the impacts associated with having such sustained charges of discipline on record in their personnel files. Simply labeling misconduct as “dishonest” and/or “conduct unbecoming” in a list of possible disciplinary offenses, without apt detail of what it means and a demonstration that the officer violated clear policies, invites a rigorous challenge. To make the discipline charges stick, a department needs to demonstrate that the individual was aware that his or her conduct was prohibited and could result in discipline. This is best accomplished by having a comprehensive set of policies, with clear elements, that officers are trained on, so that the department can clearly explain how the peace officer violated the policies he or she had been trained on. This presentation will cover what policies should entail, common challenges raised by peace officers to charges of dishonesty and conduct unbecoming, including but not limited to challenges for: failing to have cause to find that an officer was dishonest or engaged in conduct unbecoming, vagueness challenges to policies, disparate treatment of officers under the same policies, and so on. We will also address how to defend the department’s decision to discipline in the face of these challenges, to help ensure that the proposed discipline is sustained after an appeal.

Importance of Performance Management in Public Agencies and Reimaging the Evaluation Process
Managing employee performance can feel like “Groundhog Day” with the same process repeating year after year without making progress. This sentiment can cause supervisors to lose interest in managing employee performance which can have a detrimental impact on your agency. This session will review the importance of managing employee performance for a public agency and offer strategies for refreshing stale performance management practices. Topics will include the latest trends in performance management, what public employers can learn from private employers and legal considerations to reduce liability.
After the FLSA Audit: Implementing Changes to Your Agency’s Compensation Practices to Address FLSA Compliance Issues

Has your agency recently completed an FLSA audit or FLSA compliance review? Or, is your agency contemplating conducting an FLSA audit/compliance review? This session will address key aspects of the post FLSA audit/compliance review implementation process, including issuing FLSA back pay, options for prospective “fixes” to compensation practices, labor negotiations obligations and strategy, and handling threats of potential FLSA litigation. We will also provide a brief overview of the FLSA audit/compliance review process. The goal of this session is to help agencies navigate an often complex post FLSA audit/compliance review implementation process, and mitigate potential FLSA liability going forward.

The Impact of Philosophy, Psychology, and Data on Labor Negotiations

Labor negotiations bring dynamically different individuals and interests together to collaborate and collectively bargain labor contracts. It’s a fascinating process and can be impacted by the varying philosophies of the stakeholders, the psychology of the steps in the process, and the data that can drive decision making and persuasive proposals. As a key stakeholder, you have an important role in leveraging these concepts rather than letting them limit the process. This session’s presenters will share insights and powerful strategies for handling these high impact issues in public agency collective bargaining.

RECEPTION

5:00 PM - 7:00 PM
Eat. Drink. Relax. Join us in the Atrium!

ASK THE EXPERT

The Ask the Expert booth will be staffed throughout the conference’s breaks and free time. Stop by to discuss any pressing labor, employment or education law questions you may have.

2020 MARKS LCW’S RUBY (40th) ANNIVERSARY!

How lucky are we to get to work with all of you on a regular basis!
We look forward to celebrating with you at the conference and throughout the year!
Public Safety Legal Update
A conference staple, the Legal Update discusses the most critical court decisions and laws impacting public safety employers in the past year. Please join the presenter in an analysis of the newest statutes and court opinions and how these new developments impact your public safety agency. The presenter will also provide practical tips for steps your agency can take to ensure compliance with new legal requirements. Please note that this session will also be available on Day One of the Conference.

Making the Investigator’s Pen Mightier than the Plaintiffs’ Attorney’s Sword
An effective workplace investigation can be both a shield and sword in defending your agency against litigation. Persuasive testimony from your in-house or outside investigator can mean the difference between winning and losing a lawsuit. We will explore how investigators can best defend their workplace investigations under tough examination and cross-examination. Taught by seasoned investigators and litigators, this session will help prepare you for the hard questions and put your investigation and reports in the best possible light under cross-examination. Topics to be covered will include learning how to protect your workplace investigations from the most common areas of attack in litigation, understanding which communications are privileged or confidential, and training on how to give effective testimony to support your investigation findings.

Exploring the Challenges of Disability Retirements (Both Industrial and Non-Service Based)
Employers face a myriad of challenges when confronted with disabled workers. Determining the right path can often be a confusing and challenging process. Employers often have to juggle between various statutory rights afforded to employees and determining when the right to disability retire an employee can be initiated. However, what happens when the employee appears to be incapacitated from performing their job duties, but will not apply for disability retirement? What happens if the application is dismissed or cancelled? This presentation will cover best practices as to when employees are eligible for disability retirement and when and whether the employer should file an application on the employee’s behalf. We will also cover what happens when a terminated employee applies for disability retirement, including the obligation by the employer to begin paying Advanced Disability Pension Payments and when that obligation is triggered. We will provide thought provoking scenarios for discussion, as well as take-aways and best practices. This session will address both public safety and non-public safety disability retirements.

Recent Changes in Wage and Hour Laws
Is your agency up to date on Wage and Hour law? Are your managers and supervisors correctly applying federal overtime rules and designating independent contractors in accordance with recent court decisions? Two of our Wage and Hour experts will provide an update on recent need-to-know judicial decisions and regulations as well as other changes in the legal landscape affecting public agency compliance with overtime requirements and the legal definition of
independent contractor versus employee. You’ll leave this session with valuable information that will help your agency prevent and/or address wage and hour compliance issues and minimize future liability.

CONCURRENT SESSION #5
11:00 AM - 12:30 PM

Navigating #MeToo2020, Retaliation and Other Employment Litigation Trends
In response to the #MeToo movement, the California Legislature amended harassment laws; however, the amendments left a wake of legal questions. A year in, we will explore how these significant changes have altered the dynamics of defending harassment lawsuits, including ways to adapt your defense strategy for trial, and how to value cases for settlement in this new environment. We also will address litigation trends in retaliation (including social media speech) and privacy (including marijuana use).

Understanding the Impact of Employee Overtime Pay – Best Practices to Address the Intersection of FLSA Requirements and Contractual Obligations in MOU Agreements
Paying your employees overtime per your MOUs should be as simple as following the contract itself, right? Not necessarily! Merely following your MOU is likely insufficient. On one end, contractual language may create FLSA violations for failing to properly pay employees overtime under the law. On the other end, contractual language may obligate your agency to ongoing overtime payments that significantly exceed the law and perhaps that your budget cannot sustain. This training will give an overview of the FLSA requirements for overtime payments, including the need to properly designate an FLSA work period, the impact of alternative work schedules, and what’s included in the regular rate of pay. In addition, we will cover the impact of more generous “MOU Overtime”, the benefits a grievance procedure can have on limiting the ability of employees to raise wage claims under the MOU, and provide some best practices on how to limit your FLSA liability and save on the cost of your MOU overtime provisions. We will go through these issues in more detail as applied to miscellaneous employees, law enforcement and fire employees.

Strategies for Managing Increasing Pension Costs
This session will discuss legal and negotiating strategies that public employers can use to contain, and even reduce, costs for retirement benefits in an era of accelerating employer rate increases. This presentation will include a summary of the applicable retirement law, including an update on the viability of the California Rule and its status at the California Supreme Court. In addition, negotiating tips will be discussed throughout the presentation to assist agencies in their effort to implement these cost saving and containment strategies.

What Employers Should Know About Workplace Violence Prevention
We have seen too many workplace violence incidents in the news. As a result, employers need to be engaged in preventative measures to protect the workplace. This session will help you understand your responsibilities for protecting the workplace and your employees as well as developing proactive strategies you can implement for prevention and response when faced with workplace violence.

FAREWELL RECEPTION
12:30 PM - 2:00 PM
RATES

<table>
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<tr>
<th>PRE-CONFERENCE:</th>
<th>$425 (early bird) / $500 (regular)</th>
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<tr>
<td>EARLY BIRD:</td>
<td>$595 (before December 1st)</td>
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<tr>
<td>REGULAR:</td>
<td>$625</td>
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<tr>
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<tr>
<td>GROUP (3 or more)</td>
<td>$560 (before December 1st)</td>
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CANCELLATION POLICY:
Cancellations must be received by January 15, 2020, to receive a full refund. No refunds will be given after that time. All credit card refunds requested after 45 days from the registration will be subject to a 10% refund charge. Participant substitutions are accepted any time prior to January 21, 2020.

HOTEL

Hyatt Regency San Francisco
5 Embarcadero Center
San Francisco, CA 94111

*Reservations must be made on or before December 21, 2019

To reserve a room, please visit: https://www.hyatt.com/en-US/group-booking/SFORS/G-LIEW.
You can also call the hotel at 415.788.1234 and reference the “LCW 2020 Public Sector Employment Law Conference Room Block” with your January 21-25, 2020 reservation dates.

QUESTIONS?

Kaela Arias: 310.981.2087 | karias@lcwlegal.com
Sara Gardner: 310.981.2050 | sgardner@lcwlegal.com

MCLE

Attending all of the sessions at the conference will provide you with up to 8.5 hours of MCLE credit.

POST

Earn up to 5 POST approved credit hours.

HRCI

This conference (including the pre-conference), has been approved for 14.50 California recertification credit hours toward aPHR™, PHR®, PHRca®, SPHR®, GPHR®, PHRi™ and SPHRi™ recertification through HR Certification Institute® (HRCI®).

The use of this seal confirms that this activity has met HR Certification Institute’s® (HRCI®) criteria for recertification credit pre-approval.