

## LABOR AND EMPLOYMENT

Our experienced Labor and Employment attorneys use their broad expertise to provide proactive counseling to help clients successfully navigate employment-related challenges under the complex federal and California state laws and regulations.

Our clients include start-ups and small and mid-size businesses, as well as national and international companies across all industries. Regardless of the client's size, we pride ourselves on being able to provide efficient and responsive guidance to help our clients avoid litigation. Such representation routinely involves an early evaluation of whether such disputes can be most effectively resolved through mediation, arbitration, or some other informal or formal dispute resolution procedure.

In the event of litigation, our attorneys regularly represent our clients in all California state and federal courts, and administrative agencies such as the Department of Fair Employment and Housing, Equal Employment Opportunity Commission, Department of Labor, Employment Development Department, Division of Labor Standards Enforcement, and Cal-OSHA. Our attorneys are also skilled in arbitration proceedings.

Our services include helping clients address:

- Wage and hour issues
- Discrimination and harassment investigations and claims
- Workplace privacy issues
- Hiring systems and documentation
- Employee discipline and terminations
- Disability and reasonable accommodations
- Protection of trade secrets, non-solicitation and non-compete agreements
- Compliance adherence
- Compensation and commission matters
- Personnel policies and handbooks
- Employment agreements and contracts including non-solicitation agreements and confidentiality agreements
- Grievance administration, exit negotiations, and severance agreements
- Leave of absence issues
- Employment matters relating to mergers and acquisitions
- Affirmative action plans
- Mass layoffs, reductions in force, and WARN issues
- Class actions

We also have experience in union organizing campaigns, negotiations, grievances and arbitrations, collective bargaining, and unfair labor practice charges.

You will find regularly published alerts highlighting changes in employment law in our Media Center.

**Professionals**

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MICHAEL BLUMENFELD  
PARTNER



CAROL CHOW  
OF COUNSEL



DAWN B. EYERLY  
PARTNER AND CO-GENERAL COUNSEL



JOANNE M. FRASCA  
PARTNER



JOHN P. GODSIL  
PARTNER



BRADLEY D. ROSS  
GENERAL COUNSEL



TERESA R. TRACY  
PARTNER



TAL K. TAYLOR  
SENIOR COUNSEL

## Representative Clients and Matters

- » *Brinkley v. Public Storage, Inc.* 167 Cal. App. 4th 1278 (2008) - Made new law regarding California requirements for meal and rest breaks, as well as wage statements.
- » *Balatesi v. Consulate General of Italy in Los Angeles*, Case No. cv 14-990 DMG (JEMx) (C.D. Cal., December 5, 2014) - Successfully argued that the Consulate General had sovereign immunity under state and federal employment laws.
- » *BBA Aviation v. Superior Court (Engen)*, 190 Cal.App.4th 421 (2010) - Successfully argued that a foreign holding company was not subject to state jurisdiction in an employment action.
- » *Palacio v. Progressive Insurance Co.*, 244 F. Supp. 2d 1040 (C.D. Cal. 2002) - The first case in which summary judgment was granted in favor of overtime exempt status of insurance claims adjusters under federal law, which was cited in the revisions to the regulations regarding exempt status and picked up by the United States Department of Labor, which again concluded that claims adjusters should be treated as exempt.
- » *Lee Myles Associates Corp. v. Paul Rubke Enterprises, Inc.*, 557 F.Supp.2d 1134 (S.D.Cal. 2008) - Achieved dismissal of action for alleged breach of licensing agreement, trademark, infringement and unfair competition, making new law regarding the disgorgement of profits under California's Unfair Competition Law.
- » *Pike v. Public Storage Companies, Inc.* ARB No. 00-072, ALJ No. 1998-STA-35 (ARB Aug. 10, 1999) - Successfully defended claim brought under the Surface Transportation Assistance Act.
- » *Hamid v. Price Waterhouse, et al.* 51 F.3d 1411 (9th Cir. 1995) - Obtained dismissal of claims against Emirate of Abu Dhabi in an international banking dispute involving close to one hundred parties.
- » *Citibank v. Crowell, Weedon & Co.*, 4 Cal. App. 4th 844 (1992) - Represented broker-dealer in dispute regarding stolen bearer bonds.
- » *Cacciaguidi v. Superior Court*, 226 Cal. App. 3d 181 (1990) - Represented broker-dealer in action for abuse of process and

conspiracy.

- » Successfully defended national transportation company in wage and hour class action litigation.
- » Successfully defended regional retail company in wage and hour class action litigation.
- » Won summary judgment and successfully represented Fortune 500 client in meal and rest break class action litigated to the California Supreme Court.
- » Successfully defended national retail store operator in wage and hour class action litigation.
- » Represented national law firm in obtaining summary judgment on significant employment discrimination claims.
- » Created and coordinated the implementation of numerous reductions in force and plant closings for national companies.

## Presentations & Publications

- » Teresa R. Tracy was a Featured Panelist on Webinar on Preparing for ICE Workplace Investigations | November 13, 2018
- » Teresa R. Tracy participated in a Stafford webinar on the NLRB's guidance on handbooks | September 5, 2018
- » Is Independent Contractor Status Dead in California? | FFS Insights | June 26, 2018
- » NLRB Is Now More Reasonable About Employee Handbooks | FFS Insights | June 19, 2018
- » Webinar | "Structuring Employee Handbooks: Arbitration Provisions, Social Media Policies, Whistleblower Protections and More" | Strafford | February 7, 2018
- » Reminder to In-house Counsel: Know Your California Bar Licensing Requirements! | December 18, 2017
- » Webinar | Employment Law Issues After a Natural Disaster or Other Crisis: Compensation, Leave, Workplace Safety and More | November 16, 2017
- » EEO-1 Required Information has Changed | September 13, 2017
- » Webinar | EEO Internal Investigations: Guidance for Employment Counsel | Strafford | September 7, 2017
- » Ninth Circuit Decision That Mortgage Underwriters are Nonexempt Under the FLSA Has Greater Ramifications | July 27, 2017
- » Webinar | EEOC Onsite Investigations: Employer Best Practices for Preparing for and Cooperating With Investigators | Strafford | February 22, 2017
- » New Year, New Employment Laws for 2017 | December 22, 2016
- » Happy Thanksgiving from Texas: New FLSA Exempt Salary Requirement Enjoined | November 23, 2016
- » Webinar | Employee Handbooks Under Heightened Scrutiny: Guidance for Employment Counsel Structuring Handbook Provisions | November 9, 2016
- » Arash Beral Published in Four Law360 Sections, "The Flaw in DTSA's Civil Seizure Provision" | July 22, 2016
- » "New Sexual Harassment Regulations" | Greater Los Angeles Association of Legal Administrators | July 1, 2016
- » The Defend Trade Secrets Act Compels Employers to Provide Mandatory Immunity Notice | April 29, 2016
- » Webinar | "NLRB Issues for Unionized and Non-Unionized Employers" | Law Firm Alliance | March 22, 2016
- » Webinar | "Employees' New Tactic to Challenge Arbitration Agreements: A Trip to the NLRB" | Strafford | December 22, 2015
- » Webinar | "Drafting Employee Handbooks: Minimizing Exposure Risks" | Strafford | November 3, 2015
- » A New Pitfall for California Employers: Use of the Terms "Alien" and "Illegal" | August 19, 2015
- » DOL Says "Most Workers Are Employees" Under New Administrator's Interpretation | July 16, 2015
- » The DOL Proposed Changes to Exempt Status: Tip of The Iceberg For California Employers | July 7, 2015
- » July 1, 2015: A Day of Change for California Employers (Part 2) | June 16, 2015
- » July 1, 2015: A Day of Change for California Employers (Part 1) | June 9, 2015

- » "Defending Against Damages in Wage and Hour Litigation: Preventive and Trial Techniques" | Strafford | November 1, 2014
- » Governor Brown Signs New Bill Requiring Paid Sick Leave | September 19, 2014
- » California Minimum Wage Increase Impacts Certain Exempt Employees and Commissioned Inside Sales Employees | June 25, 2014
- » "Family Medical Leave Act: Leave Administration and Reasonable Accommodation Seminar" | Human Resources Managers of a prominent international food services company | June 1, 2014
- » IRS 2014 Mileage Rate Increase | January 23, 2014
- » New Employment Laws for 2014 | January 6, 2014
- » "Wage & Hour Compliance Under California's Employee-Friendly Framework and New Legislation" | Strafford | January 20, 2014
- » "California's New Procedure for Investigating and Litigating Employment Discrimination Claims" | Strafford | December 1, 2013
- » New California Overtime Requirements for Domestic Workers | September 30, 2013
- » Commissioned Employee Without a Guaranteed Minimum Salary Is Not Exempt | July 1, 2013
- » Employers Now Required to Use New and Revised I-9 Form | May 1, 2013
- » California Court Expands Amount of Leave Which Must be Provided to Employees Who Are Disabled by Pregnancy | April 1, 2013
- » Employers Arguing "Mixed Motive" Defense to FEHA Discrimination Claims May Now Avoid Liability | March 1, 2013
- » New Laws in Effect Regarding Employee Pregnancy Leave | February 1, 2013
- » Employee Commission Agreements Must Be In Writing Starting January 2013 | January 10, 2013
- » New Law Takes Effect January 1, 2013 Regarding Employee Wage Statements | January 2, 2013
- » New Law To Take Effect January 1, 2013 Regarding Employee Access to Personnel Files | December 3, 2012
- » Election Day 2012 – Time Off To Vote | November 1, 2012
- » "Senate Bill 1186: curbing abusive disability access suits" | Los Angeles Daily Journal | October 18, 2012
- » Will A New Law Finally Bring Property Owners Relief From ADA Lawsuits? | October 14, 2012
- » Arbitration Provisions In Employee Handbooks May Not Be Enforceable | September 1, 2012
- » "When the EEOC Comes Knocking: Anticipating and Responding to Discrimination and Retaliation Investigations" | Strafford | July 7, 2011
- » "The New ADA Regulations: Managing Legal Exposure" | Celesq® AttorneysEd Center in partnership West LegalEdcenter | June 17, 2011
- » EEOC Issues Final Regulations for ADA Amendments Act - Expansion of 'Disability' | June 3, 2011
- » "Employee Handbooks: Keys to Drafting Effective Policies for Your Clients" | National Constitution Center | March 9, 2011
- » "Drafting Your Smartphone Policy for Healthcare: Legal Do's & Don'ts" | Progressive Business Audio Conferences | August 11, 2010
- » "Cell Phone, BlackBerry and Social Media Policies that Minimize Employer Liability" | National Constitution Center | January 15, 2010
- » "EEOC Investigations on the Rise: Proactive Strategies to Respond to Discrimination Investigations and Prevail in Claims" | Strafford | January 14, 2010
- » "Effective Employee Handbooks: Drafting Policies That Work" | Progressive Business Audio Conferences | November 1, 2009
- » "California Wage and Hour Issues Affecting Residential Cleaning Franchisees" | October 1, 2009
- » "E-mail, Facebook & Blogging: Employee Internet Policies You Need Now" | Progressive Business Audio Conferences | September 18, 2009
- » "Drafting and Enforcing Dress Code Policies: What's Working, What's Not" | Progressive Business Audio Conferences | August

- 1, 2009
- » "Ricci v. DeStefano: Balancing Title VII Disparate Treatment and Disparate Impact" | Strafford | July 16, 2009
  - » "Bulletproof Your Employee Handbook" | Progressive Business Audio Conferences | June 5, 2009
  - » "2009 Labor and Employment Law Update" | Paramount Educational Seminars | April 23, 2009
  - » "California Employment Law Update 2009: New Changes You Need to Know" | National Constitution Center | April 1, 2009
  - » "EEOC Investigations: Effective Employer Strategies" | Strafford | April 1, 2009
  - » "Employee Free Choice Act: Legal Strategies for Employers Facing Broader Unionizing Rights" | Strafford | April 1, 2009
  - » "The New Employer COBRA Obligations" | Professionals in Human Resources Association, District 11 | March 12, 2009
  - » "The Lilly Ledbetter Fair Pay Act" | Strafford | February 5, 2009
  - » "The Employee Free Choice Act" | Professionals in Human Resources Association | January 1, 2009
  - » "Civil Rights Litigation Update" | National Business Institute | July 3, 2008
  - » "New Laws for California Employers for 2008" | Blue Collar Crossing | January 1, 2008
  - » "Defending Collective and Class Claims: Class Certification, Trial and Settlement Strategies" | Strafford | September 1, 2007
  - » "Managing DOL Investigations and Avoiding Litigation" | Strafford | September 13, 2007
  - » "Latest Developments in Employment Law: What's In It For In-House Counsel?" | Association of Corporate Counsel America Southern California Chapter | January 12, 2007
  - » "Wage and Hour Collective and Class Claims: Strategies for Defending Claims and Limiting Damages" | Strafford | March 1, 2006
  - » "Electronic Discovery Do's and Don'ts" | Association of Corporate Counsel America Southern California Chapter | January 27, 2006
  - » "Workplace Romance Poses New Legal Risk for Employers" | Strafford | November 1, 2005
  - » "FMLA in Flux" | Strafford | October 6, 2005
  - » "Employers May Debit Exempt Workers for Part-Day Absences" | Los Angeles Daily Journal | September 1, 2005
  - » "Wage and Hour Collective and Class Claims: Changing State of the Law and Best Practices for Minimizing Claims" | Strafford | September 1, 2005
  - » "Non-Compete Agreements Under Fire: Crafting Contracts to Protect Your Assets" | Strafford | August 10, 2005
  - » "Disparate Impact Under the ADEA: Understanding the Practical Effect of Smith v. City of Jackson, Mississippi" | Strafford | July 1, 2005
  - » "10th Annual Litigators Forum" | Women Lawyers Association of Los Angeles | May 4, 2005
  - » "Equal Employment Opportunity Cases" | The California Labor & Employment Quarterly | 1996 - 2005 | January 4, 2005
  - » "The Elimination of Bias in the Legal Department" | Association of Corporate Counsel America Southern California Chapter | January 6, 2005
  - » "Practical Applications of Employment Law" | Sterling Education Services | April 1, 2004
  - » "How Medical Information Fares in Judicial Proceedings" | Los Angeles County Bar Association, Labor & Employment Law Section | February 5, 2004
  - » "Navigating the Maze: Various Leaves" | Professionals in Human Resources Association Annual Conference | January 1, 2003
  - » "Fundamentals of Employment Law Practice" | The State Bar of California | January 10, 2001
  - » "What Do You Mean This Person Is My Employee??" | Society for Human Resource Management, 52nd Annual Conference & Exposition | June 1, 2000
  - » "Avoiding Employer Liability: Things You Should Know and Do" | Women Lawyers Association of Los Angeles and National Association of Women Business Owners, Los Angeles Chapter | November 4, 1999
  - » "Employment Law for Entrepreneurs" | UCLA MBA Program |

» “Living Trusts & More” | “It’s Your Estate” Workshop Series |