

SONOMA COUNTY FIRE DISTRICTS ASSOCIATION

Minutes of the July 25, 2019 meeting

Geyserville Fire Protection District

Geyserville

ATTENDANCE:

Bodega Bay Fire: Dave Kruppa, Sean Grinnell

Cazadero CSD: None

Cloverdale: Carol Giovanato

Forestville: Dave Franceschi

Geyserville: Fred Petersen, Larry Heiges, Lisa Stewart, Tatsoo Okaya, Paul Bernier

Glen Ellen: None

Gold Ridge: Bob Glockner, Joe Petersen,

Graton: None

Kenwood: Daymon Doss, Daren Bellach, Richard Gulson

Monte Rio: None

North Sonoma Coast: Bonnie Plakos, Jackie Gardener, Bob Pounds

Rancho Adobe: Mark Hemmendinger, Leslie Cozad

Russian River: None

Schell-Vista: None

Sonoma County Fire Dist: Matt Gustafson, Frank Treanor

Sonoma Valley FRA: Steve Akre (VOM, GE)

Timber Cove: None

Valley of the Moon: None

FSWG: Dana McKnight

MAJ: Bill Adams

Santa Rosa: Tony Gosner

Sebastopol: None

SMART: Doug Williams

Sonoma LAFCO: None

Guest Speaker(s): Cynthia Weldon & Lisa Charbonneau

CALL MEETING TO ORDER at 7:00 PM

President Treanor called the meeting to order at 7:15 and introduced Geyserville Board President Fred Peterson who welcomed everyone to Geyserville and then pointed a few logistical aspects. Director Peterson said thank you again with Shell-Vista FPD for switching dates with them, it's either heat up here or flooding in Shell-Vista.

President Treanor then started with self-introductions and the roster was passed around.

President Treanor was about to regale the group when he was interrupted with the announcement that dinner was now ready. With that, President Treanor pointed out which tables would lead the way to the fine meal and the meeting was recessed @ 7:20.

The meeting reconvened at 7:53, President Treanor told the group that he drove a similar Seagrave Engine as the one here.

TREASURER'S REPORT:

Sec/Treas Grinnell reported the account balance as of 6/30/19 was \$4813.23, and the account documents are awaiting the final approved minutes from tonight to finish the transfer of new signers. North Sonoma Coast moved to approve the report, 2nd by Sonoma County Fire, approved by all.

COMMITTEE REPORTS:

- FDAC & FDAC/EBA: Chief Akre reported on a couple of upcoming seminars by FDAC, the COA program on August 3 and 4, and the Leadership Academy Oct 21-23; both are great programs.
- LAFCO: Ex Bramfitt provided a written report (attached). Chief Akre said he hopes the Sonoma Valley MSR will be completed in early fall.
- POLITICAL ACTION: President Treanor reported the Legislature is in recess until 8-12-19, but pointed out SB670, notice for tele com people to maintain 911. According to Mike McGuire, SRA Fees will not come back. Senator Dodd (SB190) sponsoring defensible space programs. Geyserville Captain Joe Stewart (also CSFA) mentioned AB1299 which addresses mutual aid pay to volunteers and the 20% rule. He said what is not clear is 20% of what? Which salary does a volunteer agency use? This bill will clarify that it is 20% of what a volunteer will make for a year. If you do not have staff than it will be 20% of county average pay. The Bill is endorsed by Calchiefs and others. Director Glockner asked what the status right now, "it's tough to say as the legislature is in recess."
- FAIRA: No Rpeort
- FASIS: Director Giovanato gave a verbal report and handed out her written report as well (attached). Chief Akre reported that FASIS is offering a new program in which they will meet with agencies to explain the program, from the top down.
- FIRE SERVICES-No report

PROGRAM: Cynthia Weldon & Lisa Charbonneau of Liebert, Cassidy & Whitmore; Lisa lead off with a basic overview of the services provided by LCW. She then handed the mike to Cynthia who then told us about their preventive training programs, used throughout the state of CA. Over 800 agencies participating through one of 35 different consortiums. These consortiums are grouped together geographically which allows LCW to pool the resources and provide for a set number of trainings (send as many people as you want), District receive unlimited telephonic consultations. Call as often as you like. Lisa receives 75 calls a year and they have over 90

attorneys. Consortium members can use the legal services or just the training, or both. Document review is not part of the free program, nor does it cover writing documents. "Fire Watch", a monthly newsletter is provided that covers recent and upcoming cases to watch for. LCW is offering us the opportunity of a Sonoma County Consortium. Contact Jennifer Bechtold of Rancho Adobe FPD.

-Director Giovanato told the group that she has worked with LCW for 30+ years and said, "it really is as simple as they say; calling in and asking the question, nothing too small or complex. The workshops and the workbooks they provide make great references, complete with sample documents. Its money well spent and well saved." Director Peterson asked, "how many do we need to move forward?" Cynthia said they need a minimum of seven districts, but we could also combine with the Marin County Consortium. LCW's Mission is public service only, cost effective approaches to make sure we get what we need. Director Hemmendinger added that Jennifer Bechtold is looking into this and will be the point of contact for the Sonoma consortium.

Lisa Charbonneau gave two brief updates on recent changes to sexual harassment laws in CA and the issue of unpaid overtime.

- Sexual harassment, since January 1st, the legislature put into law more general definitions of sexual harassment: unwelcome conduct severe or pervasive enough, that unreasonably interferes with the workplace (severe and pervasive is no longer the "rule"), now any incident that can interfere with a person's emotional tranquility in the workplace". Volunteers can bring a claim against the district, they can perpetrate a claim as well...everyone that works with you is a liability. Training is required, one hour every two years for everyone and supervisors two hours every two years.
- FLSA-OT we need to know-(Department of Labor) DOL issued proposed new rules on the Fair Labor Standard Act (FLSA), specifically the regular rate requirements in May, the public comment period is over and the final rules are expected soon, whatever they might be. We need to make sure we are complying with PERS laws and FBOR rights as well. (not sure who asked) FLSA question-do you have any follow up with clients after settlement is reached to maintain compliance. (A) Its really up to the agency. Best practice is to make sure staff are attending trainings, and review MOU's and other documents before signing them.

OLD BUSINESS:

Approve April 25, 2019 meeting minutes (Action Item)

President Treanor asked for a motion to approve the minutes or for a motion to recommend changes needed? Hearing none, Geyserville moved to approve the minutes of 4-25-19, 2nd by Rancho Adobe. Director Petersen of Gold Ridge pointed out a spelling error in his name and then motioned to approve "with Changes" the 4-25-19 minutes, 2nd by Bodega Bay, approved by all, none opposed.

Special recognitions and thanks for the for dinner and the chef – Many Thanks and warm round of applause was given.

Recognition of SCFDA Past President Chief Dan George

President Treanor explained that Past President George had a home emergency. Gold Ridge Board Director Bob Glockner was presented with a plaque that expressed SCFDA's appreciation of Chief George's service to the organization. Director Glockner accepted the award on his behalf to a round of applause.

NEW BUSINESS:

SCFDA Direction to FSWG rep. Director Petersen (Action/Discussion)

President Treanor explained that Joe Petersen was elected to represent SCFDA at FSWG. Joe came back with some information and we are receiving good reviews of his work. I have heard that he is easy to work with and pleasant. However, as it is that Joe works for this group (SCFDA) and after some consultation with members of the SCFDA this is what I propose (guidelines handed out), President Treanor then read his list, he then re-stated this list is intended to be a place to start the conversation. This is open for discussion-the choice is yours. We can keep these, we can toss them out, we can amend them, what are your thoughts?
(Unsure who said) Sounds like a lot of work for one person. President Treanor said he is doing a lot of that now, perhaps a fine tuning of communication, so is it necessary? Director Fred Peterson (and others) Yes it is. That has been the issue from past iterations, a lack of information flow, so this is good, it will help rebuild trust that has not always been there. Chief Plakos- I like this list and find it very useful, it has been hard to follow the progress and tough to bring info back to our boards, a good written record is needed to help us inform our boards. This list conveys info that is more for everyone, than just fire districts. Pres. Treanor added, a greater dept of knowledge for everyone. Director Hemmindinger added what is your reaction (to Director Joe Petersen) Director Petersen said he wants to hear what everyone has to say, but when we talk about trust, I take that very personally and I believe that is part of the reason I was elected to this position. To be honest, these marching orders will be tough based on what I know of what FSWG does, we are working very hard on transparency as this was ID'd as past issue. Attendance is a good start, one has to a part of the process; but we are trying to get our marching orders form the Ad Hoc; we are trying to find out where all the money is; there is a lot to do and to create our vision of where we are trying to go. A lot of this list is reasonable, but it will be tough. Politics gets messy, sometimes things go on, us as a county, we have some great proposals, and others that need some help. We are trying to make the whole county better, not one agency over the other. The level of details makes it tough, that is why I put my phone number out there, so I can answer questions when they pop up. I would like to talk to FSWG first to get their thoughts and then bring their thoughts back to this group for final revision and comment. Director Fred Peterson added - I suggest we let you know we support this list, and you take it to FSWG and see what they think. We need to know this to have that trust. Director Hemmindinger said, just looking at the high-level stuff we got before, more info, more meat, what funding requests (from most recent update), we need this kind of information. I will be honest; this list came out without my input said Director Joe Petersen. Pres. Treanor I am happy

with your efforts, (to Director Joe Petersen) furthermore-this pendulum went to dis-trust now it is coming back to trust. What I am asking the group, you have copies of this, you can move it tonight or we can give Joe an opportunity to rework some of this? Bring it back later? It is your choice-to the group. Director Hemminger added, I am satisfied with trying to answer the list as it is and table the vote until you can attempt to report on it at the next meeting. Director Fred Peterson, disagreed, we can and should let Director Joe Petersen know what we want to see, it's our desire as a group (SCFDA), it's what the group wants. Without getting close to this list, speaking for myself, there is never going to be truth and confidence in the process. Chief Akre said I appreciate the discussion; as VP of this group, I am listening, as a fire chief, responsible for two districts and a city, and a long standing member of the original group, and many of you saw how difficult it was to get a lot accomplished as a Brown Act group. This is a lot like a command staff, and executive management team that is advising the Board of Supervisors and then reporting out. We are having staff level discussions, not every staff level discussion is shared with our elected officials, but we wait until we have a product to share. These suggestions, in my opinion are putting us back at the advisory council concept that took us too long to try and get anywhere. The new group is getting a lot of work done now; no it's not perfect, but we have heard you, and we are trying to reach out more often with regular updates and continue to adjust; we are trying to do the best we can for all fire agencies in the county. So of the things I am concerned with honestly, if this group asks Joe to come back to FSWG, with a roll call vote of supporting or not supporting a districts proposal versus another districts proposal, what are we doing? we are pitting districts against each other; when we are trying to put together something on a county wide basis. We know at the core every district in this county needs funding. How do we rate each district on its needs over another? We are basing priorities on service levels. Take the names out, we are doing it based on service levels, not needs. We do not have something shareable; it does not feel right to share something that is in process, we want to bring you a finished product or as close as it can be. We are using various forms of communications over others, this group is better than the chiefs group, we get crickets at chiefs. Please give Joe some more time; we have not even heard his update tonight...lets hear that, lets give him a chance; and then lets decide if we are going to give him marching orders or not, with that Chief Akre ended his remarks. "I think it was well said", came from someone in the crowd.

President Treanor asked if we vote as this is written or make motion and let Joe mull this over and come back with a better version at our next meeting. Chief Bellach said he would like to hear Joe's update first, then we can reopen the discussion if needed on the list. President Treanor agreed, the group agreed.

Director Joe Petersen started off with the communication aspect as that seems the most important at the moment. After talking with Sean, I propose we create a Google Group for SCFDA, I would do the set up and Sean could maintain the list. Google groups is a way to communicate. This offers us a single email to write or respond to emails. This might help us get past some of the email spam filters some of you are using. This creates a better communication vehicle. Group Admin will be the executive Board of SCFDA. President Treanor asked if this is something we can just do? Does it cost anything? No, it's free. Is it a Brown Act violation? A) Maybe. If we handle this group like we do most email conversations, it is a one way communicator, then no. If we start a group conversation, then it could be, but for information

sharing it is ok. Do not reply all. Intent is to share info and nothing else. Specific questions should go directly to the individual.

Director Joe Petersen reported- I have a short report and will follow up with a longer email. We met with ad hoc (Hopkins and Rep for Rabbit) and today and Assistant COA, Christina Riviera- we really just covered the tax measure; polling came back-early indications look good, but work is needed in the whole county, this is the first phase only and 2nd phase is expected in September; we have until early December, actually Early November (holidays) meeting for the March 2020 election said Chief Akre. Director Hemmindinger asked if the working group supporting the tax measure, Chiefs Akre and Gossner said we are optimistically supporting the measure, if bad polling shows that it will not pass than it will not go forward. Ad Hoc supports moving forward with tax. They support fire services and know they have not in the past. ½ cent gets us closer to where we need to be, polling shows us there is not much difference with ½ or ¼ cent tax, pooling shows support in low 60%. This was the initial pulse, work needs to be done, key message is any opposition will kill the tax.

Director Bernier this list (SCFDA) is where you build trust for that tax and get our support. Director Hemmindinger asked how are you reaching out for input? What kind of outreach Director Joe Petersen asked & stated this tax info just happened today; the silver plan we have done most of the ground work. Director Hemmindinger asked who has update the Silver plan? Chief Akre said it was developed over a year ago through outreach through chiefs and it needs an update. We invited all the chiefs from each region to come to us and provide updated information, we also have reps in the group that are also representing the zones too. Zone 9 has Chief Mickleson as an example. Director Hemmindinger said Chief Mickelson has shown complete disregard for aspects of our zone, Chief Akre said this was not the best place for that kind of discussion. President Treanor asked Director Joe Petersen if he had anything else or if he needed more time. Director Joe Petersen said he was trying to be a peace maker. I will help you figure it out. As that kind of fracture (z-9) will sink us all. Chief Tuberville said that Chief Boaz was not elected to be the Zone 6 rep. Chief Akre spoke up and said he did not mean to imply these were the zone reps but meant to say they have some awareness of the zone as they are chiefs in their respective zones that help guide some of the initial steps only, prior to going out to everyone. Back to DJP, some of the items we are working on is where is the funding for Lexipol, REDCOM, etc...? County was not showing all the money and money that was siphoned through CSA 40. So, funding sources is huge. One thing to share, Hopkins said Ad Hoc intent is to make sure we remain at current service levels.

President Treanor closed the discussion with regions 6 and 9 to get together with Joe to make sure they have the proper representation. Director Joe Petersen added one last item with an offer to help get Coverdale and Geyserville the funding that was promised back in February/March.

President Treanor asked about the proposed Guidelines? Shall we let Joe digest these and hold off until our next meeting for a decision? I see no immediate need to take action. I would take a motion tonight to table the item until Director Petersen can go over the list until our next meeting; Bodega Bay moved, 2nd by Cloverdale. Chief Tuberville added that our next meeting is to late, it will be decided by the Supervisor by then. Director Joe Petersen said I understand the

intent and will move forward with this. I do not take this lightly. Sec/Treas Grinnell offered that we could hold a special meeting before our next regular meeting.

Richard Gulson asked-who is fronting the money for the poll? The county is said Director Joe Petersen and he added we need to find another source. Once campaigning begins than you need money from other resources added President Treanor.

President Treanor called for the vote, all in favor, most, no dissenting votes were cast.

GOOD OF THE ORDER:

The Raffle Prize Drawing was held-told ticket sales earned \$245.00

NEXT MEETING:

Schell-Vista October 24, 2019

MOTION TO ADJOURN MEETING: 9:42

President Treanor call for a motion to adjourn, motion made by many, and 2nd by many, no one were opposed.

Minutes submitted by Secretary Grinnell.

Minutes approved on: 10/24/19

President Frank Treanor: Frank Treanor Date: 10/24/19

July 25, 2019

TO: Sonoma County Fire Districts Association

Subject: FASIS Report

The FASIS Board of Directions held a Meeting on June 27th at the Novato Fire Protection District.

Highlighted Actions from the meeting include:

- Results of the Board member Election and Election of Officers for the Program Year 2019/20: Vacaville Fire Protection District, Fire Chief Howard Wood-FASIS Representative; Bodega Bay Fire Protection District-fire Chief Sean Grinnell-FASIS Representative; Valley of the Moon Fire Protection District, Fire Chief Steve Akre-FASIS Representative. Board Officers elected were Fire Chief Glen Weeks, American Canyon, President; Fire Chief Howard Wood, Vacaville, Vice President; Gloriann Sasser, Moraga-Orinda, Treasurer. All are incumbents and agreed to serve an additional year.
- Report on FDAC Matters: The FDAC Certificate of Achievement Program will be held on August 3 & 4 hosted by Sonoma Valley Fire and Rescue Authority (Chief Acre may want to say a few words on that program). And the FDAC will be holding a leadership academy in Sacramento in October; no date announced yet.
- FASIS uses Bill Arnone of Merrill, Arnone & Jones as legal counsel for FASIS. The contract has been in place since November 2010. The Board discussed the need to review the contract and the potential to issue a RFP to other firms. A member subcommittee was formed to review the contract and determine the potential of reviewing and modifying the current contract for the need to issue an RFP. Members on the subcommittee are Tiburon, Windsor, Valley of the Moon and Cloverdale.
- Continuing on the discussion of potential consolidation of FDAC, EBA and FASIS, the boards of the respective agencies have identified a consultant Mike McMurray Consulting (retired Chief from Scotts Valley) to work with the Boards on a Feasibility Study.
- New member Districts pending review: North County Monterey, Monterey Regional and El Dorado Hills Fire.
- Final review and adoption of the 2019-20 operating budget for FASIS. A 13% increase in contributions (revenue) as a result of an increase in estimated payroll and funding rates. Safety rates increased 2.8%; Non-safety rates increased 6.9%. Administrative Expenses increased 11% primarily due to an increase in a State assessment triggered by the increase in payroll amounts.



CALIFORNIA STATE FIREFIGHTERS' ASSOCIATION

1232 Q Street, 2nd Floor ♦ Sacramento, CA 95811 ♦ (916) 446-9880

AB 1299

Volunteer firefighter reimbursement

Requested by volunteer firefighters and endorsed by volunteer firefighters

Background and answers to most commonly asked questions regarding Assembly Bill 1299

The Fair Labor Standards Act and volunteers

In 1985 the United States Supreme Court had ruled that those who "work in contemplation of compensation" are "employees" within the meaning of the Fair Labor Standards Act (FLSA), even though they may view themselves as "volunteers."

A "volunteer" under the FLSA is "an individual who performs hours of service for a public agency for civic, charitable, or humanitarian reasons, without promise, expectation, or receipt of compensation for services rendered." **However, volunteers may be paid expenses, benefits, a nominal fee, or any combination thereof, for their service without losing their status as volunteers so long as the "nominal fee is not a substitute for compensation and must not be tied to productivity."** In addition, **volunteer firefighters can be paid a nominal amount on a 'per call' or similar basis."**

In 2006 the U.S. Department of Labor (DOL) issued an opinion regarding volunteers being paid or reimbursed. This was not specific to firefighters, but volunteers in general, and it is often referred to as the **"20 percent rule"**.

The DOL opinion of 2006 presumes that a fee paid to volunteer firefighters is "nominal" as long as the fee does not exceed 20 percent of what the public agency would otherwise pay to hire a full-time firefighter for the same services. "A willingness to volunteer for 20 percent of the prevailing wage for the job is a likely indication of the spirit of volunteerism contemplated by the FLSA," according to the DOL.

Although the DOL created the "20 percent rule" it has been enforced in a variety of ways, and not always in the best interest of line firefighters.

Why AB 1299?

Volunteer firefighters serve as the backbone of the California mutual aid system and are a valuable resource in fighting wildfires. Volunteer firefighters are dedicated to their local communities, but many times are also called upon to leave their families, jobs and other obligations to serve on Strike Teams away from their homes. The state reimburses fire departments who participate in mutual aid agreements in order to pay volunteer firefighters. These reimbursements help in some small way to offset the lost wages volunteer firefighters experience while out on the fire lines. **Unfortunately, many fire departments do not disperse these reimbursements to the volunteer firefighters.** When compensation is not properly dispersed to volunteers who have served on Strike Teams, they may become discouraged from participating as volunteers, thus compromising public safety. Current law does not legally ensure full reimbursement directly to firefighters nor does it specify the rate.

Back in 2016 the California State Firefighters' Association (CSFA) was contacted by **many volunteer firefighters from throughout the state** asking for assistance to rectify a situation that had left some volunteer firefighters **without compensation for service on Strike Teams.** At issue were wide variances in the interpretation of the so-called "20 percent rule" regarding reimbursements to volunteers for service on Strike Teams. At the urging of volunteer firefighters, in 2017 CSFA sponsored AB 1283 to help rectify the situation, but it failed to make it to the Governor's desk. In 2019 CSFA sponsored AB 1299 authored by Assembly Member Heath Flora (R – Ripon). **Before his election, Assembly Member Flora spent 15 years as a volunteer firefighter, so he personally knows the importance of proper reimbursements to front line firefighters.** AB 1299 enjoys the support of statewide fire service stakeholders including the California Fire Chiefs Association and the Fire District Association of California in addition to CSFA. **This is commonsense legislation that will benefit the entire California fire service.**

For years there has been an ambiguity around the ability to pay or reimburse volunteer firefighters for their time. The issue has made it very difficult for fire chiefs from all over the state to commit to allowing their volunteers to participate in Strike Teams or other mutual aid events. **AB 1299 will end the ambiguity and set a specific guideline for fire chiefs.**

One of the ways that the 20 Percent Rule has been interpreted, and the way that led to the creation of this bill, was that volunteer firefighters were only being given 20 percent (or less) of the money that OES had reimbursed their department for their time while on Strike Teams. **CSFA and many individual volunteer firefighters found that unfair.**

20 percent of what?

Hourly? Daily? Annually? How was this 20 percent being interpreted? The answer is all of them and many more. **There was no consistency, no best practice, and no guideline.** One of the purposes of this bill is to once and for all, set that guideline. **AB 1299 clearly defines the 20 percent** as 20 percent of the annual salary of a firefighter from the same department, or in the case of an all-volunteer fire department, a number to be determined as the average annual salary of a firefighter in California.

Why put limits on volunteers at all?

First, do not think of this as a limit. There are many volunteer fire chiefs across the state that have repeatedly stated that they do not participate in Strike Teams, and that they do not pay stipends to their

firefighters because their lawyers or the county's lawyers have told them to "stay away" from paying volunteers for fear of giving them "employment rights". **AB 1299 puts an end to all of those fears.** It will be clear to fire chiefs that they can reimburse volunteers for their time without jeopardizing their volunteer status. **This will give the departments the ability to offer stipends or paid shifts to their volunteers.**

Why any limit at all? Because this bill is not intended to supersede efforts to create paid positions or continue to fund paid positions. **Also language in the bill clearly states:** *"in the case of an emergency proclamation by the Governor, the 20 percent reimbursement threshold will be waived."* The 20 percent will have **no impact on State Master Mutual Aid deployments.** Also, AB 1299 provides volunteer firefighters the **ability to pursue civil action if the fire department fails to pass-through the reimbursement.**

Why give full time firefighters preference over volunteers?

Obviously this only applies to career and combination departments. This language echoes most union contracts or agreements. The right to first refusal for full time people over volunteers is not a new concept. **This has no impact on all volunteer departments, and career and combination departments are already following this practice.**

In summary, AB 1299 does the following

1. Makes sure **volunteer firefighters get 100 percent of the money** that OES is paying for them to be on a state incidents
2. **Sets a clear guideline** on how much you can pay a volunteer without jeopardizing their volunteer status.
3. **Provides volunteer firefighters the right** to pursue legal action if they are denied reimbursements.
4. **Assures that volunteer fire departments** can be used as resources throughout the state.

There are many benefits to obtaining quality training for your supervisors and employees. Our workshops will help you reduce your exposure to liability and are designed to provide your agency with the tools it needs to avoid costly litigation. Plus our training cultivates an atmosphere of respect and harmony among employees and the public.

As you may know, Liebert Cassidy Whitmore (LCW) is a labor and employment law firm that has represented public sector management for nearly 40 years. We have offices in San Francisco, Sacramento, Fresno, Los Angeles, and San Diego and represent a broad range of public entities, including fire districts, throughout California.

Our Employment Relations Consortiums (ERCs) are groups of like agencies in a geographic area joining together for the purpose of securing quality employment relations training. Typically, a group consists of 8 to 30 member agencies/districts. By pooling their resources the agencies/districts can offer a broader range of training topics. Over 800 agencies across the state have discovered how to "do more with less" by participating in a local ERC.

Consortium members receive:

- Set number of workshops, to which they may send as many employees as the facility can accommodate;
- Reference material for all workshop attendees;
- Complimentary telephone consultation;
- Monthly newsletter, Fire Watch;
- Discounts on other select LCW trainings; and
- Ability to attend other consortiums workshops, space permitting

Our attorneys at Liebert Cassidy Whitmore present the training and telephone consultation. Pioneers in preventive education for the public sector, annually we conduct over 800 training presentations throughout the state on a variety of employment law issues. In addition to our Employment Relations Consortiums, Liebert Cassidy Whitmore also offers customized programs on various topics. Customized training includes the incorporation of your policies and procedures, as well as an original set of materials for your reproduction. The current cost of a three-hour, half day workshop ranges from \$2,000 to \$2,500, and a six-hour, full day workshop ranges from \$3,000 to \$3,500. If you schedule two half day sessions on the same day, we will honor the full day rate.

Consortium Options

LCW has 35 consortiums across the state and members of the Sonoma County Fire Districts' Association are welcome to join any of the existing consortiums. They are also welcome to form their own consortium, dedicated to matters impacting Fire Districts specifically.

Existing Consortium

The nearest consortium to you is the Sonoma/Marin ERC. This group operates on a calendar year and has 35 members. They receive 4 full days of workshops, all of which are held at the Sonoma Mountain Village Event Center in Rohnert Park. Annual membership is based on the size of the agency:

- Agencies w/less than 150 full time employees:
\$2,385 (\$2,010 + \$375 facility and refreshment fee)
- Agencies w/150 to 1,000 full time employees:
\$3,275 (\$2,860 + \$415 facility and refreshment fee)
- Agencies w/ over 1,000 full time employees:
\$4,695 (\$4,250 + \$445 facility and refreshment fee)

The facility and refreshment fee covers the rental of the space along with breakfast and drinks in the afternoon. It does not cover lunch. The membership list and 2019 schedule is enclosed for your reference.

New Consortium

Districts may elect to form their own consortium. Since consortium members can attend other consortium workshops, you could form one dedicated to fire specific training, and then “piggyback” off of the Sonoma/Marin ERC for the non-fire specific, but just as relevant, training. Our San Diego Fire District Consortium has opted to go this route.

Pricing for this would be based on the number of Districts and the number of workshops. For example:

Number of Members	Annual Fee for each member	Number of workshops
7-10	\$2,200	2 half day sessions
11-14	\$2,200	3 half day sessions
15-18	\$2,200	4 half day sessions

This would cover our costs but would not cover refreshments or facility fees. Most consortiums rotate training facilities amongst the members as a way to keep costs down.

Enclosed is a Fire District specific list of workshops that we offer.

I hope you will find the enclosed information to be useful and informative. If I can provide you with any additional information regarding our services, or if you are interested in pursuing training with us, please do not hesitate to contact me at (310) 981-2055 or at cweldon@lcwlegal.com

ERC Telephone Consultation Questions & Answers

Consortium services include telephone consultations. Members of each consortium have come to rely on the opportunity to pick up the phone and ask questions of an attorney. The following examples are designed to illustrate this aspect of consortium services.

Q. What is a consortium call?

A. A consortium call is the member's opportunity to consult with an attorney on matters relating to employment and labor law questions.

Q. Is this phone call covered by the general consortium fee?

A. Yes

Q. What if the question requires the attorney to do legal research or write an opinion letter?

A. The attorney will advise you that it will be billed at his/her regular hourly rate. No work will be done until you have given authorization.

Q. What if the attorney tells me he/she has to quickly look something up and will call me right back?

A. Normally that is considered part of a normal consortium call covered by the annual ERC fee.

Q. How many times a day or week can I call with a consortium question?

A. There is no limit on the number of times you may call in a day or week.

Q. Who should be using this service?

A. Human Resource Directors/Personnel/Employee Relations/Risk Managers and their Directors, staff, City Managers, City Attorneys and those other managers identified to us by the member agency.

Q. If I have a specific question may/should I request a particular attorney?

A. Any of our attorneys will be able to help you when you call with a consortium question. However, if the attorney does not know the answer right away he/she will look it up and call you right back. We also know that you develop a relationship with a particular attorney and you are free to ask for him/her. In summary, you have the choice of asking for any attorney or a particular attorney by name.

Q. What phone number should I use?

A. You are welcome to call any of our offices or submit your question via email.

310-981-2000 (Los Angeles)
415-512-3000 (San Francisco)
619-481-5900 (San Diego)

559-256-7800 (Fresno)
916-584-7000 (Sacramento)
AskLCW@lcwlegal.com

2019 Workshop Schedule

Sonoma/Marin

Employment Relations Consortium

ALL WORKSHOPS WILL BE HELD AT SOMO VILLAGE EVENT CENTER IN ROHNERT PARK

Thursday, February 7, 2019 - "Preventing Workplace Harassment, Discrimination and Retaliation"

time: 9:00 A.M. - 12:00 P.M.

host: City of Rohnert Park

audience: All Staff

Thursday, February 7, 2019 - "Public Sector Employment Law Update"

time: 1:00 P.M. - 4:00 P.M.

host: City of Rohnert Park

audience: Executive Managers, Human Resources/Employee Relations Managers

Wednesday, March 20, 2019 - "Leaves, Leaves and More Leaves"***

time: 9:00 A.M. - 12:00 P.M.

host: Sonoma County Library

audience: Supervisors, Managers and above

Wednesday, March 20, 2019 - "Public Service: Understanding the Roles and Responsibilities of Public Employees"***

time: 1:00 P.M. - 4:00 P.M.

host: Sonoma County Library

audience: All Employees

***This course is eligible for credit in the LCW Public Sector Employment Relations Certificate Program.

Wednesday, May 15, 2019 - "Workers Compensation: Managing Employee Injuries, Disability and Occupational Safety"

time: 9:00 A.M. - 4:00 P.M.
audience: Supervisors and Managers

host: Marin Municipal Water District

Thursday, September 5, 2019 - "The Art of Writing the Performance Evaluation"

time: 9:00 A.M. - 12:00 P.M.
audience: Supervisors and Managers

host: City of Cotati

Thursday, September 5, 2019 - "Difficult Conversations"

time: 1:00 P.M. - 4:00 P.M.
audience: Supervisors and Managers

host: City of Cotati

FIRE DISTRICT WORKSHOP TOPICS LIST

	Title	Audience	Length
1	<p>Firefighters Procedural Bill of Rights Act The protections afforded by the Firefighters Procedural Bill of Rights Act ("FBOR") have radically changed the way that fire departments handle personnel matters, including administrative investigations, discipline, and even low-level supervisory contacts with employees. Violation of the FBOR can have negative consequences for agencies from injunctive relief to fines to damages. This practical "how to" training is especially designed for fire department supervisors and managers.</p>	<p>Fire Management Command Staff, Human Resources Staff</p>	3 hours
2	<p>Internal Affairs Investigations This workshop provides a step by step guide to conducting effective and legal internal affairs interrogations. Our expert attorney will provide you with a helpful guide from start to finish.</p>	<p>Fire Management Command Staff, Human Resources Staff</p>	3 hours
3	<p>Public Safety Fair Labor Standards Act This workshop provides an introduction to the FLSA including such topics as: Paying For Meal Time: Are Your Officers Going Hungry?; How to Properly Adopt the 7(k) Exemption; When You Can Deny a Request to Use Compensatory Time Off; How To Compensate Employees For Training Time; When Volunteers Really Aren't Volunteers</p>	<p>Fire Management Command Staff, Human Resources Staff</p>	3 hours
4	<p>Fire Management Academy This is a full-day comprehensive seminar for fire department managers and supervisors. Typically done as a six-hour workshop, this covers topics essential to fire command staff, including an FBOR refresher, practical tips for avoiding FLSA liability, best practices for supervision and performance evaluations, how to oversee investigations and discipline, and retirement and fitness for duty issues. As part of this interactive session, attendees will receive program materials containing tips, forms and templates.</p>	<p>Fire Captains and command staff</p>	6 hours
5	<p>Preserving and Producing Public Safety Records and Documents This workshop will cover the general responsibilities of public safety agencies in preserving and producing official documents and records. The presentation will also cover the type of documents that must be preserved, the duration for preservation, and obligation to produce records.</p>	<p>Fire Management Command Staff, Human Resources Staff</p>	3 hours
6	<p>Managing Injury and Illness: When Your Officer is 10-7 Due to 4850, But You Need Them to 10-19 This workshop will focus on the challenges faced by management when a fire safety member is injured or ill. Topics will include fitness for duty, 4850 leave, interactive process & reasonable accommodation, and disability retirement. We will discuss what to do, when and where, to overcome these challenges.</p>	<p>Fire Management Command Staff, Human Resources Staff</p>	3 hours

LCW MASTER WORKSHOP TOPICS LIST

7	<p>New Developments in FLSA Litigation: What Fire Command Staff Need to Know</p> <p>The Fair Labor Standards Act governs the wages and hours of every employee in the nation. However, the FLSA presents special challenges for public safety agencies. This workshop will educate fire agencies on the newest and latest FLSA topics facing public safety agencies in courts and labor negotiations throughout California. We will address ways to minimize overtime payments, common pitfalls in calculating overtime, and ways to self-correct any potential FLSA liability. This workshop is a great resource for everyone from Chiefs to operations managers to HR and payroll administrators in any fire department.</p>	<p>Fire Management Command Staff, Human Resources Staff</p>	3 hours
8	<p>Progressive Discipline for the Regressive Employee: Building an Effective Case to Discipline Underperformers</p> <p>Discipline is often warranted for employees who do not engage in misconduct but whose performance consistently is poor or marginal. This workshop explains how to make sure that poor performance is adequately documented, including a discussion of the California Supreme Court decision holding that a supervisor's daily log was not a "file used for personnel purposes" under the Firefighters Procedure Bill of Rights Act. We will also discuss the correct use of Performance Improvement Plans and other methods to make sure the agency is doing everything possible to get the employee's performance to improve. The training will also explain the challenges in poor-performance disciplinary appeals, how they differ from misconduct-type disciplinary appeals, and the key elements that hearing officers want to see in order to sustain performance-based discipline.</p>	<p>Fire Management Command Staff, Human Resources Staff</p>	3 hours
9	<p>Texting Your Way To An FLSA Lawsuit: How Off-The-Clock Work Can Lead To Overtime Liability For Public Safety Departments</p> <p>We will discuss the legal requirements, and possible ramifications, of employees who perform work "off the clock." Even our most committed employees become a liability when they "donate" their time before or after shift. With the advent of smart-phones and 24/7 access to work, and the expectations that come with this access, the risk grows even greater. We encourage public safety supervisors and command staff to attend this workshop to learn about the legal standards for compensating employees for all hours worked, to think about any "unwritten rules" that may exist within your department, and to develop best practices to manage and minimize overtime liability.</p>	<p>Fire Management Command Staff, Human Resources Staff</p>	3 hours
10	<p>Transfer with Impunity or Punitive Action: Understanding When Employment Decisions Trigger the Right of Administrative Appeal and What an Administrative Appeal Looks Like</p> <p>The Firefighters Procedural Bill of Rights Act provide that firefighters are entitled to an opportunity for an administrative appeal of any punitive action. There is no doubt that major discipline such as a termination or suspension qualifies as a punitive action, but what about a memo criticizing the firefighter? What about a transfer to a different unit or position? If the employee is entitled to an appeal, how does it proceed? Case law, some of which is very recent, should guide an agency's decision. This workshop will explore the issue of when an administrative appeal must be allowed, and how to structure constructive feedback and non-disciplinary transfers to avoid triggering this obligation. Additionally, the workshop will include a discussion of how to design a fair and effective administrative appeal procedure for peace officers.</p>	<p>Fire Management Command Staff, Human Resources Staff</p>	3 hours

LCW MASTER WORKSHOP TOPICS LIST

11	<p>CalPERS Disability Retirement - Everything You Always Wanted to Know:</p> <p>There has been a noticeable increase in the number of CalPERS disability retirement applications. It now seems that everybody who is of retirement age seeks a disability retirement. In some cases, employers have an affirmative duty to file a disability retirement application on behalf of an employee. Disability retirement has its own body of law and it requires that public agencies also navigate through a complex maze of inter-related subjects, such as ADA/FEHA, discipline and Workers' Compensation. It is essential that employers use best practices to minimize their agency's exposure to litigation and liability.</p> <p>This training will focus on the following agency requirements:</p> <ul style="list-style-type: none"> • Who is eligible for a disability retirement? • What are the qualifications? • Reasonable accommodation and Discipline. • Application process - who can file and when must the agency file. • What happens while the application is pending? 	<p>Fire Management Command Staff, Human Resources Staff</p>	3 hours
12	<p>To Purge or Not to Purge: Best Practices for Maintaining Supervisors' Files and IA Files</p> <p>This workshop will outline the legal requirements re retaining and purging documents in personnel files and Internal Affairs (IA) investigation files. The workshop will also discuss agency policies regarding optional purging of IA files and the strategic considerations in purging versus retaining documents, and the need to coordinate with the agency's Human Resources Department regarding document retention procedures.</p>	<p>Fire Management Command Staff, Human Resources Staff</p>	3 hours
13	<p>Avoiding Pitfalls During Labor Negotiations with Public Safety Unions</p> <p>The obligation to negotiate, or "meet and confer," generally arises when one of the parties makes a request to negotiate or when the department decides to make a change in a matter within the statutory scope of representation. This workshop will cover the legal obligations around negotiations, the mechanics of how the negotiations process happens, and provide you with practical tips to help you avoid the pitfalls that can lead to strained labor relations or allegations of unfair labor practices.</p>	<p>Fire Management Command Staff, Human Resources Staff</p>	3 hours
14	<p>Top Five Common Causes of Work Place Disputes</p> <p>This session will address five common causes of public safety workplace disputes - ineffective investigation and discipline; violation of labor relations rules; workplace romances; wage and hour violations; and disability and fitness for duty issues - and provide practical guidelines for how to manage the risks associated with each area. The Workshop will focus on providing the busy public safety supervisor with a checklist for how to identify and get out in front of these common disputes before they become a larger legal problem.</p>	<p>Fire Management Command Staff, Human Resources Staff</p>	3 hours
15	<p>Managing Public Safety Officers' Off-Duty Conduct</p> <p>Generally, an employee's life during non-working hours is the employee's business. However, there are instances in which an employee's off-duty conduct may warrant discipline or create potential liability for an agency. This presentation will examine the circumstances in which a public safety agency may act in response to off-duty conduct, such as criminal misconduct, conduct that may render an employee unfit for duty, and conduct that reflects poorly on an agency. We also will discuss avoiding potential liability for discipline arising from off-duty misconduct and off-duty conduct that can create liability for an agency.</p>	<p>Fire Management Command Staff, Human Resources Staff</p>	3 hours

LCW MASTER WORKSHOP TOPICS LIST

<p align="center">16</p>	<p>Privacy Rights of Public Safety Employees Fire department members constantly work in the public eye, doing work that is vital to the community, but that is considered newsworthy and subject to close inspection by the media. How does management contend with issues of privacy for its employees, especially in the age of social media, video platforms such as YouTube, investigative bloggers, and underground media outlets? At the same time, what are the traditional privacy rights of employees that management must be careful to honor? This workshop will address such issues as contending with the media spotlight as a public agency, Public Records Act requests, off-duty conduct of peace officers and firefighters, respecting religion and political affiliations of employees, and privacy rights in the office, the station, and elsewhere in the workplace. The workshop will also address how changes in technology have changed privacy law for firefighters.</p>	<p>Fire Management Command Staff, Human Resources Staff</p>	<p align="center">3 hours</p>
<p align="center">17</p>	<p>Public Safety Retaliation Claims – How To Protect Your Department Retaliation claims against public employers are on the rise and the Legislature has just made it a lot easier for public employees to file such claims. Public safety departments, in particular, are often the targets of employee "whistleblowers". This workshop will discuss recent changes in the law relating to retaliation and how such changes affect public safety departments. In addition, the workshop will provide helpful suggestions on how any public safety department can reduce the risk of retaliation claims.</p>	<p>Fire Management Command Staff, Human Resources Staff</p>	<p align="center">3 hours</p>
<p align="center">18</p>	<p>Free Speech Rights For Public Safety Employees: A Review of Recent Cases and Legal Trends The appellate courts have recently been ablaze with First Amendment retaliation cases, particularly involving public safety employees. These cases have changed the landscape of this already complex area of the law. This workshop provides the tools you need to know how to discipline your employees when necessary without exposing yourself and your agency to potential civil liability. We will also discuss how to identify protected speech, what actions may constitute adverse retaliatory actions, and insights from the most recent developments in free speech cases.</p>	<p>Fire Management Command Staff, Human Resources Staff</p>	<p align="center">3 hours</p>
<p align="center">19</p>	<p>Managing Disability Issues During the Discipline Process This workshop will use a case study approach to illustrate key legal issues that can arise when determining whether to discipline a firefighter who has suffered an on-the-job injury, and/or has a medical condition that qualifies as a "disability" under the law. Topics to be covered will include: supervising, counseling and disciplining an employee who suffers from an injury and/or disability, the interactive process, making reasonable accommodations, workers' compensation issues that can arise, and disability retirement.</p>	<p>Fire Management Command Staff, Human Resources Staff</p>	<p align="center">3 hours</p>
<p align="center">20</p>	<p>How to Deal with Adverse Comments in Supervisor's Files Any adverse comments placed in a captain's informal "daily logs" used to detail performance of subordinate employees are subject to the requirements of Government Code sections 3255 and 3256 of the FBOR. This means that any comments that will impact employees' status must first be presented to the employee to sign or refuse to sign and allow up to 30 days to provide a response.</p>	<p>Fire Management Command Staff, Human Resources Staff</p>	<p align="center">3 hours</p>

LCW MASTER WORKSHOP TOPICS LIST

21	<p>Five Tips for Conducting Effective Interrogations for Fire Safety Management</p> <p>Public safety interrogations are much more complex than simply pressing record and asking questions related to an incident. An ineffective or legally non-compliant interrogation may result in adverse consequences for an agency, such as having witness statements excluded during a hearing, having discipline overturned, or even liability. Please join us as we discuss public safety interrogations and offer five tips for conducting effective, legally compliant interrogations.</p>	Fire Management Command Staff, Human Resources Staff	3 hours
22	<p>Effectively Managing a Whistleblower for Fire Safety Management</p> <p>This training will discuss the various types of whistleblowing that employees can engage in, and what effect that protected activity has on managing the employee.</p>	Fire Management Command Staff, Human Resources Staff	3 hours
23	<p>Fitness for Duty Evaluations for Fire Safety Management</p> <p>This workshop will provide details that are essential for conducting Fitness for Duty evaluations. During this presentation we will discuss:</p> <ul style="list-style-type: none"> • Typical issues to consider when an employee has a mental and/or physical condition affecting job performance; • Basic requirements under the law; • Practical factors/observations which justify sending an employee for a Fitness For Duty evaluation; • Information the Department should be receiving back; • The overlap of workers' compensation claims and/or 4850 leave; and • Interactive process and disability retirement. 	Fire Management Command Staff, Human Resources Staff	3 hours
24	<p>Employees Behaving Badly On Social Media for Fire Safety Management</p> <p>When work and personal life converge on social media, the results can bring discredit to an agency and/or result in discipline. This workshop covers the parameters of social media policies and how to balance employees' right to free speech with your agency's need to manage employee conduct and the agency's mission. It also covers agencies' ability to access social media content of employees and applicants.</p>	Fire Management Command Staff, Human Resources Staff	3 hours
25	<p>Top Five Common Errors in Employee Discipline - For Fire Safety Management</p> <p>What are some of the mistakes made by fire safety management while disciplining an employee? In this workshop, we will discuss the top five common errors in public safety employee discipline and how to avoid them:</p> <ol style="list-style-type: none"> 1. Overlooking the significance of interviewing the suspect employee as part of the investigation. 2. Treating witnesses the same as suspects during the investigation. 3. Putting the personnel investigation on hold pending a collateral criminal investigation. 4. Delegating the role of Skelly Officer outside of the department. 5. Ineffective use of last chance agreements in termination cases. 	Fire Management Command Staff, Human Resources Staff	3 hours

LCW MASTER WORKSHOP TOPICS LIST

26	<p>Managing Absenteeism and Understanding Protected Leaves: A Guide for Public Safety Supervisors for Fire Safety Management</p> <p>Tracking attendance and navigating protected leaves are issues which plague captains and command staff on a day to day basis. Can I discipline a firefighter who called in sick after his/her vacation request was denied? Should I mark the firefighter down in his/her performance evaluation after being out of work for 3 months? This workshop will give practical tips for responding to employees who abuse leave and/or are missing too much work. A comprehensive list of protected leaves will also be identified and discussed, including Labor Code section 4850, FMLA and fitness for duty/disability.</p>	Fire Management Command Staff, Human Resources Staff	3 hours
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Supervision and Performance Management

	Title	Audience	
27	<p>Maximizing Supervisory Skills for the First Line Supervisor</p> <p>This program is designed to provide first-line supervisors with the knowledge and tips to understand their responsibilities and to refine their supervisory skills. It also covers the full gamut of "need to know" legal requirements from a first line supervisor's perspective with emphasis on practical approaches in areas including leadership, goal-setting, problem-solving, delegation, discipline, evaluation and ethics.</p>	Supervisors and Managers	3 hours
28	<p>Managing the Marginal Employee</p> <p>This workshop is designed to train supervisors and managers on how to manage the employee who does the "bare minimum" and/or "pushes the envelope."</p>	Supervisors and Managers	3 hours
29	<p>Prevention and Control of Absenteeism and Abuse of Leave</p> <p>From a legal and practical perspective, this workshop provides effective solutions to the most persistent and vexing problems of employee absenteeism and/or abuse of leave privileges.</p>	Supervisors and Managers	3 hours
30	<p>Difficult Conversations</p> <p>Interpersonal problems are a fact of life. Wherever you interact with people, it is likely that you will have problems from time to time. Our natural instinct may be to avoid these conversations for as long as possible, but when you are a supervisor or manager, that is not always possible or advisable. This workshop teaches the participant how to transform difficult conversations on such issues as personality conflicts between co-workers, body odor or emotional outbursts into successful conversations.</p>	Supervisors and Managers	3 hours
31	<p>Performance Management: Evaluation, Documentation and Discipline</p> <p>This workshop takes the supervisor and manager through each step of performance management from objectively evaluating performance using effective communication techniques, documenting performance issues and, if necessary, imposing discipline.</p>	Supervisors and Managers	3 hours

LCW MASTER WORKSHOP TOPICS LIST

32	<p>The Art of Writing the Performance Evaluation</p> <p>Supervisors sometimes fall into the trap of viewing evaluations as just another record-keeping requirement, without appreciating the importance of evaluations and how evaluations impact the organization. Well-written performance evaluations encourage improvement, support discipline/termination, defend against litigation and help set a culture of fairness and openness in how performance issues are addressed. This workshop provides concrete examples and tips on how you can write an effective and meaningful performance evaluation.</p>	Supervisors and Managers	3 hours
33	<p>The Future is Now – Embracing Generational Diversity and Succession Planning</p> <p>This is the first time four generations have been present in the workforce at the same time. The generational differences brought by each group, if properly channeled, can enhance every organization. If not, these differences can lead to frustration and turnover, as well as potential legal challenges. This workshop aims to assist agencies in making the most of their generationally-diverse workforce.</p>	Supervisors and Managers	3 hours

Risk Management

ID	Title	Audience	Duration
34	<p>12 Steps to Avoiding Liability</p> <p>This session will provide managers and supervisors with preventive steps to take before a lawsuit is filed as well as steps to follow if that dreaded lawsuit is filed.</p>	Supervisors through Executive Management	3 hours
35	<p>Nuts & Bolts: Navigating Common Legal Risks for the Front Line Supervisor</p> <p>Public agencies are facing increasing risks of being targeted by grievances, harassment/discrimination claims, unfair practice charges and wage and hour litigation, to name a few. Front-line supervisors can provide an effective front-line defense to these dangers, or they can expose your agency to even greater risk. This workshop will train supervisors to effectively and appropriately respond to situations that place the agency at risk by offering real-life scenarios and recommendations for dealing with a myriad of legal and interpersonal issues in the workplace.</p>	Supervisors and Managers	3 hours
36	<p>Conducting Disciplinary Investigations: Who, What, When and How</p> <p>This workshop prepares directors and managers to conduct thorough and effective investigations of disciplinary incidents or alleged harassment. It includes guidance on how to organize the investigation, how to interview witnesses, and how to reach conclusions.</p>	Upper Management, Human Resources/Employment Relations Staff, Agency Counsel, Supervisors and Managers	3 hours

LCW MASTER WORKSHOP TOPICS LIST

37	<p>Advanced Investigations of Workplace Complaints This is an advanced investigation workshop which focuses on interview techniques, the general background on the laws of harassment and discrimination, how to focus the investigation to prevent a "runaway" interview, dealing with a difficult or evasive witness, responding to union representatives or attorneys who insist on controlling the investigation and making factual findings.</p>	Upper Level Management, Human Resources Staff and Agency Counsel	3 hours
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Promoting Respectful Workplaces

	Title	Audience	
38	<p>Preventing Workplace Harassment, Discrimination and Retaliation This practical workshop, designed for all levels of agency employees, provides guidance on managing day-to-day interactions to prevent unlawful discriminatory harassment and retaliation. It fully meets requirements of AB 1825 and AB 2053. (English or Spanish presentations available)</p>	All Staff	3 hours
39	<p>Iron Fists or Kid Gloves: Retaliation in the Workplace This workshop discusses the legal aspects of potential retaliation claims under federal and state law, the sources of retaliation claims, including Constitutional issues such as freedom of speech and association. It includes practical discussions of what constitutes "protected activity" and "adverse action." This workshop also includes preventive steps the agency can take to prevent and/or minimize retaliation claims.</p>	Supervisors, Managers and Human Resources Staff	3 hours
40	<p>Workplace Bullying: A Growing Concern This workshop will define bullying and distinguish it from simple rudeness, and identify strategies for recognizing when it occurs, including when a supervisor is bullying subordinates (versus merely supervising). The session will also provide pragmatic advice for holding bullies accountable for their conduct and for assisting "targets" of bullying in reporting and responding to bullying conduct.</p>	Supervisors and Managers	3 hours
41	<p>Addressing Workplace Violence This workshop teaches agency employees how they can minimize the potential for violent episodes in the workplace – and how to respond to violence when it does occur.</p>	Upper Management, Human Resources/Employment Relations Staff, Agency Counsel	3 hours

Employment Law

	Title	Audience	
42	<p>Public Sector Employment Law Update This workshop provides a practical and focused review of new laws and court cases to keep management employees on top of significant changes in labor and employment law.</p>	Executive Managers, Human Resources/Employee Relations Managers	3 hours
43	<p>Supervisor's Guide to Public Sector Employment Law This workshop covers the unique aspects of being a public sector employee, including the discoverability of email, off-duty conduct, conflict of interest, ethics, personal liability, the Brown Act, and the Public Records Act.</p>	Supervisors, Managers and Above	3 hours

LCW MASTER WORKSHOP TOPICS LIST

44	<p>Legal Issues Regarding Hiring This workshop is designed for supervisors and managers involved in the selection process of potential candidates for employment. It takes its participants through all steps of the hiring process.</p>	Supervisors and Managers, HR Staff	3 hours
45	<p>The Meaning of At-Will, Probationary, Seasonal, Part-Time and Contract Employment This workshop addresses the meaning of at-will employment including determining which employees are at-will, identifying their rights, preserving at-will status, and disciplining and evaluating at-will employees. It also includes definitions of all types of part-time and contract employment as well as how to manage these employees.</p>	Upper Management, Human Resources/Employment Relations Staff, Agency Counsel	3 hours
46	<p>Advanced FLSA One of LCW's FLSA experts presents this workshop which addresses some of the difficult FLSA issues agencies face. This workshop also provides suggestions on how to bring your agency into compliance with the law.</p>	Supervisors, Managers, HR, Finance/Payroll and IT staff responsible for ensuring compliance with the FLSA and already have a basic understanding of the FLSA	3 hours
47	<p>Labor Code 101 for Public Agencies This workshop identifies those sections of the California Labor Code that apply to public agencies, and provides practical tips for complying with them.</p>	Human Resources Staff, Managers	3 hours
48	<p>Leaves, Leaves and More Leaves This workshop focuses on the various paid and unpaid leaves, e.g., FMLA/CFRA/ADA/FEHA/sick leave, etc., and will provide participants with important information for addressing and responding to leave requests, including such issues as determining when employees are eligible for leaves and the employers' responsibilities in providing these leaves.</p>	Supervisors, Managers and above	3 hours
49	<p>Family and Medical Care Leave Acts This workshop will cover the Family and Medical Leave Act, the California Family Rights Act, and related family and medical leave laws. The presentation will address the conflicts and overlap of the various laws.</p>	Human Resources Staff, Supervisors and Managers	3 hours
50	<p>Issues and Challenges Regarding Drugs and Alcohol in the Workplace This workshop will help public agency managers deal with the impact of drugs and alcohol in the workplace.</p>	Upper Management, Human Resources/Employment Relations Staff	3 hours
51	<p>Employees and Driving This workshop helps employers minimize their liability and maximize their understanding of driving-related rules. Everything you need to know about auto insurance requirements, DOT regulations, DMV reports and even what happens when an employee is charged with a DUI will be covered in this hands-on, practical program.</p>	Human Resources Staff, Risk Managers, other Managers responsible for Driving Programs	3 hours

LCW MASTER WORKSHOP TOPICS LIST

52	<p>An Agency's Guide to Employee Retirement</p> <p>This workshop provides an easy-to-follow, comprehensive guide to the many different aspects of retirement-related issues that Human Resources personnel commonly face. This workshop will guide professionals through pension and retiree health care issues. The presenter will discuss pension topics such as employee eligibility, determining final compensation, early retirement incentives and employment of retirees. In addition, the presenter will discuss the disability retirement process from beginning to end, including local safety determination appeals. The presenter will focus on CalPERS related issues, but will also address '37 Act issues where they differ.</p>	Human Resources Staff	3 hours
53	<p>Terminating the Employment Relationship</p> <p>This workshop focuses on best practices for voluntary and involuntary separations of employment and will include information on PERS buyouts; possible tax issues; drafting legally sound settlement and severance agreements, addressing such topics as: the pros and cons of confidentiality clauses; disclosure obligations under the Brown Act and Public Records Act; workers compensation and EDD issues;" sealing the file" and must-have clauses. The workshop will also cover Unemployment Appeals.</p>	Human Resources, Upper Level Management	3 hours

Labor Relations

	Title	Audience	
54	<p>Exercising Your Management Rights</p> <p>This introductory overview workshop identifies the rights of supervisors and managers with respect to employee associations/unions and shows them how to exercise those rights in ways that can improve their management skills and preserve management rights.</p>	Supervisors and Managers	3 hours
55	<p>Management Guide to Public Sector Labor Relations</p> <p>This workshop provides attendees with an overview of employment relations issues including: meeting and conferring, union organizing, union representation, past practice, and grievances. This is an excellent workshop for first-time managers or as a refresher to seasoned managers.</p>	Supervisors and Managers	3 hours
56	<p>Negotiating Modifications to Retirement and Retiree Medical</p> <p>Retiree benefits are being carefully monitored by legislative bodies who are concerned with their long term costs. Negotiators must deal with the technical requirements of the retirement system, the political spotlight as well as ensuring that the proposals legally viable. This workshop will focus on strategies for modifying retiree benefits, current constraints to those modifications and retiree medical issues. Issues that will be discussed include: implementing two-tier pensions; reducing or eliminating retiree health benefits; unilateral implementation and lawful "spiking" issues. The workshop will address the current state of the law regarding vested rights and meet and confer obligations in connection with pensions and other post-employment benefits.</p>	Members of the agency's negotiation team	3 hours
57	<p>Unfair Practice Charges and PERB</p> <p>This workshop identifies conduct that could constitute an unfair labor practice, and provides tips to avoid having an unfair practice charge filed against your agency. This workshop guides participants through the entire unfair practice charge process, from the initial filing of a charge to judicial review, and provides useful information for each stage of that process. This workshop also includes an interactive component that will allow participants the opportunity to immediately practice the skills learned.</p>	Upper Management, Human Resources/Employment Relations Staff, Agency Counsel	3 hours

LCW MASTER WORKSHOP TOPICS LIST

58	<p>FLSA at the Collective Bargaining Table</p> <p>There are many issues that members of the agency's negotiation team need to take into account at the bargaining table. Wage and hour issues impact so many provisions in your agreement. These include overtime, work schedules, standby pay, compensatory time and the impact of special pays on the regular rate just to name a few. This workshop addresses strategies for dealing with all of these issues to ensure legal compliance and to help the agency to accomplish its goals at the table regarding each of these issues.</p>	Members of the agency's negotiation team	3 hours
59	<p>Labor Negotiations from Beginning to End</p> <p>From pre-negotiation planning to negotiation strategy, to negotiations and post negotiation follow up, this workshop walks you through every step of the process so you know what to expect.</p>	Members of the agency's negotiation team	3 hours
60	<p>MOU Auditing and The Book of Long Term Debt</p> <p>Your collective bargaining agreement contains many provisions which contribute to the long term debt of your agency. Any provision which creates cost in the future beyond that which is provided to employees in this fiscal year (for which you have budgeted) has the potential to impact public services. Many of these provisions were negotiated many years ago, some are vested rights which cannot be impacted and some are not. This workshop will explore this issue and get you to look at your agreements as books of long term debt. We will explore solutions to minimize the impact while at the same time remaining sensitive to the need your agencies to remain competitive employers. We will look at several collective bargaining agreement provisions and discuss options for addressing the future financial impact of those provisions. Topics will include retirement, retiree medical, health insurance and pays which are provided as additional pays for meeting minimum job qualifications.</p>	Members of the agency's negotiation team	3 hours
61	<p>Labor Negotiations and PERB: Five Common Errors That Lead to Unfair Labor Practice Charges</p> <p>No one wants an unfair practice charge – this workshop outlines 5 things your agency can do at the bargaining table that will minimize the risk of a future charge.</p>	Members of the agency's negotiation team	3 hours

Employee Disability and Injuries

Title	Audience	Hours
<p style="text-align: center;">62 Navigating the Crossroads of Discipline and Disability Accommodation</p> <p>Absenteeism, tardiness, emotional outbursts, and alcoholism. When is an employee's bad behavior disability related and what bad behaviors are employers required to accommodate? This interactive workshop will help employers navigate the intersection between disability, protected leave and discipline. You will learn what to do when an employee identifies a disability in response to proposed disciplinary action. We will discuss the interactive process and how to identify reasonable accommodations. We will also discuss how and when to separate a disabled employee, including the disability retirement process.</p>	Supervisors and Managers	3 hours

LCW MASTER WORKSHOP TOPICS LIST

63	<p>Workers Compensation: Managing Employee Injuries, Disability and Occupational Safety</p> <p>This workshop focuses on helping management deal effectively with issues surrounding occupational safety, employee injuries and disability. It also provides tools to institute risk management programs that can prevent and tackle those problems.</p>	Supervisors and Managers	6 hours
64	<p>Current Developments in Workers' Compensation</p> <p>This workshop is designed to give supervisors and managers the knowledge necessary to deal with the issues surrounding disability and workers' compensation, with an emphasis on the latest workers' compensation laws and rulings.</p>	Supervisors and Managers	3 hours
65	<p>The Disability Interactive Process</p> <p>This workshop covers the legally mandated reasonable accommodation interactive process including: starting the interactive discussion; what is reasonable accommodation; light-duty assignments; leaves; vacancies and how long the interactive process must continue.</p>	Human Resources Staff, Managers and above	3 hours
66	<p>Administering Overlapping Laws Covering Discrimination, Leaves and Retirement</p> <p>This workshop focuses on how these laws interrelate and how agencies can practically, intelligently and economically comply with each of them.</p>	Upper Management, Human Resources/Employment Relations Staff, Agency Counsel	6 hours

Expectations and Ethics in Public Service

	Title	Audience	
67	<p>Public Meeting Law (the Brown Act) and the Public Records Act</p> <p>This program focuses on these important laws and includes a review of the fundamentals as well as an update on recent developments related to these laws. It is designed for those most responsible for complying with the legal requirements contained in the laws.</p>	Members of Legislative Bodies, Top Managers, Human Resources/Employment Relations Staff, Agency Counsel & Risk Managers	3 hours
68	<p>Mandated Reporting</p> <p>This workshop meets all legal requirements for those obligated to report suspected abuse or endangerment. The workshop covers everything from what triggers a duty to report through the details of the reporting process</p>	Employees and Managers who have Direct Contact/Supervision of Minors	3 hours
69	<p>Public Service: Understanding the Roles and Responsibilities of Public Employees</p> <p>Maybe you're new to the public sector or maybe you've been here awhile. Your success is dependent upon many factors you can't control: the economy, the budget, staffing levels etc. It is also dependent upon how you react to those uncontrollable items. This workshop covers the best practices successful public employees have undertaken to not only succeed but excel.</p>	All Employees	3 hours

Specialty Programs

In addition to the programs we offer through our Employment Relations Consortiums, LCW also offers specialty workshops, many of which can be scheduled as onsite training. These include:

Labor Relations Certification Program

The LCW Labor Relations Certification program is designed to provide labor relations practitioners education combined with practical hands-on experience in a variety of core areas. Each workshop includes both traditional training and interactive simulations to develop skills helpful to labor relations professionals. The sessions provide a “deep dive” into each area and offer successful tips and strategies that we use when working with clients.

Seminars are conducted throughout the year and throughout the state. Receive a certificate of completion for each completed course. Complete 7 out of 7 workshops (in any order) and receive the official LCW Labor Relations Certification.

COSTING LABOR CONTRACTS – 6 hours

The keys to successful negotiations include planning and costing. Just like planning a vacation, the amount of time and effort you put into planning and costing can determine the success of the trip. Costing contract proposals is similar to costing excursions on a vacation - they all sound like a good idea but can we afford them? Join us at this workshop to learn the importance of costing and methods you can use to make costing easy.

NUTS & BOLTS OF NEGOTIATIONS – 6 hours

Navigate the nuts & bolts of public sector labor negotiations by exploring the legal framework of collective bargaining, preparation tips for the process, and setting up your strategy. The fundamentals are the building blocks to success and this workshop will provide the key elements in this process.

COMMUNICATION COUNTS! – 6 hours

This workshop will teach you how to be effective in all types of communication including: closed session with elected officials; communicating up with agency executives; crafting clear and concise contract language; clarity around the common clauses in labor contracts; using comparable surveys and data; and verbal/non-verbal techniques at the table.

THE PUBLIC EMPLOYMENT RELATIONS BOARD (PERB) – 6 hours

This workshop will help you understand unfair labor practices, PERB hearing procedures, representation matters, agency shop provisions, employer employee relations resolutions, mediation services, fact-finding, and requests for injunctive relief - all subjects covered under PERB’s jurisdiction. Join us and we share the insight on PERB!

TRENDS & TOPICS AT THE TABLE – 6 hours

What is happening in that room? This workshop puts you into the negotiation session environment and focuses on tips from our time at the table. Trending topics, union tactics, creative problem solving, and techniques to tackle various contract provisions will be shared and demonstrated.

THE RULES OF ENGAGEMENT: ISSUES, IMPACTS & IMPASSE- 6 hours

Understanding the scope of meet and confer matters, impacts/effects bargaining, the rights of union/association representatives, dealing with pickets, protests and concerted activity, issuing last, best & final offers, impasse procedures and managing the chaos that can come when engaged with labor relations challenges will be covered in this workshop.

BARGAINING OVER BENEFITS – 6 hours

Benefit provisions continue to get complicated with retirement, Affordable Care Act, FLSA compliance, IRS compliance, retiree medical, and leaves of absence. Understanding the interplay of state and federal laws and MOU provisions is important – let us uncomplicate some complicated subjects, provide tips for compliance, and offer strategies for your agency to consider.

Train the Trainer – Harassment – 6 hours

We've always offered our clients the opportunity to become a Preventing Harassment Trainer. With the passage of SB1343, this training has become even more popular. The session prepares you to present the required 2 hour course for supervisors and 1 hour course for non-supervisors. You are provided updated material for a two year period along with a speakers binder. This is offered as a seminar by LCW but you can also bring this in house for your trainers.

Train the Investigator – 8 hours

DFEH Guidelines recommend that all investigators receive a full day of investigation instruction that covers information about the law shaping investigation recommended practices, how to determine scope (what to investigate), effective interviewing of witnesses, weighing credibility, analyzing information and writing a report. The course must include skill-building exercises. This class meets these requirements. We come onsite so that your out of office time is kept at a minimum.