

Labor & Employment Litigation

Overview

Employment litigation is always a risk. Costly, disruptive to business, time consuming and potentially damaging to the employer's reputation, the best strategy is generally avoidance. However, when litigation proves necessary or the best course of action, public and private entities rely on Best Best & Krieger LLP to represent them effectively in and out of court.

BB&K employment litigation attorneys have represented cities, all types of public agencies, school districts, special districts and private businesses since the firm's inception. We work closely and personally with each client to develop effective compliance and dispute resolution strategies, and we provide vigorous defense in all types of labor and employment litigation, arbitrations, CalSTRS and CalPERS appeals and other administrative proceedings at the federal, state and local levels.

Our attorneys have appeared on behalf of clients in proceedings before Department of Industrial Relations, Equal Employment Opportunity Commission, Office for Civil Rights, Public Employment Relations Board, National Labor Relations Board, Public Employment Relations Board, California Department of Fair Employment and Housing and Office of Administrative Hearings.

We have advised on and resolved disputes regarding a wide range of labor and employment issues. These include:

- **Union** contracts, collective bargaining issues, impasse procedures, grievance and arbitration proceedings, and other union-related matters
- Violations of laws such as Title VII, Title XI, Americans with Disabilities Act, Family and Medical Leave Act, California Fair Employment and Housing Act, California Family Rights Act, California Pregnancy Disability Leave Act, Fair Labor Standards Act and Worker Adjustment and Retraining Notification Act
- Discrimination, harassment and retaliation
- Substance abuse and testing
- Hiring, firing and discipline
- Workers' compensation
- **Employee Benefits & Executive Compensation**
- Workplace injuries

Key Contacts



Cynthia M. Germano

PARTNER

(951) 826-8232



Stacey N. Sheston

PARTNER

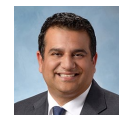
(916) 551-2099



Arlene Prater

PARTNER

(619) 525-1334



Joseph R. Sanchez

PARTNER

(619) 525-1372

Connected Industries

Agri-Business

Business

Education

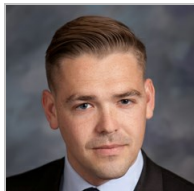
Franchise Law

BB&K litigators handle all necessary motions, discovery, witnesses, trial preparation and trial itself, both jury and nonjury.

Proactive Guidance & Litigation Avoidance

Recognizing the potential exposure litigation poses, we work closely with clients, assisting them in developing, administering and enforcing employment policies and best practices designed to avoid liability in the workplace. We advise on all aspects of the law, prepare employee handbooks, and offer training programs to help clients reduce the risk of future litigation.

People



Ben Carney

ASSOCIATE

BEN.CARNEY@BBKLAW.CO
M

(951) 826-8378

[VCARD](#)

Areas of Focus: Labor & Employment | Labor & Employment Litigation | Labor Negotiations & Other Union Matters | Wage & Hour Law



Roger K. Crawford

PARTNER

ROGER.CRAWFORD@BBKLAW.COM

(909) 466-4918

[VCARD](#)
[LINKEDIN](#)

Areas of Focus: Labor & Employment | Labor & Employment Litigation | Labor Negotiations & Other Union Matters | Public Agency Labor & Employment | Wage & Hour Law | Workplace Safety



Christopher Deal

PARTNER

CHRIS.DEAL@BBKLAW.CO
M

(949) 263-6567

[VCARD](#)

Areas of Focus: Business | Eminent Domain | Labor & Employment | Labor & Employment Litigation | Real Estate | Wage & Hour Law



Laura J. Fowler

OF COUNSEL

LAURA.FOWLER@BBKLAW.CO

[VCARD](#)

[Health Care](#)

[Municipal](#)

[Special Districts](#)

Related Practices

[Investigations](#)

[Labor & Employment](#)

[Labor Negotiations & Other Union Matters](#)

[Public Agency Labor & Employment](#)

[Public Agency Litigation](#)

[Wage & Hour Law](#)



COM

(916) 551-2085

Areas of Focus: Labor & Employment | Labor & Employment Litigation | Public Agency Labor & Employment



Cynthia M. Germano

PARTNER

CYNTHIA.GERMANO@BBKLAW.COM

(951) 826-8232

VCARD
LINKEDIN

Areas of Focus: Labor & Employment | Labor Negotiations & Other Union Matters | Municipal Law | Wage & Hour Law | Workplace Safety



Kandice L. Kim

ASSOCIATE

KANDICE.KIM@BBKLAW.COM

(949) 263-2613

VCARD

Areas of Focus: Business Litigation | Environmental Litigation | Labor & Employment Litigation | Municipal Law | Public Agency Litigation



Damian M. Moos

PARTNER

DAMIAN.MOOS@BBKLAW.COM

(949) 263-6570

VCARD

Areas of Focus: Business | Business Litigation | Business Transactions | Intellectual Property | Labor & Employment | Labor & Employment Litigation



Thomas M. O'Connell

PARTNER

THOMAS.OCONELL@BBKLAW.COM

(951) 826-8337

VCARD
LINKEDIN

Areas of Focus: Business | Business Litigation | Franchise Law | Labor & Employment | Labor & Employment Litigation | Public Agency Litigation



Juan Ornelas

DIRECTOR OF PRACTICE
SUPPORT*

JUAN.ORNELAS@BBKLAW.
COM

(951) 826-8336

VCARD
LINKEDIN

Areas of Focus: ARC: Advanced Records Center | Business Litigation |
Education Litigation | Environmental Litigation | Labor & Employment Litigation |
Public Agency Litigation



Arlene Prater

PARTNER

ARLENE.PRATER@BBKLAW
.COM

(619) 525-1334

VCARD
LINKEDIN

Areas of Focus: Education Law | Education Litigation | Labor & Employment |
Labor & Employment Litigation | Municipal Law



Daniel Richards

ASSOCIATE

DANIEL.RICHARDS@BBKLA
W.COM

(949) 263-2619

VCARD

Areas of Focus: Business | Business Litigation | Labor & Employment Litigation |
Municipal Law | Public Agency Litigation | Special Districts



Joseph R. Sanchez

PARTNER

JOSEPH.SANCHEZ@BBKLA
W.COM

(619) 525-1372

VCARD

Areas of Focus: California Public Records Act | Education Law | Labor &
Employment | Labor & Employment Litigation



Stacey N. Sheston

PARTNER



STACEY.SHESTON@BBKLA
W.COM

(916) 551-2099

VCARD
LINKEDIN

Areas of Focus: Labor & Employment | Labor & Employment Litigation | Public Agency Labor & Employment | Wage & Hour Law

News & Events

BB&K WEBINAR | DEC 10, 2019

2019 Annual Labor & Employment Update

BB&K Free Webinar

EVENT | NOV 20, 2019

2019 CALPELRA Annual Training Conference

California Public Employers Labor Relations Association

BB&K WEBINAR | NOV 19, 2019

Sexual Harassment Avoidance Training for Non-Supervisors (Nov. 19, 2019)

BB&K Paid Training

LEGAL ALERTS | NOV 12, 2019

Legal Analysis: How Businesses and Public Agencies Can Adhere to AB 5

New California Law Creates Legal Test for Determining Who is an “Employee”

LEGAL ALERTS | OCT 22, 2019

“Super-Sized” Win Delivered to California Franchisors

Ninth Circuit Clarifies Joint Employer Classification

EVENT | SEP 26, 2019

PELRAC's 10th Annual Training Conference

National Public Employer Labor Relations Association

AUTHORED ARTICLES & PUBLICATIONS | MAY 22, 2019

Expert Witnesses: Effective Questioning

AUTHORED ARTICLES & PUBLICATIONS | MAY 22, 2019

Rooms with a View: Cross-Examining Experts in Depositions

BB&K Partner Mark Easter Walks Us Through the House of Depositions in Riverside Lawyer Magazine

EVENT | MAY 08, 2019

2019 City Attorneys' Spring Conference

League of California Cities

PRESS RELEASES | APR 02, 2019

BB&K a Top Litigation Firm in Sacramento

Sacramento Business Journal Also Gives High Rank for Women Attorney Numbers

LEGAL ALERTS | FEB 08, 2019

Compensation, Harassment and Discrimination Cases Brought Labor & Employment Law Changes

California's 2019 Labor & Employment Update: Part II

AUTHORED ARTICLES & PUBLICATIONS | JAN 22, 2019

Best in Law: #MeToo Focus of New California Employment Laws

Joseph Ortiz Writes of New Laws Meant to Protect Employees for the Southern California Newspaper Group

LEGAL ALERTS | JAN 16, 2019

How Will a Much-Anticipated Joint Employer Decision Impact Private and Public Employers?

Browning-Ferris Industries v. NLRB

LEGAL ALERTS | JAN 15, 2019

#MeToo Impact and Other Legislative Changes

California's 2019 Labor & Employment Update: Part I

PRESS RELEASES | JAN 02, 2019

BB&K Announces Three New Partners

Additional Changes to Leadership Roles

| DEC 13, 2018

[WEBINAR] Annual Labor & Employment Update

BB&K Webinar

BB&K WEBINAR | DEC 13, 2018

Annual Labor & Employment Update

BB&K Free Webinar

EVENT | DEC 03, 2018

CALPELRA Annual Conference 2018

The California Public Employers Labor Relations Association

LEGAL ALERTS | NOV 12, 2018

Public Employers Covered by the ADEA of 1967

U.S. Supreme Court Holds that Number of Employees Doesn't Set Local Government Agencies Apart Under Anti-Discrimination Law

AUTHORED ARTICLES & PUBLICATIONS | OCT 02, 2018

Best in Law: No Off-the-Clock Work

BB&K Partner Joseph Ortiz Writes About the Starbucks Wage-and-Hour Class Action Decision in the Press-Enterprise and Other Newspapers

LEGAL ALERTS | SEP 17, 2018

City Can't Restrain Employee's Critical Comments

Ninth Circuit Holds It Is OK to Speak on Matters of Public Concern as a Private Citizen

EVENT | SEP 15, 2018

Sexual Harassment Law After #MeToo

California Lawyers Association

EVENT | SEP 12, 2018

LCC 2018 Annual Conference

BB&K IN THE NEWS | AUG 20, 2018

On-Call Settlement

Partner Roger Crawford Interviewed by the Northern California Record on
Abercrombie & Fitch Case

LEGAL ALERTS | AUG 08, 2018

Down to the Minute: Starbucks Wage-and-Hour Decision

California Supreme Court Rejects Employer-Friendly Defense in Class Action

PRESS RELEASES | JUL 19, 2018

Partners Roger Crawford and Isabel Safie Named Top Labor & Employment Lawyers

Daily Journal Releases Annual List of 75

PRESS RELEASES | JUL 12, 2018

BB&K Attorney Thomas O'Connell Appointed Chair of Hesperia Chamber of Commerce

Business Associate Also Heading Up High Desert Regional Chambers
Coalition

LEGAL ALERTS | JUN 28, 2018

What Public Employers Need to Know Now in Wake of Janus Decision

SCOTUS Changes How Public Sector Union Fees are Collected; Governor
Also Signs SB 866

LEGAL ALERTS | JUN 21, 2018

When is an Employer Responsible for Accidents on Employees' Commutes?

California Court of Appeal Reverses \$14 million Judgment Against Employer
Because Employee's Vehicle was Not Required at Work on the Day of the
Accident

AUTHORED ARTICLES & PUBLICATIONS | MAY 23, 2018

Harassment and Transgender Regulations: Workplace Impact

BB&K Partner Joseph Ortiz Writes on Recent Regulations in Riverside Lawyer Magazine

AUTHORED ARTICLES & PUBLICATIONS | MAY 23, 2018

Sexual Harassment Civil Judgments in Bankruptcy

BB&K Attorneys Cathy Ta and Alexander Brand Write in Riverside Lawyer Magazine

LEGAL ALERTS | MAY 04, 2018

The Dynamex Fallout: Independent Contractor Classifications Endangered

California Employers Should Heed Recent State Supreme Court Ruling

EVENT | MAY 02, 2018

LCC City Attorneys' Spring Conference

League of California Cities

EVENT | APR 18, 2018

2018 Federal Civil Practice Seminar

Federal Bar Association Inland Empire Chapter

LEGAL ALERTS | APR 11, 2018

California Departs From the Federal Overtime Calculation Standard

State Supreme Court Retroactively Adopts California Division of Labor Standards and Enforcement Manual Calculation

EVENT | MAR 01, 2018

Employment Law 101

California Lawyers Association

LEGAL ALERTS | FEB 20, 2018

California's Labor & Employment Changes for 2018: Part II

Court Cases Impacting Labor & Employment Law

LEGAL ALERTS | FEB 07, 2018

California's Labor & Employment Changes for 2018: Part I

Legislative Changes Impacting Employers

BB&K EVENT | JAN 18, 2018

BB&K Annual Labor & Employment Update 2018

Free BB&K Seminar

| JAN 09, 2018

[WEBINAR] Labor & Employment Law: What Changed in 2017

BB&K Free Webinar

BB&K EVENT | JAN 09, 2018

Labor & Employment Law: What Changed in 2017

BB&K Free Webinar

AUTHORED ARTICLES & PUBLICATIONS | DEC 26, 2017

Best in Law: Four Steps Employers Can Take to Avoid a #MeToo Situation

BB&K Attorneys Joseph Ortiz and Tristan Kirk Write for the Press-Enterprise

EVENT | DEC 15, 2017

New Labor Laws 2018

Greater Riverside Chambers of Commerce

EVENT | DEC 13, 2017

Review of Issues and New Labor Laws for 2018

Greater Riverside Employer Advisory Council

EVENT | DEC 08, 2017

2018 Labor Laws Seminar

Corona Chamber of Commerce

LEGAL ALERTS | DEC 05, 2017

Addressing Workplace Harassment in an Age of

Heightened Awareness

Four Steps Employers Can Take Now

PRESS RELEASES | OCT 04, 2017

BB&K Attorneys Appointed to State Bar of California Committees

Public, Labor & Employment, Environmental and Insolvency Law Sections

LEGAL ALERTS | AUG 09, 2017

CNN Joint-Employer Appeal Goes Against NLRB

Employers Embrace Decision, But Issue Remains Unresolved

LEGAL ALERTS | AUG 02, 2017

Save Local Business Act Would Clarify “Joint Employer” Liability Under FLSA and NLRA

Legislation Introduced in House of Representatives Addresses Recent Expansion of Joint Employer Doctrine

BB&K IN THE NEWS | JUL 26, 2017

Will DirecTV Joint Employer Case Be Aired at Supreme Court?

There's a Split in the Circuit Courts, BB&K Attorney Thomas O'Connell Told Bloomberg BNA

BB&K IN THE NEWS | JUL 11, 2017

Joint Amicus Brief Filed to Protect Franchise Business Model

BB&K's Thomas O'Connell Counsel of Record

LEGAL ALERTS | JUN 08, 2017

Department of Labor Rescinds Two Memos Broadening Joint Employer Liability

Impact on Court Decisions is Unclear

LEGAL ALERTS | MAY 23, 2017

California's Ambiguous Day of Rest Requirements Clarified by State Supreme Court

Employers Need to Schedule Accordingly

EVENT | MAY 03, 2017

City Attorneys' Spring Conference

League of California Cities

PRESS RELEASES | APR 25, 2017

Business Litigator Christopher Deal Joins BB&K's Irvine Office

New Partner Brings In-House Experience

LEGAL ALERTS | APR 24, 2017

Right to Seek Injunctive Relief Cannot be Waived by Arbitration Provision

Arbitration Agreement does not Provide Shield from General Contract Defenses

EVENT | APR 20, 2017

2017 Federal Civil Practice Seminar

Federal Bar Association Inland Empire Chapter

LEGAL ALERTS | APR 20, 2017

California Legislature Proposes State Overtime Bill

Measure is Similar to Federal Rule That Was Put on Hold by Court

LEGAL ALERTS | APR 10, 2017

McDonald's Corp. Dismissed from Suit Over Wage Violations at Franchises

Ostensible Agency Theory Rejected by Court

LEGAL ALERTS | MAR 31, 2017

Joint Employer Relationship Between Contractors and Subcontracts Redefined by a Federal Appeals Court

New Standard Puts Employer at Significant Risk

LEGAL ALERTS | MAR 24, 2017

Restaurant Chain Must Allow Employees to Wear Union Buttons

PRESS RELEASES | MAR 23, 2017

Sacramento Business Journal Again Ranks BB&K as a Top Litigation Firm

Based on Number of Attorneys

LEGAL ALERTS | MAR 07, 2017

Appellate Challenge of NLRB's New Joint Employer Standard Moves Forward

Oral Argument Expected this Week

PRESS RELEASES | FEB 22, 2017

Partner Arlene Prater Named One of San Diego's Most Influential Women in Business

San Diego Daily Transcript Recognizes Women for Impacts in Their Fields

EVENT | JAN 27, 2017

Business Seminar Series: New Labor Laws 2017

Greater Riverside Chambers of Commerce

PRESS RELEASES | JAN 20, 2017

San Diego Super Lawyers and Rising Stars 2017

Congratulations to the BB&K Attorneys Recognized for their Work

| DEC 09, 2016

[WEBINAR] Annual Labor & Employment Update 2016

New Legislation and Case Law Impacting California Employers

BB&K EVENT | DEC 08, 2016

BB&K Webinar: Annual Labor & Employment Update 2016

9:30 - 11:30 a.m. PT | Webinar

LEGAL ALERTS | MAY 16, 2016

Federal Defend Trade Secrets Act Takes Effect

Employers Should Immediately Revise Confidentiality Agreements to Comply

PRESS RELEASES | MAR 24, 2016

BB&K Named a Top Litigation Firm in Sacramento

The Sacramento Business Journal Ranked the Firm 24th of the Top 30

CLIENT SUCCESSES | JAN 27, 2016

BB&K Wins Overtime Ruling in Appellate Court for Client

Howard Golds and Elizabeth A. Han represented employer in lawsuit challenging its overtime formula.

CLIENT SUCCESSES | MAY 22, 2015

BB&K Secures Employment Discrimination Lawsuit Dismissal for Client

Attorney Cynthia Germano successfully represented Los Angeles Community College District in action
