

## Employment Counseling

Businesses and public entities in California rely upon the skilled employment lawyers at Downey Brand to stay abreast of the challenges of increasing regulation.

Our employment attorneys assist clients in meeting these challenges by providing a strategic approach designed to anticipate, and hopefully prevent, employment related problems. Avoiding the pitfalls of governmental regulation and litigation begins from the moment a business or agency decides to hire a new employee. Downey Brand counsels its clients in every step of the employment relationship to create a productive and well-managed work force.

### Employee Handbook and Policy Review

Well-drafted employment agreements, policies and employee handbooks should anticipate issues that may occur in the workplace so problems rarely arise. We draft employee handbooks, policies and employment agreements to provide a framework for clearly defining workplace procedures and avoiding potential problems along with drug and alcohol testing policies and procedures.

### Employee Discipline

We regularly assist clients by evaluating employee performance and providing guidance on verbal warnings, written warnings, and terminations. We routinely work closely with internal and external investigators to address alleged employee misconduct and properly implement discipline, up to and including termination, where appropriate.

### Training Staff

Employers and personnel managers are regularly invited to our seminars that update them on changes in the law, recent court rulings and their applications in the workplace. We also provide staff training that is designed to prevent issues from ever becoming problems. We train employees to practically and reasonably deal with workplace issues of harassment, disabilities and drug testing. We also develop and present individualized training programs to management and leadership teams.

### Discrimination/Harassment Investigations and Complaint Resolution

Because few issues are more disruptive to an organization than personnel matters, employers require prompt attention and quality legal services when complaints arise. Complaint investigation and resolution is an opportunity to examine issues and prevent them from becoming problems that could lead to litigation. Our employment lawyers treat this as a strategic opportunity to maintain a productive workforce, and routinely help employers successfully resolve complaints of discrimination and harassment. We assist clients in

investigating and working through claims against CEO's, district managers, and other highly placed executives without litigation from any involved parties. We host in-house training seminars for Human Resources Managers on how to conduct sexual harassment investigations in light of recent case law developments.

## Family and Medical Leave

Handling employee leaves under the California Pregnancy Discrimination Act, the federal Family Medical Leave Act and the California Family Rights Act is a complex and constantly changing task. We provide well-tailored, individual advice to employers on the complexities of these overlapping laws and keep them informed of court rulings that impact these Acts.

## Americans with Disabilities Act

In all of our employment law representation, we seek to educate employers and help them to prevent litigation. This is especially true with the Americans with Disabilities Act where we are noting a rise in claims. We work closely with clients to devise individual interactive process and reasonable accommodation strategies. When necessary, however, we have successfully defended employers in state and federal court on the "reasonable accommodation" of disabled workers.

## Meyers-Milias-Brown Act

Downey Brand represents numerous public agencies as general counsel and advises them about the Meyers-Milias-Brown Act and procedural due process issues that arise in the discipline of public employees. Our employment lawyers walk clients through the steps for providing notice of proposed discipline, completing the Skelly hearing process, implementing discipline and, if necessary, representing public employers in post-termination due process hearings.

## OSHA Claims Prevention and Representation

Downey Brand works closely with clients to prepare effective Injury and Illness Prevention and training programs. We appeal citations on behalf of clients and work through the appeal and hearing processes to strategically craft mutual resolution agreements or defend against improper citations.

## Selected Experience

- Prepare California-compliant employee handbook for national pharmacy service, including comprehensive review of wage and hour compliance, harassment prevention and new leave of absence policies and practices and devise strategy for handling the termination and subsequent rehire of 100 employees.
- Prepare comprehensive wage and hour audit relating to insurance claims adjustors, targeting key areas of exposure, suggesting strategies for solidifying exemptions, and creating procedures to ensure appropriate documentation with respect to changes to non-exempt status.

- Conduct interviews and related workplace investigation stemming from accusations of employee misconduct in the workplace.
- Advise technology consulting company regarding termination and severance options for various employees during company downsizing.
- Analyze labor and employment risks and liabilities raised by the acquisition of a California company by a German manufacturer.

## Trade Groups

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- Capital Region Family Business Center
- California Lawyers Association Labor and Employment Law Section
- Sacramento County Bar Association Labor & Employment Section
- Society for Human Resource Management (SHRM)