



**News and developments in employment law and labor relations for
California Law Enforcement Management**

MAY 2022

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Briefing Room is published monthly for the benefit of the clients of

Liebert Cassidy Whitmore. The information in *Briefing Room* should not be acted on without professional advice.

FIRM VICTORIES

Superior Court Upholds Personnel Appeals Board's Decision To Terminate Police Officer.

LCW Managing Partner **Scott Tiedemann** and Senior Counsel **Stefanie Vaudreuil** convinced the superior court to uphold a city personnel appeals board's decision to terminate a police officer. Previously, LCW persuaded the city's personnel appeals board to uphold the termination of this officer for multiple offenses, including dishonesty, and making derogatory, discourteous, and profane remarks to a suspect who the officer had detained and arrested.

The DA filed criminal charges against the officer for filing a false police report about the arrest and detention, but the officer was acquitted.

The officer then asked the superior court to reverse the personnel appeals board's decision that upheld his termination. However, both the notice of intent to terminate and notice of termination that officer received stated that any one of the several charges against the officer would support his termination. The court noted that if the weight of the evidence supported any one of the charges, then the court could only overturn the termination if that level of penalty was an abuse of the city's discretion. The court found that at least three of the disciplinary charges were indeed supported by the weight of the evidence, and that applying the penalty of termination was within the city's discretion.

Following oral argument, the court published its final order upholding the termination. The final order added additional grounds for upholding the termination that were based on points LCW raised at oral argument.

NOTE:

Not only did the officer's disciplinary notices state that each individual charge was sufficient to support termination, but the Chief persuasively testified as to this point. The court also heard LCW make this point in oral argument and included this point in its decision.

Court Upholds Lawfulness Of Governor's Order Extending POBR Statute Of Limitations During Pandemic.

LCW Partner **Geoff Sheldon** and Senior Counsel **Dave Urban** successfully advocated on behalf of the Los Angeles County Sheriff's Department for the lawfulness of the Governor's order, issued in the midst of the coronavirus pandemic, to extend the POBR's one-year statute of limitations. The California Department of Justice represented the Governor in the case. The Association of Los Angeles Deputy Sheriffs (ALADS) brought the case.

Under attack in the case was the Governor's March 2020 Executive Order N-40-20. Among other things, that Order provided that the one-year deadline, specified in Government Code Section 3304(d), for completing investigations of alleged misconduct by public safety officers, was extended by 60 days. In enacting

this Order, the Governor explained that, “under the provisions of [the California Emergency Services Act (CESA)] ..., I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.”

ALADS filed a writ petition in the superior court seeking an order that the Governor’s action to toll the POBR statute of limitations for 60 days was unconstitutional. ALADS also sought to enjoin the Los Angeles County Sheriff’s Department from relying on the Governor’s Executive Order.

The court denied the union’s petition. The Governor issued the Order pursuant to the CESA emergency powers. Because the Governor had issued a state of emergency, CESA offered the Governor broad discretion to issue orders necessary to carry out the purposes of the Act, including the extension of this POBR statute of limitations. As a result, all disciplinary actions that relied upon the extension remained.

Note:

We are proud that LCW was able to assist police and sheriff's departments throughout the state that had relied upon the extension of this POBR statute of limitations to pursue needed disciplinary actions.

EXCESSIVE FORCE

A Court Could Rely On Some Of The Bodycam Footage And Audio To Decide A Motion For Summary Judgment.

Corey Hughes was imprisoned for unlawful possession of a loaded firearm with a large capacity magazine. He jumped over a fence and escaped while serving on a highway work crew. Hughes was on the lam for over three weeks.

An agent for the California Department of Corrections and Rehabilitation’s Fugitive Apprehension team received a tip that Hughes may be hiding at his friend’s house. The agent and a team from the San Joaquin County Sheriff’s Department went to the property and Hughes’ friend exited, confirmed Hughes was inside, and gave officers his house keys and permission to enter. The agent called members of the Stockton Police Department for backup. Officer Michael Rodriguez and police K-9 Cain, were among those responding from Stockton PD.

Hughes’s version of the facts differed from the bodycam and audio. Hughes claimed he repeatedly yelled loudly, “Hold on, I’m coming out!”. He claimed he walked towards the door with his hands up. According to

Hughes, it was only after he peered around the corner with his hands up and made eye contact with Officer Rodriguez that the Officer released Cain, and that Cain immediately attacked and caused Hughes to fall to the ground. Hughes further testified that the officers piled on top of him and Cain continued to bite him. Hughes said that after he was handcuffed, Cain continued to bite him and the officers punched him in the head and face for at least “two minutes, if not more”.

The bodycam footage differed from part of Hughes’ account. On the audio, Hughes does not make any reply after Officer Rodriguez’s shouts “Stockton P.D., come on out or you’re going to get bit by a police dog!”. Unlike Hughes’ testimony, the footage did not show Hughes standing in the hallway with his hands up. Officer Rodriguez admitted to punching Hughes in the head before he handcuffed Hughes because Hughes was grabbing Officer Rodriguez’s groin area, near his gun. Finally, the footage showed that no more than a single minute elapsed between when Cain attacked and when Hughes was taken into custody, which refuted Hughes’ testimony that he was beaten for two minutes or more. Officer Rodriguez’s bodycam suddenly turned off before Hughes was handcuffed, and did not capture any relevant footage after thereafter.

Hughes sued all four arresting officers for excessive use of force. The officers moved for summary judgment to dismiss the case without a trial. The trial court granted the officers’ motion for summary judgment on all counts. Relying on the bodycam footage, the trial court determined that video and audio disputed all of Hughes testimony. Hughes appealed.

The Ninth Circuit Court of Appeals affirmed as to three of the four officers. However, the court reversed with respect to Officer Rodriguez, finding there were still questions of fact that were not captured on any bodycam that a jury would have to decide.

When courts rule on a motion for summary judgment, they generally look at the facts in the light most favorable to the person who is opposing the motion. The U.S. Supreme Court has held that there is an exception to that general rule “[w]hen opposing parties tell two different stories, one of which is blatantly contradicted by the record, so that no reasonable jury could believe it...” (*Scott v. Harris*, 550 U.S. 372, 378 (2007).) Relying on the *Scott* case, the Ninth Circuit confirmed for purposes of ruling on a motion for summary judgment, a district court may properly view the facts as depicted by bodycam footage and audio, to the extent the footage and audio blatantly contradict the testimonial evidence.

Applying the *Scott* case to these facts, the Ninth Circuit held that the bodycam footage did not blatantly contradict Hughes’ testimony as to when Hughes was

punched. Hughes claims his beating occurred after he was handcuffed, but Officer Rodriguez's bodycam turned off suddenly before Hughes was handcuffed and thus did not capture the subsequent events. The other officers on scene were not facing the fray either, so their cameras also did not capture the events.

Because there was still a question of fact with respect to whether Officer Rodriguez punched Hughes after Hughes was handcuffed, the Ninth Circuit ordered the case to proceed to a jury trial.

Corey Hughes v. Michael Rodriguez, 2022 WL 1180766.

NOTE:

This case emphasizes the importance of bodycam footage in court. Bodycam video can decide motions for summary judgment and avoid costly litigation. LCW has a great deal of experience in both assisting departments to draft solid bodyworn camera policies, and utilizing bodyworn cameras in arbitrations and in court.

OFFICER SAFETY

Criminal Background Check Did Not Transform Traffic Stop Into Unlawful Arrest.

In October 2016, a masked man wearing dark clothing, sunglasses, and gloves robbed a bank in Henderson, Nevada. He brandished a black handgun with brown grips and stole almost \$70,000 before escaping in a black midsized SUV that looked like the aptly-named Ford Escape.

In December 2016, police received a call that a vehicle was stopped in the middle of one of the busiest intersections in Las Vegas. Upon arrival at approximately 6:19 a.m. they found Anthony Hylton non-responsive at the wheel of the vehicle. Hylton got out of the car as the officers instructed; he told the officers that his license and registration were in the backseat. One officer could not locate the license and registration, but did find, in plain sight, a closed gun case with a gun inside. The gun was a black handgun with brown grips, like the one used in the October 2016 robbery. Meanwhile, another officer conducted field sobriety tests, and Hylton failed two out of three. Following standard policy, the officers requested a drug recognition expert (DRE). While waiting for the DRE, they asked Hylton his name and date of birth. The officers used this information to perform a check on his driver's license, registration, insurance, open warrants, and criminal history. The criminal history check showed Hylton was a felon. Thirty minutes later, at 6:49 a.m., the officers arrested Hylton for being a felon in possession of

a firearm and canceled the call for the DRE, who was still on his way to the scene. After being charged and having his firearm seized, Hylton was released.

In January 2017, a second robbery occurred with seemingly the same robber, but this time a silver handgun was used. The suspect again escaped in a vehicle that looked like a Ford Escape. Officers then conducted a search of all Ford Escapes registered to addresses whose occupants matched the suspect's description. This led officers to Hylton, who was arrested for bank robbery.

Hylton moved to suppress the evidence resulting from the traffic stop, including the seized firearm. Hylton argued that the officers so prolonged his stop that it became an unlawful arrest, and therefore the seized firearm could not be used against him. The district court denied the motion, holding that the officers did not unreasonably prolong the traffic stop.

A routine traffic stop is permissible so long as officers do not unreasonably prolong the stop beyond the time reasonably required to complete the mission of issuing a ticket for the violations. If a traffic stop is unreasonably prolonged, then it can become an unlawful arrest.

Here, the U.S. Court of Appeals for the Ninth Circuit reasoned that because traffic stops can be dangerous for officers, the government has a strong interest in protecting officers' safety during stops. Officers have a compelling safety interest to know whether they are stopping a felon. Since a criminal history check "stems from the mission of the stop itself," it is a "negligibly burdensome precaution" necessary "to complete [the stop] safely."

The Ninth Circuit affirmed the district court, and the officers who stopped Hylton did not need independent reasonable suspicion to perform the criminal history check.

USA v. Anthony Hylton, Jr., 30 F.4th 842 (9th Cir. 2022).

NOTE:

The Court recognized that peace officers perform a highly dangerous job and are entitled to use reasonable safety procedures like a criminal history check during some traffic stops. Pop quiz – What make of vehicle is the quintessential get-away car?

RETIREMENT

Retirees Did Not Prove An Implied Contract For The County To Pay Retiree Health Premiums At The Same Rate As Current Employees.

In 1993, the Board of Supervisors of San Benito County contracted with the California Public Employee's Retirement System (CalPERS) to provide health insurance benefits to County employees and retirees through the Public Employees' Medical Hospital Care Act (PEMCHA). The Board executed this contract through a County resolution. This resolution required the County to pay retiree health insurance benefits at the same contribution rate it paid to active employees. However, nothing in the resolution prohibited the County from changing its contribution.

Until 2014, the County's health insurance contributions for active employees were stated in the collectively bargained Memoranda of Understanding. The County's contributions covered the full premium cost (100%) of certain CalPERS' plans for "employee only" (individual) coverage.

In 2014, the Board adopted resolutions to decrease the County's contributions for active employees and retirees to amounts to less than the lowest cost CalPERS plan. As of January 1, 2015, employees and non-Medicare retirees had to start paying out-of-pocket for health insurance and no longer had the option to select a no-cost, County-paid individual plan. In December 2016, the Board voted to exit PEMCHA and began providing health insurance benefits as of 2017 under contract with the California State Association of Counties Excess Insurance Authority (CSAC-EIA).

Normandy Rose and Margaret Riopel, both County retirees, claimed that when they were hired, they were told that the County would cover 100% of the cost of an individual health insurance plan throughout employment and retirement.

They sued the County for breaching an implied contract for the County to provide them a "100 percent paid individual plan." The retirees alleged that the County violated its contractual promise "when it failed to provide a contribution rate equal to an individual plan."

The trial court did find that the County had an implied contract with its employees promising that, in exchange for working at lower wages, upon retirement the County would pay their health benefits at the same rate as active employees. However, the trial court also found that the retirees' claim to fully-paid coverage "was based upon a misunderstanding" stemming from the fact that in 1993 the County did cover 100% of employee contributions.

The trial court made these findings based upon its interpretation of an analytical framework the California Supreme Court established in *Retired Employees Assn. of Orange County, Inc. v. County of Orange* (2011) 52 Cal.4th 1171. In *Retired Employees*, the Court considered whether a California county can form an implied contract with county employees that would confer a vested contractual right to lifetime retiree health benefits. The Supreme Court held that there is a legal presumption *against* the creation of a vested contractual right from a resolution or statutory scheme. But, that legal presumption could be overcome by the statutory language or circumstances accompanying the governing body's passage of the benefit that clearly expressed "a legislative intent to create private rights of a contractual nature enforceable against the [governmental body]." (*Retired Employees*, *supra*, 52 Cal.4th at p. 1187.) The intent to make a contract need not be express, but it must be "clear" based on "the statutory language or circumstances accompanying its passage."

The California Court of Appeal considered all evidence offered regarding the language of the County's resolution and the circumstances surrounding the passage of the resolution. This evidence included the relevant resolutions and related legislative record (including staff reports, meeting minutes, and testimony which related to or described circumstances informing the Board's decisions), and the County's conduct in providing the health insurance benefits.

The Court of Appeal found that the resolutions and legislative record did not contain a clear and express intent to create an implied contract. The Court then considered the County's conduct over the 21 years at issue. The retirees contended that the County's conduct to contribute 100% of the cost of their insurance plans for so long, implied that the County intended to be contractually bound to do so indefinitely. The Court of Appeal disagreed, finding that the County's long-term conduct simply did not rise to the level of clear intent required, particularly because during that time the County was simply following PEMCHA's "equal contribution" requirements. The Court of Appeal overturned the trial court and held that the retirees had no contractually-vested right to receive the same health insurance premium contributions as the County provides its active, unrepresented employees.

Rose and Riopel v. County of San Benito, 2022 WL 1154621.

NOTE:

This case illustrates how the wording of a local agency's resolutions related to retirement benefits, may create implied contracts with the agency's employees. Unless the wording of the resolution or the circumstances surrounding the resolution clearly expresses an intent to create an implied contract, however, the law will presume that there is no implied contract.

RETALIATION

Employee's Performance Evaluations Proved That The Reasons For Terminating Him Were Pretextual.

Arnold Scheer was terminated from his position as Chief Administrative Officer (CAO) at the UCLA Department of Pathology and Laboratory Medicine in June 2016. Scheer had worked at the University since 2004.

Scheer sued the University. He alleged he was wrongfully terminated in retaliation for whistleblowing. Scheer stated that he observed violations of safety procedures and mismanagement that resulted in lost and mislabeled specimens. The University moved for summary judgment.

When an employee alleges retaliation or discrimination, courts apply the *McDonnell Douglas* burden-shifting framework to analyze the claim. Under the framework, the employee must first establish a *prima facie* case of unlawful discrimination or retaliation. Next, the employer must articulate a legitimate reason for taking the challenged adverse employment action. Finally, the burden shifts back to the employee to demonstrate that the employer's proffered legitimate reason is only a pretext for discrimination or retaliation.

The trial court held that under the *McDonnell Douglas* framework, Scheer had established a *prima facie* case of retaliation. The court also held that the University had articulated the following legitimate reasons for terminating Scheer in the Notice of Intent to Terminate (NOI): "poor performance and conduct", and specifically that he: 1) had an overly aggressive attitude concerning certain negotiations; 2) had a harsh and disruptive style at meetings; 3) had become increasingly ineffective as CAO; (4) lacked enthusiasm; and 5) was not an effective leader.

Therefore, the burden shifted back to Scheer to demonstrate that the University's proffered legitimate reasons were only a pretext for retaliation. Scheer argued that throughout his tenure at UCLA, he received accolades, positive feedback, promotions, and additional assignments and responsibilities from upper management. Each year he received a maximum merit increase in salary and near maximum incentive awards. "*Indeed, the reviews and evaluations ... clearly indicate that his work and performance were exemplary during that time frame.* Notably, [he] was consistently ... given additional responsibilities and oversight until the date of his termination [emphasis added]."

The trial court found that despite these arguments, there was no triable issue of fact because the performance evaluations took the form of checklists relating to completion of individual tasks, rather than subjective

evaluations of the quality of his work or his style and manner in completing those tasks. The trial court granted summary judgment for the University.

Scheer appealed. On appeal, the significant issue was whether Scheer had established that the claimed reason for his termination was a pretext. Scheer made the same arguments as he did at the trial court.

The California Court of Appeal examined the NOI, and found the University's alleged reasons for Scheer's termination to be disputable.

First, despite the NOI stating that Scheer had become a problematic presence within the department, Scheer's direct supervisor disagreed with that characterization.

Second, the NOI claimed that, in 2015, the University had removed certain responsibilities from Scheer because of a past personal interaction. However, Scheer's declaration stated that he was never advised of this action and that Scheer's fiscal year 2015 objectives were centered towards those responsibilities, indicating that he still held them in 2015.

Third, the NOI criticized Scheer as being overly aggressive in negotiations on behalf of the University. In response, Scheer pointed to an email which specifically congratulated him for achieving a good result for the University at the negotiating table.

Finally, the NOI criticized Scheer's involvement in the opening of a new lab in China, saying he never followed through on opening the lab. However, Scheer's performance evaluation specifically stated that he had achieved 100% of his goal of opening a "joint venture with CTI in Shanghai, China, and taking on new sites and testing."

In sum, the Court of Appeal agreed with Scheer's arguments, stating that "Scheer... showed that he unfailingly received excellent evaluations over a 12-year period, and no one ever advised him of any shortcomings or deficiencies".

The Court of Appeal concluded that the University's stated reasons in the NOI were untrue and were a pretext for retaliation. The Court therefore overturned the granting of summary judgment and remanded the case back to the trial court.

Scheer v. UC Regents, 76 Cal.App.5th 904 (2022).

NOTE:

This case is a cautionary tale for employers. Any adverse action an employer takes must be consistent with the documentation in the personnel file about the employee's performance. Employers must take the time to prepare accurate performance evaluations, regardless of the format of the evaluation.

PUBLIC RECORDS ACT

County Could Withhold Names Of Those Arrested Eleven Months Prior.

On February 15, 2021, Alisha Kinney asked the County of Kern for “the names of every individual arrested for DUI by the Kern County Sheriff’s Department from March 1, 2020 through April 1, 2020.” Kinney made this request pursuant to the California Public Records Act (CPRA).

The County responded by disclosing a report that documented the three DUI arrests the Kern County Sheriff’s Department made during the timeframe Kinney specified. But, the County redacted the names of the three arrestees from the report. The report did list a case number, date and time of arrest, the offense, the offense statute, and the case status for each arrest.

Kinney asked the trial court to compel the County to produce the arrestee’s names. The trial court declined and Kinney appealed. Kinney argued that she was entitled to the names of the arrested individuals because of Government Code 6254(f)(1), which states:

“Notwithstanding any other provision of this subdivision, state and local law enforcement agencies shall make public the following information, . . . :

(1) *The full name and occupation of every individual arrested by the agency,*” (emphasis added)

In response, the County argued that the holding in *County of Los Angeles v. Superior Court (Kusar)* (1993) 18 Cal.App.4th 588, allowed it to withhold records that do not pertain to contemporaneous police activity. The County relied on the following language from Kusar: “the records to be disclosed under Section 6254, subdivision (f)(1) and (2), are limited to current information and records . . . which pertain to contemporaneous police activity.” Implicit in the County’s argument was that the 11-month old records Kinney wanted could not possibly pertain to “contemporaneous police activity.”

The California Court of Appeal examined the rationale behind the *Kusar* holding and the legislative intent of Government Code Section 6254(f). The Court found that Section 6254(f) was designed to ensure that secret arrests of citizens and clandestine police activity were curtailed. The Court said the legislature wanted to allow public access to information about recent arrests to guarantee that individuals would not be detained in secret. It was for that reason that the *Kusar* case held that “records” under Section 6254(f) are “limited to current information and records of the matters described in the statute and which pertain to contemporaneous police activity.”

The Court of Appeal concluded that, because the requested records were 11 months old, they were not current information nor did they pertain to contemporaneous activity. The arrestees’ names were not disclosable under the CPRA and the Court rejected Kinney’s appeal.

Kinney v. Superior Court of Kern County, et al, 2022 WL 1043448.

NOTE:

This case is a reminder to public agencies that, despite the broad language of the CPRA, some information can be withheld. The courts have interpreted Government Code Section 6254(f)(1) to allow agencies to withhold records that do not pertain to contemporaneous police activity. Each CPRA request must be analyzed to determine whether the requested records fit the contemporaneity requirement.



The New Landscape: 2022 Peace Officer Employment



May 25, 2022 | 8:30am - 12:30pm

Recent years, and 2021 in particular, have brought seismic changes to the law enforcement profession in California. Experienced public safety attorneys Scott Tiedemann and Paul Knothe will lead a thoughtful discussion of many laws, focusing on the practical steps that agencies can take to avoid fault lines in peace officer employment, from hiring to termination.

SB 2 dramatically expanded the role of the Commission on Peace Officer Standards and Training (POST) and introduced peace officer decertification to California.

SB 16 continued the trend toward transparency and away from Pitchess started by 2019's SB 1421, making several new categories of officer conduct public and imposing new recordkeeping requirements.

Other new laws change agencies obligations with regard to screening of new hires, rooting out "law enforcement gangs", reporting uses of force, acquiring and using military equipment, use of crowd control devices, and more. This seminar will arm your agency with the tools to adapt.

WHERE? The Centre Lakewood, Maple Room
5000 Clark Ave, Lakewood, CA 90712
Complimentary parking outside

WHO SHOULD ATTEND? Police Chiefs, Captains, Lieutenants, Public Safety Human Resource Managers, Public Safety attorneys

POST? This course has been approved for 4 hours of POST credit. In order to receive credit, you must sign in with your name and POST ID.

MCLE? Liebert Cassidy Whitmore is an approved MCLE provider. Participating attorneys are eligible for 4 hours of MCLE. The person from your agency that registers for this event will receive the official set of MCLE forms. In order to receive your MCLE credit, you will need to complete and return these forms that will be available at the workshop.

CANCELLATION POLICY? Cancellations must be received by **May 18, 2022**, to receive a full refund, less a \$25 administrative fee. No refunds will be given after that time. Participant substitutions are accepted any time prior to **May 24, 2022**.

QUESTIONS? Please email Kaela Arias at karias@lcwlegal.com or 310.981.2087

Register here!

NEW TO THE FIRM!



Nicholas (Nick) M. Grether is an associate in our Los Angeles office. Nick has devoted his legal career to providing labor and employment advice and representation to California's public employers. An experienced litigator, he has represented dozens of clients in arbitration, as well as in state and federal court, concerning alleged violations of employment laws.

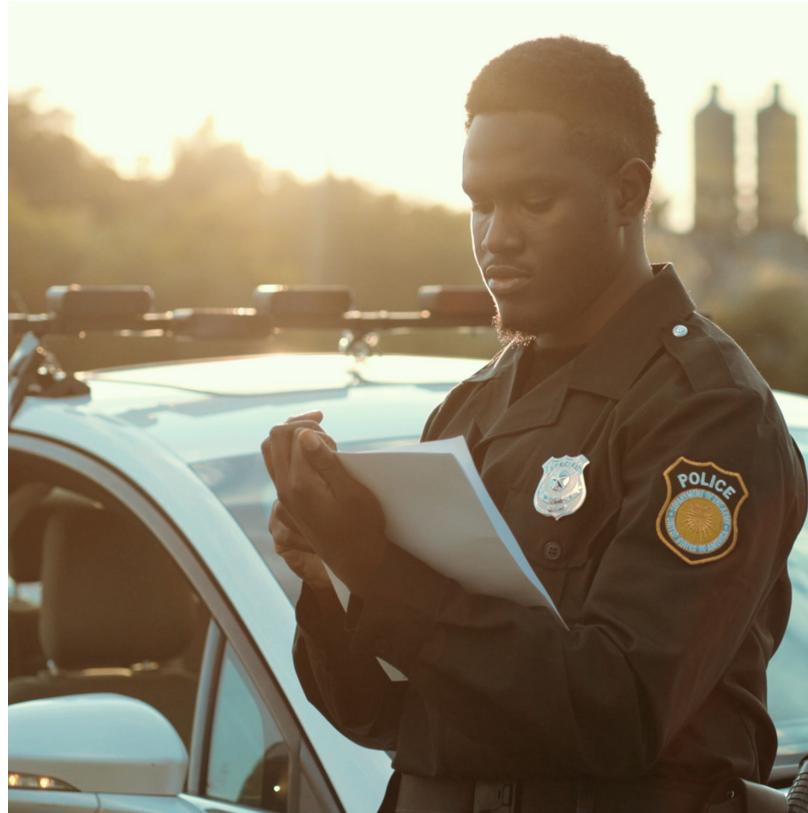


Danny Ivanov is an associate in LCW's Los Angeles office where he provides representation and counsel to clients in all matters pertaining to labor and employment law. He also provides support in litigation claims for discrimination, harassment, retaliation, and other employment matters.

Ashley Sykora is an associate in our Los Angeles office where she advises clients on labor and employment law matters. She previously served as a law clerk at the California Office of the Attorney General.

Ariana Fil is an associate in LCW's San Francisco office where she advises clients on labor, employment and education law matters.

Hadara R. Stanton is experienced litigator based in LCW's San Francisco office. She has more than fifteen years of experience serving as a Deputy Attorney General in the California General's Office prior to joining LCW.



**Upcoming
Webinar!
FLSA For
Public Safety**

**May 6, 2022
10:00am - 11:00am**

Register here!

Best Practices for Conducting Fair and Legally Compliant Internal Affairs Investigations



June 21, 2022 | 9:00am - 4:00pm

AND

June 22, 2022 | 9:00am - 4:00pm

The Internal Affairs investigation is a key element in whether an agency will be successful in imposing discipline. What do decision makers, hearing lawyers and courts look for in an IA report? This two-day course will unlock the difference between an IA that supports discipline versus those that undermine it.

This **POST-approved** course provides a complete guide to conducting a fair and thorough internal affairs investigation that will create a defensible disciplinary action in the event of sustained findings. You will gain an understanding of the impact that good decision-making and strategy have on the agency's success in defending IAs and winning appeals.

This 2-day seminar will encompass legal aspects of a properly conducted IA Seminar, including topics such as:

- Overview of the Peace Officers' Bill of Rights (POBR) and consequences of violations for your agency
- Best practices in initiating and organizing the IA investigation
- How to obtain documents and other evidence
- Interview techniques and transcript recommendations, plus pitfalls to avoid
- Identifying common mistakes during IA investigations and solutions
- Current and emerging legal trends in public safety allegations and discipline

Register here!

WHERE? City of Tustin Community Center at the Market Place
 (located behind Rubio's Coastal Grill & across California Pizza Kitchen)
 2961 El Camino Real, Tustin, CA 92782

WHO SHOULD ATTEND? Personnel assigned to an agency's professional standards unit, most notably investigators, and the supervisors, managers, risk management and human resources professionals that manage or oversee public safety personnel investigations.

POST? This course has been approved for 12 hours of POST credit. In order to receive credit, you must sign in with your name and POST ID on both days of the workshop.

MCLE? Liebert Cassidy Whitmore is an approved MCLE provider. Participating attorneys are eligible for 12 hours of MCLE.

CANCELLATION POLICY? Cancellations must be received by June 14, 2022, to receive a full refund, less a \$25 administrative fee. No refunds will be given after that time. Participant substitutions are accepted any time prior to June 20, 2022.

QUESTIONS? Please email Kaela Arias at karias@lcwlegal.com or 310.981.2087

MANAGEMENT TRAINING WORKSHOPS

Firm Activities

Consortium Trainings

- May 4** **“Maximizing Supervisory Skills for the First Line Supervisor - Part 1”**
 Bay Area, Central Valley, Gateway Public, San Joaquin Valley & South Bay ERCs | Webinar | Heather R. Coffman & Nicholas M. Grether
- May 5** **“Exercising Your Management Rights”**
 Coachella Valley & Napa/Solano/Yolo & North San Diego County ERCs | Webinar | Heather R. Coffman
- May 5** **“A Guide to Implementing Public Employee Discipline”**
 Mendocino County ERC | Webinar | Michael Youril
- May 5** **“Legal Issues Regarding Hiring”**
 Gold Country ERC | Webinar | Monica M. Espejo
- May 11** **“Maximizing Supervisory Skills for the First Line Supervisor - Part 1”**
 Monterey Bay & North State & Orange County & San Diego & San Gabriel Valley & San Mateo County ERCs | Webinar | Shelline Bennett & Nicholas M. Grether
- May 12** **“Maximizing Supervisory Skills for the First Line Supervisor - Part 2”**
 Los Angeles County Human Resources Consortium | Webinar | Laura Drottz Kalty
- May 18** **“Maximizing Performance Through Documentation, Evaluation and Corrective Action”**
 Coachella Valley & East Inland Empire & West Inland Empire ERCs | Webinar | Michael Youril
- May 19** **“Maximizing Supervisory Skills for the First Line Supervisor - Part 2”**
 Bay Area & Central Valley & Gateway Public & San Joaquin Valley & South Bay ERCs | Webinar | Heather R. Coffman & Nicholas M. Grether
- May 25** **“Family and Medical Care Leave Acts”**
 Central Coast & Imperial Valley ERCs | Webinar | Che I. Johnson
- May 25** **“Employees and Driving”**
 Humboldt County & Ventura/Santa Barbara ERCs | Webinar | James E. Oldendorph
- May 25** **“Maximizing Supervisory Skills for the First Line Supervisor - Part 2”**
 Monterey Bay & North State & Orange County & San Diego & San Gabriel Valley & San Mateo County ERCs | Webinar | Shelline Bennett & Nicholas M. Grether
- May 26** **“Managing the Marginal Employee”**
 North San Diego County ERC | Webinar | Stephanie J. Lowe
- June 1** **“Supervisor’s Guide to Public Sector Employment Law”**
 South Bay ERC | Webinar | Laura Drottz Kalty
- June 1** **“Maximizing Performance Through Documentation, Evaluation and Corrective Action”**
 Bay Area & Gold Country & San Diego ERCs | Webinar | Michael Youril
- June 2** **“Technology and Employee Privacy”**
 West Inland Empire ERC | Webinar | Danny Y. Yoo

June 2	"Management Guide to Public Sector Labor Relations" East Inland Empire & Napa/Solano/Yolo & NorCal ERCs Webinar Laura Drottz Kalty
June 9	"The Future is Now: Embracing Generational Diversity and Succession Planning" Los Angeles County Human Resources Consortium Webinar Christopher S. Frederick
June 9	"Maximizing Performance Through Documentation, Evaluation and Corrective Action" Central Valley ERC Webinar Michael Youril
June 15	"Difficult Conversations" Central Coast & Coachella Valley ERCs Webinar Heather R. Coffman & Alicia Arman
June 15	"Maximizing Performance Through Documentation, Evaluation and Corrective Action" North State ERC Webinar Joel Guerra
June 15	"Managing the Marginal Employee" Gateway Public & Orange County & Ventura/Santa Barbara ERCs Webinar Melanie L. Chaney
June 15	"Workers Compensation: Managing Employee Injuries, Disability and Occupational Safety" North San Diego County & San Mateo County & Sonoma/Marin ERCs Webinar Richard B. Goldman & Jeremiah A. Heisler
June 22	"Exercising Your Management Rights" Imperial Valley ERC Webinar Kevin J. Chicas
June 28	"Advanced Misconduct and Disciplinary Investigations" San Mateo County ERC Webinar Shelline Bennett
June 30	"The Future is Now - Embracing Generational Diversity and Succession Planning" Mendocino County & San Diego & San Gabriel Valley & Ventura/Santa Barbara & West Inland Empire ERCs Webinar Christopher S. Frederick
June 30	"Advanced FLSA" North San Diego County ERC Webinar Danny Y. Yoo

Customized Trainings

May 4	"Difficult Conversations" Riverside County Transportation Commission Danny Y. Yoo
May 4	"Preventing Workplace Harassment, Discrimination and Retaliation and Bystander Training" City of Burlingame Erin Kunze
May 4&5	"Training Academy for Workplace Investigators: Core Principles, Skills & Practices for Conducting Effective Workplace Investigations - Part 1" City of Los Angeles Webinar Paul D. Knothe
May 5	"Preventing Workplace Harassment, Discrimination and Retaliation" County of San Luis Obispo Webinar Yesenia Z. Carrillo
May 5	"Preventing Workplace Harassment, Discrimination and Retaliation" Employment Risk Management Authority (ERMA) Lindsay Shelline Bennett
May 10	"Preventing Workplace Harassment, Discrimination and Retaliation" Employment Risk Management Authority (ERMA) Porterville Michael Youril



May 11	"Preventing Workplace Harassment, Discrimination and Retaliation" Employment Risk Management Authority (ERMA) Webinar Stephanie J. Lowe
May 11	"Preventing Workplace Harassment, Discrimination and Retaliation and Workplace Bullying: A Growing Concern" Ventura Port District Los Angeles Jennifer Palagi
May 11	"The Art of Writing the Performance Evaluation" Southern California Association of Governments (SCAG) Los Angeles Christopher S. Frederick
May 12	"The Disability Interactive Process" Employment Risk Management Authority (ERMA) Webinar James E. Oldendorph
May 17	"Maximizing Performance Through Evaluation, Documentation, and Corrective Action" City of Stockton Webinar Che I. Johnson
May 17	"Preventing Workplace Harassment, Discrimination and Retaliation" San Ramon Valley Fire Protection District Heather R. Coffman
May 19	"HR Bootcamp: Managing a Remote or Hybrid Workforce" Town of Truckee Webinar Stephanie J. Lowe
May 19	"Preventing Workplace Harassment, Discrimination and Retaliation" Housing Authority of the City of Alameda Webinar Yesenia Z. Carrillo
May 25	"FLSA" Los Angeles World Airports (LAWA) Webinar Elizabeth Tom Arce
May 26	"Nuts & Bolts: Navigating Common Legal Risks for the Front Line Supervisor" California Sanitation Risk Management Authority (CSRMA) Webinar Heather R. Coffman
June 11	"Preventing Workplace Harassment, Discrimination and Retaliation" City of Clovis Yesenia Z. Carrillo
June 15&16	"Maximizing Performance Through Evaluation, Documentation, and Corrective Action" Mendocino County Webinar Jack Hughes
June 15&23	"Preventing Workplace Harassment, Discrimination and Retaliation" Employment Risk Management Authority (ERMA) Webinar Stephanie J. Lowe
June 28	"Leaves, Leaves and More Leaves" California Sanitation Risk Management Authority (CSRMA) Webinar Kevin J. Chicas
June 28	"Key Legal Principles for Public Safety Managers - POST Management Course" Peace Officer Standards and Training - POST San Diego English R. Bryant

Seminars/Webinars

May 6	"FLSA for Public Safety" Liebert Cassidy Whitmore Webinar Richard Bolanos
May 19	"Trends & Topics at the Table - Part 1" LCW Labor Relations Certification Program Webinar Jack Hughes
May 25	"The New Landscape: 2022 Peace Officer Employment" Liebert Cassidy Whitmore Lakewood J. Scott Tiedemann & Paul D. Knothe

May 26	"Trends & Topics at the Table - Part 2" LCW Labor Relations Certification Program Webinar Jack Hughes
May 31	"Train the Trainer: Guide for Preventing Harassment, Discrimination and Retaliation" Liebert Cassidy Whitmore Webinar Christopher S. Frederick
June 7	"Train the Trainer Refresher: Harassment Prevention" Liebert Cassidy Whitmore Webinar Christopher S. Frederick
June 9	"Self-Auditing Regular Rate Compliance" Liebert Cassidy Whitmore Webinar Peter J. Brown
June 16	"Bargaining Over Benefits - Part 1" LCW Labor Relations Certification Program Webinar Steven M. Berliner
June 21	"Best Practices for Conducting Fair and Legally Compliant Internal Affairs Investigations - Day 1" Liebert Cassidy Whitmore Citrus Heights Jesse Maddox & Suzanne Solomon
June 22	"Best Practices for Conducting Fair and Legally Compliant Internal Affairs Investigations - Day 2" Liebert Cassidy Whitmore Citrust Heights Jesse Maddox & Suzanne Solomon
June 23	"Bargaining Over Benefits - Part 2" LCW Labor Relations Certification Program Webinar Steven M. Berliner
<u>Speaking Engagements</u>	
May 4	"Peace Officer Personnel Records and the California Public Records Act" League of California Cities 2022 City Attorneys' Spring Conference Carlsbad Geoffrey S. Sheldon
May 4	"The Tension Between the Right to Privacy and Police Technology" League of California Cities 2022 City Attorneys' Spring Conference Carlsbad James E. Brown & Neil Okazaki
May 4	"Defining Board & Staff Roles and Relationships - Day 1" Special District Leadership Academy (SDL) Webinar Webinar Mark Meyerhoff
May 5	"Frequent FLSA Liability Risks in Public Agencies" League of California Cities 2022 City Attorneys' Spring Conference Carlsbad Jennifer Palagi
May 5	"Defining Board & Staff Roles and Relationships - Day 2" SDL Webinar Webinar Mark Meyerhoff
May 11	"Attorney Roundtable Talk" Bay Area Directors of Admission (BADA) 2022 Symposium Webinar Grace Chan
May 11	"Attorney Roundtable Talk" BADA 2022 Symposium Webinar Grace Chan
June 8	"Executive Briefing: What Police Chiefs Need to Know about Labor Relations and Personnel Issues" California Police Chiefs Association (CPCA) Becoming a Police Chief: Developing a Mindset for Success and Service Palm Springs Laura Drott Kalty