



# BRIEFING ROOM

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

AUGUST 2022

## INDEX

Agency Fees .....	5
California Public Records Act .....	3
Concealed Carry .....	3
Consortium Call Of The Month.....	6
Did You Know...? .....	7
Firm Victory .....	1
Government Immunity .....	6
Meyers-Milias-Brown Act.....	1

## LCW NEWS

Firm Activities .....	10
LCW In The News .....	10
New To The Firm .....	7
On Demand Training.....	9
Welcome Kim! .....	8

*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 VICTORY

### *Arbitrator Dismisses Union's Grievance As Untimely.*

Senior Counsel **Stefanie Vaudreuil** in our San Diego office was able to show that a union filed its grievance after the applicable deadline had passed. The Memorandum of Understanding (MOU) between the union and the employer stated that the union must file a grievance within 30 calendar days that the union becomes aware, or should have been aware, of the circumstances giving rise to the grievance.

Here, the grievance was filed in May 2021. The grievance alleged that the employer had violated the terms of the MOU by not giving union-represented employees 2.5% salary increases pursuant to a “fairness agreement.” Attorney Vaudreuil and our client were able to show that the union should have known of the salary increase for another bargaining unit when the employer approved that unit’s MOU in January 2020. This MOU also was posted on the employer’s website in March 2020. Further notices were posted in August 2020.

The arbitrator dismissed the entire grievance on grounds of timeliness and our client prevailed.

## MEYERS-MILIAS-BROWN ACT

### *Court Of Appeal Finds PERB Skipped Initial Analysis Of Whether Measure P Had A Significant And Adverse Impact.*

In 2016, the County of Sonoma (County)’s Board of Supervisors enacted an ordinance creating the County’s Independent Office of Law Enforcement Review and Outreach (IOLERO) to provide independent review and audit of law enforcement policies and administrative investigations. Among other things, IOLERO could propose independent recommendations or determinations regarding administrative investigations into peace officer conduct.

In 2020, the Board saw a need to expand IOLERO’s powers and duties to enhance law enforcement transparency and accountability. The Board decided to introduce an initiative on the ballot, known as Measure P, for voters to consider during the November election. Measure P proposed numerous changes to IOLERO’s enabling ordinance, including empowering IOLERO to independently investigate: whistleblower complaints; Sheriff’s Office investigations into deaths of individuals in the Sheriff’s custody; and incomplete or otherwise deficient investigations. Measure P also authorized IOLERO to issue subpoenas to compel the production of documents or the attendance and testimony of witnesses. Measure P maintained restrictions on IOLERO from deciding “policies, direct[ing] activities, or impos[ing] discipline on other County departments, officers and employees. It is significant that Measure P did not alter the part of the ordinance that required IOLERO and the Sheriff to collaborate to create protocols to “further define and

specify the scope and process providing for IOLERO's receipt, review, processing, and audit of complaints and investigations in a mutually coordinated and cooperative manner."

On August 6, 2020, the Board passed a resolution to allow Measure P to be placed on the ballot. That same day, the Sonoma County Deputy Sheriffs Association (DSA) and Sonoma County Law Enforcement Association (SCLEA; collectively "Associations") learned of the scheduled vote on the measure and requested the County meet and confer regarding the measure's placement on the ballot. The County did not bargain with the Associations before placing Measure P on the ballot. The voters ultimately passed Measure P by a majority vote.

The Associations, representing officers and other employees working for the Sheriff, filed unfair practice charges against the County. They alleged that the County violated the MMBA by failing to: notify them about Measure P; and bargain over the decision to place the measure on the ballot or the effects of that decision. Informal attempts to resolve the dispute failed, and PERB reviewed the matter.

In its decision, PERB concluded that the County's decision to place certain amendments to Measure P on the ballot was subject to bargaining and that the amendments were subject to "effects" bargaining. As a remedy, PERB severed the subject amendments from Measure P, declaring them void and unenforceable as to those employees who the Associations represented. PERB also ordered the County not to enforce or apply those amendments to employees represented by the Associations, and to meet and confer with them before placing any matter on the ballot that affects employee discipline and/or other negotiable subjects. The County appealed to the California Court of Appeal.

On appeal, the County argued that PERB failed to make a preliminary assessment of whether the Board's decision to place Measure P on the ballot significantly and adversely affected the Associations' members' working conditions. They contended that this failure caused PERB to erroneously conclude that bargaining was necessary before first determining whether the Measure was a matter within the scope of representation under the MMBA. The Court of Appeal agreed with the County.

Both parties agreed that the decision to place Measure P on the ballot was a "fundamental managerial decision". In *Claremont Police Officers Assn. v. City of Claremont*, the California Supreme Court addressed "whether an employer's action implementing a fundamental decision" was subject to the bargaining requirement under the MMBA by establishing a three-prong test.

Under the first prong, if the management action does not have a significant and adverse effect on wages, hours, or working conditions of the bargaining-unit employees, then there is no duty to meet and confer. Only if there is a significant and adverse effect should the second and third prongs be considered.

In this case, however, PERB conceded that it did not apply the *Claremont* test to determine whether Measure P had a significant and adverse effect on wages, hours, or working conditions. Given that there were no provisions of Measure P that on their face impacted wages, hours, or working conditions, the California Court of Appeal reasoned that PERB erroneously skipped the first prong of *Claremont* and failed to establish whether the matter was even within the scope of representation under the MMBA in the first place.

Regarding effects bargaining, the Court noted there was no dispute that Measure P's provisions involving IOLERO: directly accessing, reviewing, and publicly posting body-worn camera video footage; and being able to directly contact witnesses and subjects of investigations, had foreseeable effects that subjected them to the MMBA's effects bargaining requirements. The Court rejected the County's argument that PERB was conflating the firm decision date and the implementation date. The Court agreed with PERB that, in line with past precedent, the County was obligated to bargain those effects with the Associations before placing the Measure on the ballot, not just before implementing the subject amendments.

Finally, the Court concluded that PERB exceeded its authority through its remedial order declaring Measure P's provisions void and unenforceable as to the Associations' members. The Court remanded the matter to PERB to strike its remedial order and determine whether Measure P was within the scope of representation under the MMBA.

*County of Sonoma v. Public Employment Relations Board (Sonoma County Deputy Sheriff's Association)*, 80 Cal.App.5th 167 (2022).

#### Note:

*The Court rejected an additional argument from the County that PERB lacked remedial authority over peace officers. The Court concluded that Section 3511 outlining PERB's jurisdiction included peace officer Associations.*

## CONCEALED CARRY

### *State AG Alerts Local Law Enforcement To Omit “Good Cause” Requirement From CCW Permitting.*

On June 24, 2022, California Attorney General’s Office released a Legal Alert regarding the recent U.S. Supreme Court opinion in *N.Y. State Rifle & Pistol Association v. Bruen*. In that case, the Supreme Court concluded that the State of New York’s requirement that “proper cause” be demonstrated to obtain a permit to carry a concealed weapon in most public places violated the Second and Fourteenth Amendments of the U.S. Constitution. Moreover, the Court identified California as a state having an analogous law.

Under California Penal Code Sections 26150 and 26155, local law enforcement officials—sheriffs and chiefs of police—are authorized to issue licenses allowing license holders to “carry concealed a pistol, revolver, or other firearm capable of being concealed upon the person.” In counties where the population is less than 200,000, local officials are also authorized to issue licenses permitting open carry only in that jurisdiction (Penal Code Sections 26150(b)(2); 26155(b)(2)). These licenses, whether for concealed carry or open carry, exempt the holder from many generally applicable restrictions on the carrying of firearms in public. Local officials are only authorized to issue such licenses under the Penal Code upon proof that (1) “the applicant is of good moral character,” (2) “[g]ood cause exists for issuance of the license,” (3) the applicant is a resident of the relevant county or city (or has their principal place of business or employment in that county or city), and (4) the applicant has completed a course of training.

Pursuant to *Bruen*, however, the Attorney General has found that the “good cause” requirements in California Penal Code Sections 26150(a)(2) and 26155(a)(2) are now unconstitutional and unenforceable. Therefore, permitting agencies should no longer require a demonstration of “good cause” on concealed carry permits. The Attorney General instructs that local officials can and should continue to apply and enforce all other aspects of California law regarding public-carry licenses. In particular, the requirement that a public-carry license applicant provide proof of “good moral character” remains constitutional.

The investigation into whether an applicant satisfies the “good moral character” requirement should go beyond the determination of whether any “firearms prohibiting categories” apply, such as a mental health prohibition or prior felony conviction. As an example of a helpful model policy on assessing good moral character, the Attorney General pointed to Riverside County Sheriff’s Department’s Policy, which provides, “Legal judgments of good moral character can include consideration of

honesty, trustworthiness, diligence, reliability, respect for the law, integrity, candor, discretion, observance of fiduciary duty, respect for the rights of others, absence of hatred and racism, financial stability, profession-specific criteria such as pledging to honor the constitution and uphold the law, and the absence of criminal conviction.”

The Attorney General advised that law enforcement agencies that issue licenses to carry firearms in public should consult with their own counsel, carefully review the decision in *Bruen*, and continue to protect public safety while complying with state law and the federal Constitution.

*Office of the California Attorney General, Legal Alert No. OAG 2022-02, dated June 24, 2022.*

## CALIFORNIA PUBLIC RECORDS ACT

### *Sheriff Could Not Block CPRA Request For Investigation Records Because He Was Not A County Employee.*

In September 2020, several non-sworn County of Sonoma management employees and the Chair of the Board of Supervisors jointly retained a private law firm to conduct an impartial investigation into a complaint against Sheriff Mark Essick.

In December a local newspaper submitted a request under the California Public Records Act (CPRA) seeking the final investigative report. The County Counsel’s office informed Essick that it intended to release the documents requested, which included the original complaint, the formal notice containing the outcome of the investigation, the confidential executive summary of investigative report, and a redacted copy of the confidential investigative report (collectively referred to as “investigation report”).

Sheriff Essick then filed a complaint for declaratory and injunctive relief against the County to prevent the release of the investigation report to the newspaper. The superior court denied Sheriff Essick’s “reverse” CPRA complaint. The trial court entered a minute order denying the preliminary injunction, ruling there was no evidence to show the investigative records should be classified as “personnel records” (Penal Code Section 832.7(a)) that are protected from public release. Essick appealed.

In the California Court of Appeal, Essick primarily relied upon the “Pitchess” process outlined in Penal Code Sections 832.7 and 832.8, which provides a procedure for

maintaining as “confidential” the “personnel records of peace officers” as well as “information obtained from these records.” Essick also argued that the County could not release the investigation report because the County promised him that it would abide by Government Code Section 3300 et seq. (the Public Safety Officers Procedural Bill of Rights Act [POBRA]), and it therefore was bound to keep the results of the investigation confidential.

The Court noted that those laws only applied if Essick could prove that the County was Essick’s employer. The Court found Essick failed to do.

First, the Court noted that the sheriff is a public official elected by Sonoma County voters. As a result, he is ultimately responsible to the voters alone. The County Board of Supervisors lacks any authority to hire, appoint, discipline, or terminate the sheriff. The Court rejected Essick’s argument that Government Code Section 25303 created an employer-employee relationship between the Board of Supervisors and the county sheriff. That law gives the County Board of Supervisors the “duty to supervise the conduct of all county officers.” The Court found this statute gave the Board only an oversight responsibility, but no actual power to direct how the sheriff carried out official duties. The *Pitchess* statutes, which make peace officer records confidential, only apply to “personnel records”. *Pitchess* defines “personnel records” as anything in a file maintained under the officer’s name “by his or her *employing agency*” (Penal Code Section 832.8(a) [emphasis added].)

Second, the Court concluded that the County did not take on the role of Essick’s employer by requesting the investigation report. Because the investigation report was the product of an independent outside query, the fact that the Board initiated the complaint intake, decided to investigate, determined the process of investigation, made a final determination, and maintained the records relating to the complaint was merely part of the Board’s legislative oversight role.

Finally, Essick argued that the fact that the County promised to conduct the investigation under POBRA created an enforceable legal promise that the records would be confidential. The Court disagreed. The Court noted that nothing in the POBRA guarantees confidentiality against CPRA requests; the confidentiality of peace officer records comes from the *Pitchess* statutes. Since the County was not Essick’s employer, the *Pitchess* confidentiality statutes did not apply. The Court found that the *Pitchess* statutes “provide no shield against embarrassment to an elected official who also happens to be a peace officer.”

The Court affirmed the trial court’s denial Sheriff Essick’s request for a preliminary injunction to prevent the CPRA request.

*Essick v. County of Sonoma*, 80 Cal.App.5th 562 (2022).

#### Note:

*This case confirms that Sheriffs are elected officials and not employees who are entitled to any of the myriad of California’s employment laws.*

#### *Timing Of CPRA Request Prevented Disclosure Of Peace Officer Records.*

Jerald Wyatt was a police officer for Kern High School District (KHSD). During Kern’s employment, an internal affairs investigation was opened into allegations against him. By the time the investigation was completed, the KHSD no longer considered Wyatt an active employee. In November 2017, Wyatt requested to review his KHSD personnel records. He made the request because he had “been offered a position with the Kern County [District Attorney’s] Office as an Investigator,” and the DA was about to conduct his background investigation. When Wyatt requested access to his personnel file, he discovered a document listing two sustained findings for “Misuse of [the California Law Enforcement Telecommunications System]” and “Dishonesty.” Wyatt claimed that he was not notified of these findings.

On January 1, 2019, Senate Bill 1421 (SB 1421) went into effect. This law permits certain types of peace officer personnel records to be disclosed under the California Public Records Act (CPRA). The disclosable records include records relating to sustained findings of certain dishonesty-related peace officer misconduct. Prior to this law, such records were only accessible via a *Pitchess* motion.

Following the enactment of SB 1421, KHSD received various records requests seeking information concerning KHSD officer-involved events. On April 25, 2019, upon receipt of the CPRA requests, KHSD notified Wyatt that it had identified “documents from [Wyatt’s] personnel file responsive to these requests”.

Upon receipt of the notification, Wyatt filed a petition for a writ of mandate, temporary restraining order, and preliminary injunction, to enjoin KHSD from producing his personnel documents in response to the CPRA requests. He argued that the records at issue did not relate to “sustained” findings (as the term is defined in Penal Code Section 832.8(b)) because he was never notified of such findings, and did not receive an opportunity to administratively appeal. KHSD argued that Wyatt’s voluntary separation of employment precluded KHSD from imposing discipline, and, there was therefore no need for KHSD to provide Wyatt with

notice and an opportunity for administrative appeal. KHSD contended Wyatt's voluntary separation of employment from KHSD effectively waived his right to any administrative appeal.

The trial court determined KHSD was had an obligation to give proper notice of a 'final determination' [to Wyatt] if one had been made, and not simply place a "memo to file" among other records. The trial court ruled "[t]he subject records relate to an incident for which there was no 'sustained finding' within the meaning of Penal Code [Section] 832.7 (b), and are therefore confidential and exempt from disclosure under state law," citing Government Code Section 6254(k) and Penal Code Section 832.7(a). KHSD appealed to the Fifth District of the California Court of Appeal.

The appellate court examined the statutes at issue. The term "sustained" as used in Penal Code Section 832.7 is (and, at the time of the CPRA requests, was) defined in Penal Code Section 832.8 as: "'Sustained' means a final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Sections 3304 and 3304.5 of the Government Code, that the actions of the peace officer or custodial officer were found to violate law or departmental policy."

The Court found the statutes continue to protect peace officer privacy interests except for certain records including those that relate to "sustained" findings involving certain types of officer misconduct. The Court also found that the alleged "sustained" findings contained in the IA findings document do not fit precisely within the plain language of Senate Bill 1421 since Wyatt was never provided notice and an opportunity to challenge the findings by way of an administrative appeal. The appellate court concluded that the records at issue were not disclosable.

The appellate court also noted that the CPRA request at issue in this case was made before January 1, 2022. Senate Bill 16, which went into effect on January 1, 2022, after the CPRA request in this case. Under Senate Bill 16, "Records that shall be released pursuant to this subdivision also include records relating to an incident ... in which the peace officer or custodial officer resigned before the law enforcement agency ... concluded its investigation into the alleged incident." (Penal Code Section 832.7(b)(3).) As a result, the Court directed the trial court to limit the injunction to prohibit disclosure of the subject records only in response to those CPRA requests received by KHSD prior to January 1, 2022. To the extent KHSD may receive future CPRA requests on or after January 1, 2022, seeking disclosure of the subject records, the Court said that neither its opinion in this

case nor the judgment or writ issued in the trial court will determine whether the subject records should be disclosed.

*Wyatt v. Kern County*, 2022 WL 2662880.

#### Note:

*The Court found that Senate Bill 16, effective January 1, 2022, made the issue of a sustained finding irrelevant if a subject peace officer resigns before the law enforcement agency concludes its investigation into alleged misconduct.*

## AGENCY FEES

### *County Can Claim "Good Faith" Defense To Employees' Claim For Refund Of Agency Fees.*

In 2018, the U.S. Supreme Court held in *Janus v. American Federation of State, County, & Municipal Employees, Council* that a union's compulsory collection of agency fees violated the First Amendment. This holding overruled nearly 40 years of case law precedent.

In response to *Janus*, several public-sector employees filed a class action lawsuit under the federal civil rights law at 42 USC Section 1983 seeking to retroactively recover any agency fees that the Santa Clara County Correctional Peace Officers Association and Santa Clara County took from their salaries. The U.S. district court dismissed the action, holding that the parties' "good faith" reliance on the law pre-*Janus* law meant that they need not return the agency fees.

In a subsequent case, *Danielson v. Inslee*, the Ninth Circuit held that private parties, including unions, may invoke an affirmative defense of good faith to retroactive monetary liability under Section 1983 if they acted in direct reliance on then-binding U.S. Supreme Court precedent and presumptively-valid state law.

However, the question of whether the "good faith" defense applied to municipalities remained open, and this appeal was filed. The Ninth Circuit concluded that, because unions get a good faith defense under *Danielson* to a claim for a refund of pre-*Janus* agency fees, and municipalities' tort liability for proprietary actions is the same as private parties, Santa Clara County was also entitled to a good faith defense to Section 1983 liability for collecting pre-*Janus* agency fees.

Rejecting the employees' arguments, the court noted that the County was only an intermediary that merely facilitated the collection of agency fees from the employees' paychecks and transferred the funds to

the Union at the Union's request. Given the County's limited role, the court declined to hold the municipality to a different standard than the Union.

Moreover, the County's conduct to collect and transfer agency fees had been directly authorized under both state law and decades of U.S. Supreme Court jurisprudence. The very purpose of a "good faith" defense is to allow private parties to rely on binding judicial pronouncements and state law without concern that they will be held liable retroactively due to changing precedents. The Ninth Circuit concluded that same principles of equity and fairness applied to municipalities. Accordingly, it affirmed the lower court's dismissal of the case.

*Allen v. Santa Clara County Correctional Peace Officers Association*, 38 F.4th 68 (9th Cir. 2022).

## GOVERNMENT IMMUNITY

### *CHP Was Not Immune From Wrongful Death Lawsuit Caused By On-Duty CHP Officer.*

In the early morning of October 14, 2019, Danuka Silva was riding with another passenger in the back of a rideshare vehicle driven for Uber. While on the freeway, the driver abruptly stopped the vehicle and demanded the two passengers exit, refusing to pull to the shoulder first. As the passengers attempted to cross the freeway to safety, Sergeant Richard Langford's patrol car struck and killed Danuka while Langford was responding to an emergency call concerning an altercation on the freeway.

On February 5, 2020, Marakkalage and Shirin Silva filed a complaint alleging causes of action for negligence and wrongful death, as well as a survival cause of action claims for negligence and wrongful death. They alleged Langford violated Vehicle Code Section 22350 for which California Highway Patrol (CHP) was liable as Langford's employer. At the time of the collision, Langford was driving at an excessive speed without activating his patrol car's lights and sirens.

Langford and CHP each demurred to the first amended complaint, arguing the complaint was barred by investigative immunity conferred under Government Code Section 821.6. This law provides, "A public employee is not liable for injury caused by his instituting or prosecuting any judicial or administrative proceeding within the scope of his employment, even if he acts maliciously and without probable cause." The trial court granted both demurrers and this appeal followed.

Because Langford was immune from suit under Vehicle Code Section 17004, the California Court of Appeal declined to consider whether he was immune under 821.6. However, the Court did reason that even if Langford was immune from suit under Section 821.6 (in addition to his immunity under Vehicle Code Section 17004), it does not follow that CHP was immune.

The Court first noted that Government Code Section 821.6 immunity, like Vehicle Code Section 17004 immunity, expressly applies only to a "public employee." The court agreed with the Silvas's argument that CHP's immunity does not necessarily flow from any investigative immunity Langford may have under Section 821.6 because the language in Government Code Section 815.2(b). That law limits the public entity's immunity if "otherwise provided by statute." In this case, Vehicle Code Section 17001 provides a separate statutory basis for CHP liability: "A public entity is liable for death or injury to person or property proximately caused by a negligent or wrongful act or omission in the operation of any motor vehicle by an employee of the public entity acting within the scope of his employment." Therefore, because the first amended complaint specifically alleged CHP was liable under Vehicle Code Section 17001, it was therefore CHP's burden to establish its affirmative defense of governmental immunity, which it failed to do.

*Silva v. Langford*, 79 Cal.App.5th 710 (2022).

## CONSORTIUM CALL OF THE MONTH

Members of Liebert Cassidy Whitmore's employment relations consortiums may speak directly to an LCW attorney free of charge regarding questions that are not related to ongoing legal matters that LCW is handling for the agency, or that do not require in-depth research, document review, or written opinions. Consortium call questions run the gamut of topics, from leaves of absence to employment applications, disciplinary concerns to disability accommodations, labor relations issues and more. This feature describes an interesting consortium call and how the question was answered. We will protect the confidentiality of client communications with LCW attorneys by changing or omitting details.

Question: If police officers start work on their normal shift on one day and are held over into the next day, are they entitled to overtime?

Answer: FLSA does not have daily overtime, so a best practice is to refer to relevant provisions in any pertinent MOUs and past practice. The language of each MOU will

differ. For example, if an MOU entitles officers to OT for working more than eight hours in a day, there is an argument that after midnight is a new day, and therefore they are not entitled to overtime. However, if there is a past practice to pay OT based on continuous shifts as opposed to delineations based on the day, then an agency should continue with that practice. Agencies should also consider clarifying the language in any relevant policies or MOUs in the future to address this situation.

## DID YOU KNOW....?

Whether you are looking to impress your colleagues or just want to learn more about the law, LCW has your back! Use and share these fun legal facts about various topics in public safety.

- LCW Partner **James Oldendorph** and Associate **Ashley Sykora** recently authored an article for the Daily Journal to discuss the game-changing regulations surrounding SB 2 and its effects on peace officer employment.
- The bias-screening requirement in Government Code Section 1031 that was added through AB 846 was accidentally repealed by Legislature due to a typo. The temporary mistake has since been corrected.
- The one-year statute of limitations for conducting investigations into allegations of peace officer misconduct under Government Code Section 3304 is suspended if the investigation involves an act that would be workers' compensation fraud.

# NEW TO THE FIRM!



**Troy M. Heisman**, an associate in our San Francisco office, provides advice and counsel regarding a variety of employment law matters as an experienced investigator and litigator. Troy litigates in both state and federal court and has experience from pre-litigation through trial.



**Aleena Hashmi**, an associate in our Los Angeles office, is a skilled trial attorney who provides representation and counsel to clients in all litigation matters. Before joining LCW, Aleena gained legal expertise through her work at the Office of the Attorney General and the Los Angeles County District Attorney's Office, where she conducted preliminary hearings, jury trials, and authored appellate briefs.



**John LaCrosse** is an associate in LCW's San Diego office. As an experienced litigator, John assists clients with matter including labor and employment, governance, student discipline issues, and special education. He is also has experience in all aspects of the discovery process, including interviewing witnesses, and regularly conducts extensive and in-depth research.



**Kiyoshi Din** is an associate in our San Francisco office who provides representation and counsel to public agencies, educational institutions and non-profit organizations across the state. He is a litigator with experience in all aspects of the discovery process, including conducting pre-trial interviews and extensive in-depth research.

# Welcome To LCW!

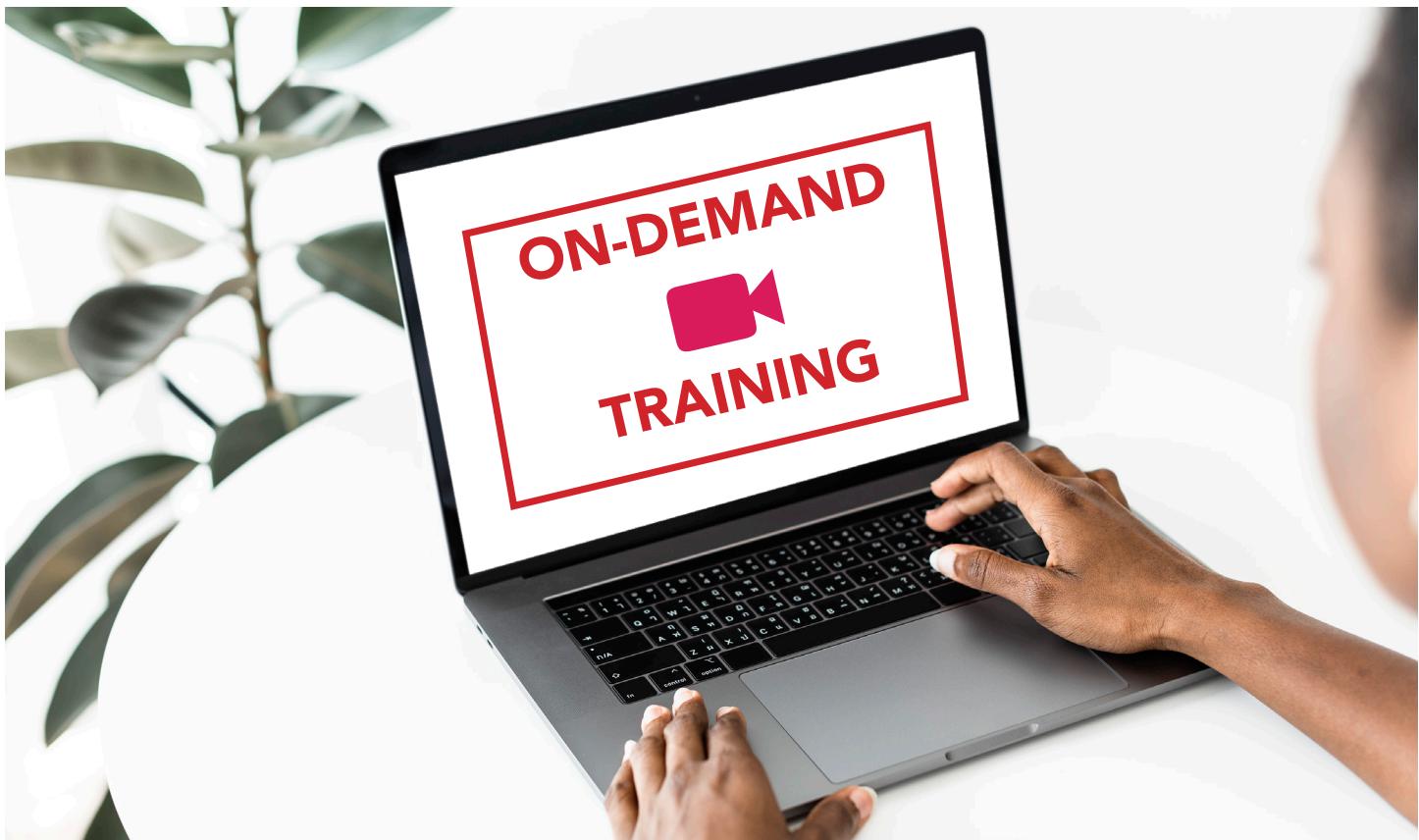


We are thrilled to announce that Kim Robinson has joined LCW's management team as the Director of Human Resources!

Kim Robinson comes to us after serving as the Vice-President of Human Resources and Administration for Child360 (formerly LAUP), a non-profit organization. Prior to her time at Child360, Kim acted as the Manager of HR and Administration at a national law firm for 5 years and the HR Administrator for an international law firm for over 15 years, respectively.

"With her background in law and human resources, Kim is a leader in her field. We welcome her to the firm and look forward to her contributions," LCW Managing Partner J. Scott Tiedemann stated. "I have no doubt she will be a key player in shaping our employee's experience and upholding our LCW values."

Please join us in welcoming Kim to the firm!



# Train Today.

LCW has created an engaging, interactive, and informative On-Demand training program. This training tool is easy to use lets your employees watch at their own pace and is led by one of our expert attorneys. The training also has quizzes incorporated throughout to assess understanding and application of the content. Once an employee successfully completes the training they will be issued a certificate of completion.

## Need to train one employee now?

Individual employees can view the training here by clicking on one of the below links:

[One Hour Non-Supervisory Version](#)

[Two Hour Supervisory Version](#)

## Training 10 or more employees?

We are here to help! Contact us at [on-demand@lcwlegal.com](mailto:on-demand@lcwlegal.com) with questions on discounted Agency-wide pricing.

[WWW.LCWLEGAL.COM/EVENTS-AND-TRAINING/ON-DEMAND-TRAINING](http://WWW.LCWLEGAL.COM/EVENTS-AND-TRAINING/ON-DEMAND-TRAINING)



# LCW In The News

To view these articles and the most recent attorney-authored articles, please visit: [www.lcwlegal.com/news](http://www.lcwlegal.com/news).

- Partner **Geoff Sheldon** and Attorney **Paul Knothe** authored an insightful article titled “For The Record” in the May/June issue of *Sheriff & Deputy* that addresses SB16 and the laws surrounding The Freedom of Information Act. Agencies in California are strongly advised to work closely with their legal advisors to ensure they are complying with the public's right to information and officers' confidentiality rights as to not leave themselves open to liability for violations of those rights. Click [here](#) for access to the full article (Page 62-63).
- Attorney **Lisa S. Charbonneau**, who regularly advises public employers in California on wage and hour compliance, shared her thoughts on seasonal employment in “Summer Shines Spotlight On Seasonal Wage Exemption,” which was published in the June 24th Employment Authority section of *Law360*. In the piece, Lisa addresses employment overtime exemption laws and how they affect seasonal employers. To read the full article, please click [here](#) (Law360 subscription required).
- Senior Counsel **Dave Urban** authored an article in *IPMA-HR* titled “High Court Ruling: Football Coach’s Prayers Amount to Private Speech.” Dave states, “This case not only involves free speech rights of a public school football coach to engage in prayer at games, but involves issues of establishment of religion and free speech as it applies in the entire public employment and education sector. The court’s opinion squarely addresses the current framework for speech law as it applies to talking about religion in or around the workplace.”
- Published in the Labor and Employment section of the *Daily Journal*, LCW Partner **James Oldendorph** and Attorney **Ashley Sykora** authored an insightful article titled “Game-changing Legislation Concerning Peace Officer Employment and Decertification.” This article evaluates the new regulations surrounding SB 2 and its effects on Peace Officer employment by promoting transparency and accountability in misconduct by opening the doors to Peace Officer decertification.

## MANAGEMENT TRAINING WORKSHOPS

## Firm Activities

### Consortium Trainings

Aug. 4	<b>“Human Resources Academy II”</b> Monterey Bay, NorCal & Sonoma/Marin ERCs   Webinar   Melanie L. Chaney & Matt Doyle
Aug. 11	<b>“Difficult Conversations”</b> Bay Area & Gateway Public & Orange County & San Diego ERCs   Webinar   Christopher S. Frederick & Alicia Arman
Aug. 11	<b>“Distinguishing Between Discipline And Disability Accommodation”</b> Gold Country & West Inland Empire ERCs   Webinar   Mark Meyerhoff
Aug. 11	<b>“The Future is Now - Embracing Generational Diversity and Succession Planning”</b> Humboldt County ERC   Webinar   Lisa S. Charbonneau & Hadara R. Stanton
Aug. 11	<b>“Moving Into the Future: Telecommuting and Remote Work”</b> LA County HR Consortium   Webinar   Alysha Stein-Manes & Daniel Seitz
Aug. 17	<b>“Workplace Bullying: A Growing Concern”</b> North State & San Mateo & South Bay ERCs   Webinar   Erin Kunze
Aug. 24	<b>“Difficult Conversations” and “Human Resources Academy I”</b> San Joaquin Valley ERC   Ceres   Michael Youril

Sept. 1	<b>"Maximizing Supervisory Skills for the First Line Supervisor"</b> Coachella Valley ERC   Coachella   Nicholas M. Grether
Sept. 7	<b>"Public Service: Understanding the Roles and Responsibilities of Public Employees"</b> Central Coast & Monterey Bay ERCS   Webinar   Nicholas M. Grether
Sept. 7	<b>"Maximizing Supervisory Skills for the First Line Supervisor Part 1"</b> NorCal & Sonoma/Marin ERCS   Webinar   Dana Burch
Sept. 7	<b>"Employees and Driving"</b> North State ERC   Webinar   Tony G. Carvalho
Sept. 7	<b>"Labor Negotiation Strategies"</b> Orange County Human Resources Consortium   Webinar   Peter J. Brown
Sept. 8	<b>"Maximizing Supervisory Skills for the First Line Supervisor"</b> East Inland Empire ERC   Fontana   Nicholas M. Grether
Sept. 8	<b>"Nuts &amp; Bolts: Navigating Common Legal Risks for the Front Line Supervisor"</b> Gold Country & Humboldt County & Imperial Valley & Mendocino County & North San Diego County & Orange County ERCS   Webinar   Che I. Johnson
Sept. 8	<b>"Prevention and Control of Absenteeism and Abuse of Leave"</b> Los Angeles County Human Resources Consortium   Webinar   Danny Y. Yoo
Sept. 14	<b>"Moving Into the Future: Telecommuting and Remote Work"</b> Central Valley & Napa/Solano/Yolo & San Mateo County ERCS   Webinar   Daniel Seitz
Sept. 15	<b>"Workplace Bullying: A Growing Concern"</b> Gateway Public & West Inland Empire ERCS   Webinar   Christopher S. Frederick
Sept. 21	<b>"Moving Into the Future: Telecommuting and Remote Work"</b> Bay Area & San Diego & San Gabriel ERCS   Webinar   Daniel Seitz
Sept. 21	<b>"Maximizing Supervisory Skills for the First Line Supervisor Part 2"</b> NorCal & Sonoma/Marin ERCS   Webinar   Dana Burch
Sept. 28	<b>"Human Resources Academy I"</b> Imperial Valley & Ventura/Santa Barbara ERCS   Webinar   Matt Doyle
Sept. 28	<b>"Human Resources Academy II"</b> San Joaquin Valley ERC   Ripon   Jack Hughes
Sept. 28	<b>"Distinguishing Between Discipline and Disability Accommodation"</b> San Joaquin Valley ERC   Ripon   Jack Hughes

#### Customized Training

Aug. 9	<b>"POBR"</b> City of Lathrop   Jesse Maddox
Aug. 9	<b>"Preventing Workplace Harassment, Discrimination and Retaliation"</b> County of San Luis Obispo   Webinar   Yesenia Z. Carrillo
Aug. 10	<b>"Implicit Bias"</b> Irvine Ranch Water District   Irvine   Laura Drottz Kalty

Aug. 30	<b>"Key Legal Principles for Public Safety Managers - POST Management Course"</b> Peace Officer Standards and Training - POST   San Diego   Mark Meyerhoff
Aug. 31	<b>"Implicit Bias"</b> Irvine Ranch Water District   Irvine   Laura Drott Kalty
Sept. 15	<b>"Reasonable Suspicion"</b> City of Roseville   Webinar   T. Oliver Yee
Sept. 17	<b>"Preventing Workplace Harassment, Discrimination and Retaliation"</b> City of Clovis   Yesenia Z. Carrillo
Sept. 20&22	<b>"Preventing Workplace Harassment, Discrimination and Retaliation"</b> City of San Carlos   Erin Kunze
Sept. 29	<b>"Law and Standards for Supervisors"</b> Orange County Probation Department   Santa Ana   Danny Y. Yoo

**Seminar/Webinars**

Aug. 4	<b>"Ethics in Law Enforcement"</b> Liebert Cassidy Whitmore   Webinar   Mark Meyerhoff
Aug. 18	<b>"The Rules of Engagement: Issues, Impacts &amp; Impasse - Part 1"</b> Liebert Cassidy Whitmore Labor Relations Certification Program   Webinar   Richard Bolanos
Aug. 25	<b>"The Rules of Engagement: Issues, Impacts &amp; Impasse - Part 2"</b> Liebert Cassidy Whitmore Labor Relations Certification Program   Webinar   Richard Bolanos
Sept. 14	<b>"FLSA Academy Day 1"</b> Liebert Cassidy Whitmore   Webinar   Lisa S. Charbonneau
Sept. 15	<b>"FLSA Academy Day 2"</b> Liebert Cassidy Whitmore   Webinar   Lisa S. Charbonneau
Sept. 20	<b>"FLSA Academy Day 3"</b> Liebert Cassidy Whitmore   Webinar   Peter J. Brown
Sept. 21	<b>"FLSA Academy Day 4"</b> Liebert Cassidy Whitmore   Webinar   Peter J. Brown
Sept. 21	<b>"Compliance"</b> Liebert Cassidy Whitmore   Webinar   Lisa. S. Charbonneau
Sept. 22	<b>"Nuts &amp; Bolts of Negotiations - Part 1"</b> Liebert Cassidy Whitmore Labor Relations Certification Program   Webinar   Laura Drott Kalty & Peter J. Brown
Sept. 29	<b>"Nuts &amp; Bolts of Negotiations - Part 2"</b> Liebert Cassidy Whitmore Labor Relations Certification Program   Webinar   Laura Drott Kalty & Peter J. Brown

**Speaking Engagements**

Aug. 25	<b>"Organizational Resiliency After COVID: Employees Are Always at the Heart of the Matter"</b> Urban Water Institute   San Diego   I. Emanuela Tala
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Sept. 9	<b>"Labor and Employment Litigation Update"</b> League of California Cities Annual Conference and Expo   Long Beach   Geoffrey S. Sheldon & Elizabeth Tom Arce
Sept. 20	<b>"Public Sector Employment Law Update"</b> Public Agency Risk Management Association (PARMA) Fall Training Conference   Fresno   Shelline Bennett

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