

Proposal to Provide
Employee Disciplinary Investigations

Submitted to the
City of Carson
RFP 23-038



November 9, 2023

Your challenges are unique. Our **solutions** are too.



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1. COMPANY CERTIFICATION AND PERSONNEL VERIFICATION

November 9, 2023

Shelly McGhee
City of Carson
Purchasing Division
701 E. Carson Street
Carson, CA 90745

Submitted via PlanetBids

Re: City of Carson RFP 23-038 for Employee Disciplinary Investigations

Atkinson, Andelson, Loya, Ruud & Romo (AALRR or “firm”) is pleased to respond to the Request for Proposals (RFP) for Employee Disciplinary Investigations from the City of Carson (“the City”).

AALRR is a full-service law firm with more than 240 attorneys based in nine offices strategically positioned throughout California. The firm has had the distinct and long-standing privilege of providing quality legal services and strategic advice to our public sector clients, including the City. We have years of experience handling labor and employment matters, including grievances, investigations, collective bargaining, unfair labor practice defense, and advice and counsel, for our clients, and are confident that we have the necessary experience and resources to continue providing Employee Disciplinary Investigations.

Proven track record – AALRR has been providing quality legal and related services and strategic advice to hundreds of cities, counties, and special districts throughout California for more than 40 years. We understand your business and your challenges, and our experienced attorneys deliver prompt, practical advice to meet those challenges.

Specialization – Our attorneys specialize in various areas of the law, and we design our teams specifically to bring the required expertise to any matter, including governance, compliance, labor and employment, and investigations.

Preventive and budget-minded approach – We get ahead of problems by anticipating them and work to resolve issues as quickly as possible, which helps keep legal and investigation costs down. We are very mindful of the budgetary constraints on public agencies, and we deliver outstanding service in the most cost-effective way possible.

Responsiveness – Our clients consistently attest to our responsiveness to their inquiries. Our priority is to ensure that we are always accessible to you in order to provide timely and effective counsel and service.

Diversity – Our employees represent a rich mix of races, ethnicities, religions, sexual orientations, cultures, and languages. The wide cultural lens through which we view the world helps us to facilitate deeper conversations. Understanding the perspectives of the clients we serve, as well as the perspectives of those served by our clients, is crucial to the work we do.

As a partner with AALRR, I am authorized to contract on behalf of the firm. AALRR is a corporation and is in good standing with the California Secretary of State. Please find general company information on the following pages and resumes of personnel to be assigned to the engagement attached as Appendix 1.

I will serve as your primary contact and can be reached at 562-653-3200 or nkowalski@aalrr.com. Please do not hesitate to contact me should the City have any questions or need clarification regarding our proposal or the firm's qualifications. We look forward to providing exceptional legal advice and professional service to the City of Carson.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nate Kowalski', with a stylized flourish extending to the right.

Nate Kowalski
Partner
Atkinson, Andelson, Loya, Ruud & Romo

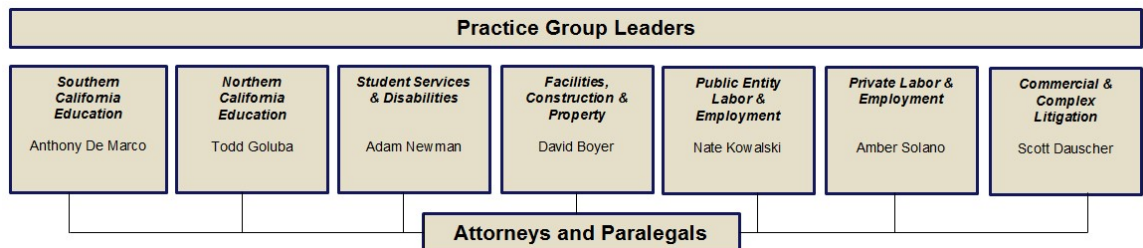
Firm Overview

AALRR was founded by employment, labor and education law attorneys in 1979 and has grown steadily over the years in response to client demand. We represent both public and private sector clients, with emphases in the areas of employment, labor, education, facilities and construction, real estate, water, commercial and complex litigation, corporate and taxation. Through decades of dedicated commitment to high quality legal work and providing practical management solutions to our clients, AALRR has earned a reputation as one of California's leading law firms.

AALRR has both the experience and resources to successfully serve the City in all capacities identified in the RFP. The firm employs more than 240 attorneys in seven practice groups that specialize in specific areas of law, including Public Entity Labor and Employment. Our employment attorneys are unrivaled in the state of California, we are the experts in the field, and our clients benefit from the depth and breadth of our experience.

AALRR has been involved in public sector employment law since its inception. Our firm's partners were involved in developing the first management collective bargaining contract model in California. We also assisted PERB in developing its initial rules and regulations, and one of our founding partners co-authored and edited the Matthew Bender California Public Employment Relations treatise.

All attorneys on your proposed legal team are part of our Public Entity Labor & Employment practice group.



Public Sector Experience

AALRR's attorneys have decades of experience representing public entity clients in all aspects of labor and employment matters. We represent cities, counties, housing authorities, transit agencies, California administrative agencies, water districts, and other special districts. The firm also represents law enforcement and fire agencies.

We serve as trusted advisor to our clients who seek our expertise for their toughest cases, requesting our advice on novel and gray-area legal issues, engaging us for complex investigations, and retaining us to defend litigation brought by high level officials and other employees. We have developed long-term relationships with clients due to our deep understanding of the issues faced by public entities and our focus on achieving effective results. Our attorneys have been recognized throughout the state as top in their field.

Our legal services include investigations, litigation, and training; EEO, including discrimination, harassment, and whistleblower claims; personnel administration; disability retirement, health and welfare benefits; wage and hour, including Fair Labor Standards Act (FLSA) collective actions; reasonable accommodation; employee leaves; PERS audits; public safety, including the Peace Officer Bill of Rights and the Firefighters Bill of Rights.

Client Focused

At AALRR, we put the client's needs first. We understand the budgetary constraints faced by public agencies and, accordingly, we work to ensure that our client's resources are utilized in the most effective manner possible.

We take pride in our demonstrated commitment to respond quickly to client inquiries and have a firm-wide policy that all communications received from our clients must be responded to within 24 hours. Our attorneys are available at any time to field questions from clients whenever the need arises, including on the weekends and evenings. Our priority is to ensure that we are always accessible to you in order to provide timely and effective counsel.

Workplace Investigations

Investigating internal employee complaints often involves complex personnel and legal issues. The quality of an investigation can become the deciding factor in resolving an internal complaint or key evidence if the matter goes to court. AALRR's attorneys have the knowledge and experience needed to conduct appropriate, fact-based investigations. Our attorneys perform insightful witness interviews, thorough and impartial evaluations of evidence, and careful credibility analyses. The breadth of our experience and clientele allows us to provide clients with insight and knowledge of best practices and industry standards.

AALRR has a robust investigatory practice that spans the entire State of California, and we are leaders in the industry when it comes to investigations. Your proposed AALRR investigations team has conducted hundreds of investigations in a wide-range of employment-related matters.

AALRR attorneys serve as investigators to fulfill our client's obligation to take preventive and corrective action. AALRR's investigative team provides impartial, thorough, efficient, cost-effective, and prompt investigations.

AALRR is adept at handling high-level, critical investigations that require sensitivity, diplomacy, and focus. An improperly conducted investigation can cause significant problems, including loss of employee morale, destruction of confidentiality, unwanted media attention, and potential litigation against the City. Our attorney investigators provide thorough evaluation of evidence, and precise analysis of credibility to ensure the highest quality investigative report, which includes assessments of the credibility of every witness, findings of fact, and transcripts of recorded interviews.

Discrimination & Harassment

Preventing unlawful discrimination and harassment begins with sound policies that are properly communicated and implemented. Our attorneys draft, update, and assist with implementation of effective policies against discrimination and harassment on the basis of sex, race, religion, disability, and other protected classifications. We conduct management and supervisory training to prevent unlawful harassment and guide employers through independent workplace investigations. We advise employers on avoiding claims of discrimination or minimizing liability for these claims. Our attorneys have decades of experience representing management in federal and state court and in administrative charges before the Equal Employment Opportunity Commission and Department of Fair Employment and Housing.

Experience

Below, and on the following pages, please find a partial list of the investigations our firm has handled for cities, counties and special districts.

City of Anaheim

- Allegations of age discrimination involving an employee against her supervisor
- Allegations of gender identity discrimination involving a former employee against his supervisors
- Allegations of harassment and bullying by the Chief Public Information Officer against a city councilmember
- Allegations of inappropriate behavior raised by an independent contractor against a city councilmember
- Allegations of race discrimination involving an Assistant Risk Manager against the Risk Manager
- Allegations of wrongful termination in retaliation for complaining about workplace conditions involving a former employee

City of Costa Mesa

- Allegations of a policy violation that resulted in an accident involving a Fire Captain
- Allegations of hostile work environment against a department head

City of Downey

- Allegations of disrespectful conduct and unnecessary physical contact involving a citizen against a Fire Captain
- Allegations of hostile work environment involving a city councilmember against a fellow city councilmember
- Allegations of sexual harassment involving two female employees against the Recreation Manager
- Allegations of unethical behavior against a former Assistant City Manager
- Allegations of workplace violence by an Ambulance Operator against a Firefighter/Paramedic

City of Long Beach

- A single investigation against 10 firefighters alleged to have engaged in inappropriate conduct, including taking drugs, while attending a wedding in another county
- Allegations of retaliation for testifying at the trial of a former employee involving a Business Systems Specialists IV against multiple upper management positions
- Investigation into Director of HR and Director of Program Management for Discrimination/Retaliation based on participation in prior investigation, Sex/Gender, National Origin/Religion, Disclosure of Confidential Medical Information, and Improper Promotional Process

City of Los Angeles Harbor Department

- Allegations of whistleblower retaliation and sexual harassment involving independent contractors

City of Los Banos

- Investigation for City of Los Banos into Director of Public Works for allegations of workplace violence

City of Manhattan Beach

- Investigation into Director of Public Works for harassment/discrimination based on gender
- Investigation into Director of Public Works for harassment/discrimination/retaliation based on medical condition (COVID) and participation in prior investigation, and harassment/discrimination/retaliation based on race

City of Oxnard

- Allegations of misconduct involving the City Treasurer against the City Manager
- Allegations of misconduct, harassment, hostile work environment, and interfering with an investigation involving multiple department heads and employees against the City Treasurer
- Allegations of sexual harassment by a Recreation Leader III against the Recreation Coordinator
- Allegations of sexual harassment involving a volunteer against the former Assistant City Manager
- Allegations of sexual harassment involving multiple employees against a Fire Department Battalion Chief

City of Pasadena

- Investigation for Pasadena Fire Department into firefighter's complaint of harassment/retaliation based on disability/medical condition

City of San Clemente

- Investigation for City of San Clemente of Code Compliance Officer into allegations of possible misconduct

City of San Gabriel

- Investigation for San Gabriel Police Department of two police officers for possible off-duty misconduct

City of Santa Ana

- Allegations of denial of reasonable accommodation, retaliation and discrimination involving a former Senior Residential Construction Specialist against the Housing Division Manager

City of Santa Ana

- Allegations of religious discrimination involving a former Executive Assistant for the City Manager against the Executive Secretary for the City Manager
- Investigation for Santa Ana Police Department into an officer's complaint of harassment/discrimination based on gender

City of Simi Valley

- Allegations of hostile work environment involving various Transit Division members against the Deputy Public Works Director for the Transit Division and the Transit Operations Manager

County of Inyo

- Investigation for Inyo County of Health and Human Services Behavioral Health Division Specialist for possible workplace misconduct

| |
|---|
| <p>County of Ventura</p> <ul style="list-style-type: none"> • Allegations of retaliation and discrimination by a probation officer |
| <p>Hayward Area Parks & Recreation District</p> <ul style="list-style-type: none"> • Allegations of misuse of district property by a Recreation Leader • Allegations of sexual harassment raised by third-parties against the Recreation Supervisor |
| <p>Long Beach Police Department</p> <ul style="list-style-type: none"> • Investigation into Commander for conflict of interest and/or preferential treatment of subordinates |
| <p>Los Angeles County Fire Department</p> <ul style="list-style-type: none"> • Investigation concerning claims of on-duty intoxication of a fire department employee. Services included site inspection and interview with percipient witnesses |
| <p>Los Angeles Department of Water and Power</p> <ul style="list-style-type: none"> • Environmental study regarding the work environment involving field employees • Investigation into customer service employee's complaint of discrimination and harassment based on race and sex/gender, and improper promotional processes (outside of civil service rules) |
| <p>METROLINK</p> <ul style="list-style-type: none"> • Allegations of misconduct and unethical behavior involving a Customer Relations Representative against several of his coworkers and supervisors |
| <p>Oakland Housing Authority</p> <ul style="list-style-type: none"> • Allegations of harassment involving an Assistant Director for Office of Property Operations against the Director of Property Management |
| <p>Superior Court of California, County of Riverside</p> <ul style="list-style-type: none"> • Allegations of harassment involving the Assistant Deputy Executive Officer against the Court Executive Officer |
| <p>West Valley Mission Community College District</p> <ul style="list-style-type: none"> • Investigation for West Valley Mission Community College District Police Department into an officer's complaint of harassment/discrimination based on race |

Proposed Team

Your proposed team is as follows:

- Nate Kowalski, Partner, Primary Contact and Lead Investigator
- Jorge J. Luna, Partner
- Ruth M. Bond, Partner
- Sarah J. Martoccia, Of Counsel
- Cassandra D. Lo, Of Counsel
- Abraham Escareno, Senior Associate

For qualifications and resumes of the proposed legal team, please refer to the Attorney Biographies attached as Appendix 1.

2. SUBCONTRACTOR LIST

AALRR does not anticipate needing to utilize a subcontractor to perform any of this work.

3. COST PROPOSAL

AALRR's attorneys, paralegals, and support staff operate as a collaborative team to provide value to our clients with prompt, high quality legal services at a reasonable cost. Our firm is always mindful of the larger budgetary reality facing the public sector. We can provide cost estimates of specific matters so that the City can make informed decisions about its options. We provide our clients with detailed monthly invoices that include descriptions of the services provided, including the attorney or paralegal who provided such service. Invoices are broken down by matter numbers so fees can be tracked by each individual matter.

Mr. Kowalski will consider the needs of the City along with the experience of our team members when assigning a project. Every matter will be supervised at the partner level, and he will have the overall responsibility for all matters assigned to AALRR.

Hourly Rates

Among our public sector clients, AALRR is known for our competitive rates, fair billing practices, and a universal perception from clients that they receive exceptional value for the cost of legal services provided. Actual hourly rates depend on years of experience of the professional working on the matter. Time is billed in one-tenth of an hour (6-minute) increments.

| Resource | 2023 Hourly Rates |
|-----------------------------|-------------------|
| Partner | \$350 to \$450 |
| Of Counsel/Senior Associate | \$335 |
| Associate | \$250 to \$300 |
| Law Clerk / Paralegal | \$200 |

In addition to the hourly rates described above, the City has the option of agreeing to a five percent (5%) Administrative Fee (based on the total monthly billed fees) to cover certain operating expenses incurred in providing services. We have found that many of our public agency clients prefer this Administrative Fee method of covering costs rather than paying individual fees for telephone charges (\$.07 per minute), incoming and outgoing faxes (\$1.00 per page), photocopies (\$.20 per page), mailing fees, messenger services, computer database (e.g. Westlaw) searches (billed at vendor's standard retail rate), parking, meals, and lodging (excluding airfare). We have found that the Administrative Fee is more cost-effective for clients in the long run. We are, of course, amenable to discussing a more traditional arrangement of charging for each item.

Travel

AALRR typically staffs from the nearest office location to the client; however, the City is always free to select the attorney of choice and receive specialized services upon request from our attorneys throughout the state. In such cases, the firm bills actual cost for travel expenses. Travel time is billed from portal to portal.

Other Expenses

The firm charges standard hourly rates for telephone consultations, litigation, and attending meetings. AALRR bills actual cost for witness/court/jury fees and bonds, deposition and court reporter/transcript fees, and any other external consultant fees.

4. CLIENT REFERENCE LIST

CLIENT REFERENCE LIST

In order to more fully evaluate your background and experience for the project herein proposed, it is requested that you submit a list of references and/or similar projects completed or in progress within the last 24 months or as noted in the requirements of the RFP or IFB. Your cooperation in this matter is greatly appreciated.

Company Name: Atkinson, Andelson, Loya, Ruud & Romo

Number of years as a contractor in the work of this type: 43

Three projects/clients references for this type of work:

Client Name City of Carson

Address 701 E Carson Street, Carson, CA 90745

Contact Name Sunny Soltani Contact Email ssoltani@awattorneys.com

Contact Phone Number (949) 250-5407

Project Description Conducted multiple employee investigations.

Project Start Date January 2019

Project End Date Ongoing

Project Amount: \$100K +

Client Name City of Long Beach

Address 411 W Ocean Blvd Fl 9, Long Beach, CA 90802

Contact Name Gary Anderson Contact Email gary.anderson@longbeach.gov

Contact Phone Number (562) 570-2200

Project Description Conducted multiple employee investigations.

Project Start Date February 2006

Project End Date Ongoing

Project Amount: \$100K+

Client Name City of San Diego

Address 1200 Third Ave., Suite 1620, San Diego, CA 92101

Contact Name Lara Easton Contact Email leaston@sandiego.gov

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Contact Phone Number (619) 533-5500

Project Description Conducted multiple employee investigations.

Project Start Date August 2018

Project End Date Ongoing

Project Amount: \$100K+

Bidder's Signature  _____

NOTE: If requested by the City, the bidder shall furnish a certified financial statement, references, and other information sufficiently comprehensive to permit an appraisal of his current financial condition.

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5. MODIFICATION, CHANGES OR EXCEPTION TO THE CITY CONTRACT OF SERVICE AGREEMENT TEMPLATE

City of Carson Edits

1.4 Licenses, Permits, Fees and Assessments.

Consultant shall obtain at its sole cost and expense such licenses, permits and approvals as may be required by law for the performance of the services required by this Agreement. Consultant shall have the sole obligation to pay for any fees, assessments and taxes, plus applicable penalties and interest, which may be imposed by law and arise from or are necessary for the Consultant's performance of the services required by this Agreement, and shall indemnify, defend and hold harmless City, its officers, employees or agents of City, against any such fees, assessments, taxes, penalties or interest levied, assessed or imposed against City hereunder, caused by or resulting from the negligent acts or omissions of Consultant.

5.1

(c) Automotive Insurance (Form CA 0001 (Ed 1/87) including "any auto" and endorsement CA 0025 or equivalent). A policy of comprehensive automobile liability insurance written on a per occurrence for bodily injury and property damage in an amount not less than \$1,000,000. Said policy shall include coverage for owned, non-owned, leased, and hired cars and any automobile.

5.2 General Insurance Requirements.

All of the above policies of insurance shall be primary insurance and shall name the City, its elected and appointed officers, employees and agents as additional insureds and any insurance maintained by City or its officers, employees or agents may apply in excess of, and not contribute with Consultant's insurance. The insurer is deemed hereof to waive all rights of subrogation and contribution it may have against the City, its officers, employees and agents and their respective insurers. Moreover, the insurance policy must specify that where the primary insured does not satisfy the self-insured retention, any additional insured may satisfy the self-insured retention.

All of said policies of insurance shall provide that sSaid insurance may not be amended or cancelled by the insurer or any party hereto without providing thirty (30) days prior written notice by certified mail return receipt requested from Consultant to the City. In the event any of said policies of insurance are cancelled, the Consultant shall, prior to the cancellation date, submit new evidence of insurance in conformance with Section 5.1 to the Contract Officer.

All certificates shall name the City as additional insured (providing the appropriate endorsement), and shall conform to the following "cancellation" notice:

CANCELLATION:
SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATED THEREOF, THE ISSUING COMPANY SHALL MAIL THIRTY (30)-DAY ADVANCE WRITTEN NOTICE TO CERTIFICATE HOLDER NAMED HEREIN.

[to be initialed] _____ Consultant Initials

City, its respective elected and appointed officers, directors, officials, employees, agents and volunteers are to be covered as additional insureds as respects: liability arising out of activities Consultant performs; products and completed operations of Consultant; premises owned, occupied or used by Consultant; or any automobiles non-owned, leased, or hired or borrowed by Consultant. The coverage shall contain no special limitations on the scope of protection afforded to City, and their respective elected and appointed officers, officials, employees or volunteers. Consultant's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

~~Any deductibles or self-insured retentions must be declared to and approved by City. At the option of City, either the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects City or its respective elected or appointed officers, officials, employees and volunteers or the Consultant shall procure a bond guaranteeing payment of losses and related investigations, claim administration, defense expenses and claims.~~ The Consultant agrees that the requirement to provide insurance shall not be construed as limiting in any way the extent to which the Consultant may be held responsible for the payment of damages to any persons or property resulting from the Consultant's activities or the activities of any person or persons for which the Consultant is otherwise responsible nor shall it limit the Consultant's indemnification liabilities as provided in Section 5.3.

6.4

(c) If Consultant, or any officer, employee, agent or subcontractor of Consultant, provides any information or work product in violation of this Agreement, then City shall have the right to reimbursement and indemnity from Consultant for any damages, costs and fees, including attorneys fees, caused by or incurred as a result of Consultant's negligent conduct.

7.1 California Law.

This Agreement shall be interpreted, construed and governed both as to validity and to performance of the parties in accordance with the laws of the State of California. ~~Legal actions concerning any dispute, claim or matter arising out of or in relation to this Agreement shall be instituted in the Superior Court of the County of Los Angeles, State of California, or any other appropriate court in such county, and Consultant covenants and agrees to submit to the personal jurisdiction of such court in the event of such action. In the event of litigation in a U.S. District Court, venue shall lie exclusively in the Central District of California, in the County of Los Angeles, State of California.~~ If any dispute arises out of, or related to, a claimed breach of this agreement, the professional services rendered by Consultant, or any other disagreement of any nature, type, or description, regardless of the facts or the legal theories which may be involved, including attorney malpractice, breach of fiduciary duty, misrepresentation, or conflict of interest, such dispute shall be resolved by confidential and binding arbitration upon the written request of one party after service of that request on the other party.

There are significant advantages and disadvantages of binding arbitration. The parties shall agree on an arbitrator with special skills and experience to hear and determine the dispute unlike in a

court proceeding where a judge is assigned. If the parties cannot agree, then the Superior Court of Los Angeles County shall choose an impartial arbitrator whose decision shall be final and conclusive on all matters.

The parties shall each have the right of discovery in accordance with Code of Civil Procedure Section 1283. Arbitrations conducted pursuant to this agreement permit the same discovery rights as in a court proceeding. Each party shall bear their own costs and attorney fees, including payments to the arbitrator which can be significantly more costly than the filing fee in Court proceedings where costs may be awarded to the prevailing party. Each party to this agreement waives and therefore gives up important constitutional rights in arbitration as the arbitrator's decision is final. There is no right to appeal to challenge any errors made in the arbitration proceeding. Unlike court proceedings, arbitration proceedings are conducted privately and the outcome will remain confidential. There is no right to a trial by a judge or jury of one's peers. There is no limitation on the type of monetary damage that can be awarded by the arbitrator. The parties are advised that they have the right to have an independent lawyer of their choice review this arbitration provision.

7.6 Legal Action.

~~In addition to any other rights or remedies, either party may take legal action, in law or in equity, to cure, correct or remedy any default, to recover damages for any default, to compel specific performance of this Agreement, to obtain declaratory or injunctive relief, or to obtain any other remedy consistent with the purposes of this Agreement. Notwithstanding any contrary provision herein,~~ Consultant shall file a statutory claim pursuant to Government Code Sections 905 et. seq. and 910 et. seq., in order to pursue a legal action under this Agreement.

7.9 Attorneys' Fees.

~~If either party to this Agreement is required to initiate or defend or made a party to any action or proceeding in any way connected with this Agreement, the prevailing party in such action or proceeding, in addition to any other relief which may be granted, whether legal or equitable, shall be entitled to reasonable attorney's fees. Attorney's fees shall include attorney's fees on any appeal, and in addition a party entitled to attorney's fees shall be entitled to all other reasonable costs for investigating such action, taking depositions and discovery and all other necessary costs the court allows which are incurred in such litigation. All such fees shall be deemed to have accrued on commencement of such action and shall be enforceable whether or not such action is prosecuted to judgment.~~

6. AFFIDAVIT OF NON-COLLUSION AND NON-DISCRIMINATION

**CITY OF CARSON
AFFIDAVIT OF NON-COLLUSION AND NON-DISCRIMINATION**


I hereby swear (or affirm) under the penalty of perjury:

That the attached proposal or bid has been arrived at by the responder independently and has been submitted without collusion with and without any agreement, understanding, or planned common course of action with any other firm or entity designed to limit fair and open competition;

That the contents of the proposal or bid response have not been communicated by the responder or its employees or agents to any person not an employee or agent of the responder and will not be communicated to any such persons prior to the official opening of the solicitation responses; and

The proposer/bidder does not and shall not discriminate, will provide equal employment practices, and will adhere to an affirmative action program to ensure that in their employment practices, persons are employed and employees are treated equally and without regard to or because of race, religion, ancestry, national origin, sex, sexual orientation, age, disability, marital status or medical condition.

I certify that the statements in this affidavit are true and accurate.

| | |
|--|--|
|  _____ Signature | November 9, 2023 _____ Date |
| Nate Kowalski _____ Printed Name | Partner _____ Title |

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7. FEDERAL LOBBYIST REQUIREMENTS

FEDERAL LOBBYIST REQUIREMENTS CERTIFICATION

Name of Firm: Atkinson, Andelson, Loya, Ruud & Romo Date: November 9, 2023

Address: 12800 Center Court Drive, Suite 300

State: CA Zip Code: 90703 Phone No.: (562) 653-3200

Acting on behalf of the above-named firm, as its Authorized Official, I certify as follows:

1. No Federal appropriated funds have been paid, by or on behalf of the above named firm to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of and Federal grant, loan or cooperative agreement, and any extension, continuation, renewal, amendment, or modification thereof, and;

2. If any funds other than Federal appropriated funds have paid or will be paid to any person for influencing or attempting to influence an officer or employee or any agency, a Member of Congress an officer or employee of Congress or an employee of a Member of Congress in connection with this Federal contract, grant loan, or cooperative agreement, the above named firm shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions, and:

3. The above-named firm shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreement) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into the transaction imposed by Section 1352 Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Authorized Official:

Name: Nate Kowalski Title: Partner

Signature:  Date: November 9, 2023

8. DEBARMENT AND SUSPENSION CERTIFICATE

DEBARMENT AND SUSPENSION CERTIFICATION

Name of Firm: Atkinson, Andelson, Loya, Ruud & Romo

Acting on behalf of the above-named firm ("Consultant"), as its Authorized Official, I, the undersigned, certify as follows:

I am a duly authorized representative of ("Consultant"). Consultant certifies, to the best of its knowledge and belief, that Consultant, including its principals:

Is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency, and not does not have a proposed debarment pending;

Has not within the three-year period preceding this certification been convicted of or had a civil judgment rendered against it for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction, contract, or subcontract under a public transaction; for violation of federal or state antitrust statutes; or for commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property;

Is not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (2) above; and

Has not within the three-year period preceding this certification had one or more public transactions (federal, state or local) terminated for cause or default.

Consultant further certifies that Consultant, including its principals, is not listed on the government-wide exclusions in the System for Award Management.

Consultant acknowledges that falsely providing this certification may result in criminal prosecution or administrative sanctions, and that this certification is a required component of all proposals in response to this RFP/IFB.

A proposal that does not include a completed and signed version of this certification will be deemed incomplete and materially nonresponsive, and will not be considered.

CONSULTANT

By: Nate Kowalski 

Title: Partner

Date: November 9, 2023

9. CERTIFICATE OF COMPLIANCE WITH LABOR CODE SECTION 3700

**CERTIFICATE OF COMPLIANCE WITH LABOR CODE SECTION
3700**

Name of Firm: Atkinson, Andelson, Loya, Ruud & Romo

Acting on behalf of the above-named firm ("Consultant"), as its Authorized Official, I, the undersigned, certify as follows:

Consultant is aware of the provisions of Section 3700 of the California Labor Code, which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with provisions of that code, and will comply with such provisions before commencing the performance of the work under any contract awarded in response to Consultant's proposal.

CONSULTANT

By: Nate Kowalski



Title: Partner

Date: November 9, 2023

APPENDIX 1: ATTORNEY BIOGRAPHIES

aalrr Atkinson, Andelson
Loya, Ruud & Romo
A Professional Law Corporation

Nate J. Kowalski

Partner
562-653-3200
nkowalski@aalrr.com



Nate Kowalski is Chair of the firm's Public Entity Labor and Employment Practice Group. He is an accomplished litigator who represents employers in both the private and public sectors. Mr. Kowalski has litigated hundreds of sensitive and complex labor and employment cases in state and federal courts and has achieved remarkable results for his clients in hearings, arbitrations, trials, and appeals.

Mr. Kowalski also represents private and public sector employers in wage and hour litigation, including class actions. He has developed a unique expertise concerning the application of California's wage and hour laws to public agencies. He was the lead counsel in a groundbreaking appellate case, *Johnson v. Arvin-Edison Water Storage District* (2009) 174 Cal. App. 4th 729, which established that California's overtime and meal period requirements do not apply to the public sector. He also co-authored chapters on (1) wage and hour law for *California Public Sector Employment Law* and (2) PERB procedure for *California Public Sector Labor Relations*.

Honors & Recognitions

In 2016, the national publication *Law360* profiled Mr. Kowalski, acknowledging his success in building his practice while maintaining close relationships with and quality service to his existing clients. The article, "Rainmaker Q&A: Atkinson Andelson's Nate Kowalski," highlights Mr. Kowalski's perseverance and thoughtfulness, as well as AALRR's unique strengths.

In 2011 and 2013, the *Daily Journal* named Mr. Kowalski to its list of the Top 75 labor and employment lawyers in California, highlighting cases he handled on behalf of Ralph's Grocery Company (defense verdict in disability discrimination arbitration), the San Diego Superior Court (denial of writ of

OFFICE

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Cerritos, CA 90703

INDUSTRIES

Entertainment & Media
Manufacturing
Public Entities
Retail Services
Technology

EDUCATION

J.D., University of Michigan Law
School
B.A., University of Michigan

ADMISSIONS

1995, California
U.S. Court of Appeals, D.C. Circuit
U.S. Court of Appeals, Ninth Circuit
U.S. District Courts, Central, Eastern,
Northern, and Southern Districts of
California

PRACTICE AREAS

Labor & Employment Litigation
Public Safety
Trials

www.aalrr.com

Nate J. Kowalski

mandate after union challenged layoffs imposed by the Court), and the Los Angeles Superior Court (summary judgment in a sex discrimination case brought by three Court employees).

Also in 2011 and 2013, the *Daily Journal* named Mr. Kowalski to its list of the top municipal lawyers in California, spotlighting his representation of the Metropolitan Water District of Southern California (summary judgment in employment retaliation lawsuit), the City of San Bernardino (concerning wage reductions imposed by the City), and the City of Long Beach (concerning furloughs imposed by the City).

For the last 11 years, Mr. Kowalski has been selected to the Southern California Super Lawyers list. This list honors lawyers who have attracted a high degree of peer recognition and professional achievement.

Chambers USA has also named Mr. Kowalski to its list of the top labor and employment lawyers in California. Citing client feedback, Mr. Kowalski was described in the Chambers guide as “adept, forthright, and analytical.”

Representative Matters

Reported Cases:

- *Schmidt v. Ventura Superior Court* (2020) 44 Cal.App.5th 570 (defense verdict for Superior Court after six-week retaliation and sexual harassment bench trial, affirmed on appeal)
- *SEIU Local 721 v. San Bernardino Superior Court* (2014) 39 PERC ¶ 35 (Court properly refused to process decertification petition as it was filed outside of the “window period” set forth in the Court’s local rules)
- *Sheppard v. North Orange County ROP* (2010) 191 Cal. App. 4th 289 (application of California’s minimum wage to Joint Powers Authority)
- *CHP v. Los Angeles Housing Authority* (2010) 34 PERC ¶ 36 (Housing Authority satisfied its duty to engage in effects bargaining related to layoffs)
- *Johnson v. Arvin-Edison Water Storage District* (2009) 174 Cal. App. 4th 729 (Water District not subject to wage and law claims brought under California Labor Code and Wage Orders)
- *AFSCME Local 1902 v. Metropolitan Water District of Southern California (“MWD”)* (2008) 32 PERC ¶ 65 (union waived its right to bargain over employer’s decision to change job descriptions)

Nate J. Kowalski

- *AFSCME Local 1902 v. MWD* (2007) 31 PERC ¶ 141 (unfair practice charges dismissed as untimely, equitable tolling rejected)
- *Claremont POA v. City of Claremont* (2006) 39 Cal. 4th 623 (the duty to bargain and the managerial prerogative doctrine) (counsel for amicus MWD)
- *Riverside Sheriffs Association v. County of Riverside* (2004) 29 PERC ¶ 21 (County did not engage in surface bargaining)
- *Upland Police Officers Association v. City of Upland* (2003) 111 Cal App. 4th 1294 (Police Department properly conducted disciplinary investigation)
- *Morrison v. Housing Authority* (2003) 107 Cal.App.4th 860 (public meetings of government bodies)
- *AFT v. San Diego CCD* (2001) 25 PERC ¶ 32099 (use of internal mail by employee organizations)
- *Marquez v. Screen Actors Guild* (1998) 525 U.S. 33, 159 LRRM 2641 (union security provisions in collective bargaining agreements)

Representative Matters:

- Obtained summary judgment for a superior court client in a whistle-blower and retaliation case, affirmed on appeal.
- Obtained a defense verdict for a superior court client after a six week bench trial in a sexual harassment and retaliation case.
- Obtained a defense verdict for a water district client after a three-week jury trial in religious discrimination and retaliation case.
- Defeated a writ of mandate in public employees' lawsuit alleging improper layoffs, and won the subsequent appeal by unanimous decision.
- Defeated class certification of multimillion-dollar wage and hour claims asserted against transit agency client.
- Obtained summary judgment in a wrongful termination lawsuit filed against water district client.
- Induced a former public employee to dismiss his complaint and comply with a restraining order after an anti-SLAPP motion was filed against him.

Nate J. Kowalski

- Obtained summary judgment of former public employee's lawsuit alleging nine discrimination and retaliation causes of action.
- Won an appeal in which a class of city employees claimed the city violated their vested constitutional rights when the city changed the pension contribution rate for their retirement plan.
- Won a binding arbitration in a disability discrimination action against a Fortune 50 client.
- Obtained summary judgment for a Fortune 50 client in a whistleblower case.
- Obtained summary judgment for a Fortune 50 client in a racial discrimination case and prevailed on appeal before the 9th Circuit Court of Appeals.

Representative Clients:

Judicial Council, Metropolitan Water District of Southern California, Coachella Valley Water District, United Water Conservation District, Arvin-Edison Water Storage District, Santa Ynez Community Services District, Novato Fire Protection District, Orange County Transportation Authority, Orange County Superior Court, San Bernardino County Superior Court, City of Glendale, City of Long Beach, City of Arcadia, City of Santa Ana, the Kroger Company, Ralph's Grocery Company, Storopack.

Firm News

Four AALRR Attorneys Named 2023 Southern California Super Lawyers
01.10.2023

Four AALRR Attorneys Named 2022 Southern California Super Lawyers
01.20.2022

Five AALRR Attorneys Named 2021 Southern California Super Lawyers
02.02.2021

Events & Speaking Engagements

Mr. Kowalski has given presentations to a number of industry and professional groups, including the Society for Human Resource Management (SHRM), the National Employment Law Institute (NELI), the International Public Management Association (IPMA), and the California Public Employers Labor Relations Association (CalPELRA).

Nate J. Kowalski

"Even Probationary Employees Have Rights: Understanding And Avoiding Risks When Dealing With Probationary Employees" - CALPELRA Annual Conference (November 2022)

"Avoiding Common Mishaps and Misunderstandings During the Interactive and Reasonable Accommodation Process" - CALPELRA Annual Conference (November 2021)

- *"Save the Drama: Managing Challenging Employees and Behaviors"* - CALPELRA Annual Conference (November 2021)
- *"You Be The Juror: HR Documents On Trial"* - CALPELRA Annual Conference, virtual (November 2020)
- *"Opening Up": How Public Employers Should Prepare* - CSDA On-Demand Webinar
- *The Great Re-Set: Leading the Workplace Post COVID-19* - ACWA Webinar - June 2020
- *Staying Open: Navigating Workplace Safety Concerns* - CSDA Webinar - June 2020
- *Managing Employees Through a Pandemic* - CSDA Webinar - April 2020

Back By Popular Demand: Understanding and Avoiding Risks With Probationary Employees, Part II - 2023 CALPELRA Annual Training Conference

Monterey, California, 11.16.2023

Embrace Fact-Finding (If You Must) - 2023 CALPELRA Annual Training Conference

Monterey, California, 11.15.2023

Alerts & Articles

PERB Provides Clarity on Risk for Repeated Labor Violations in Context of Interest Arbitration Bargaining Dispute

05.05.2023

Changes to the Political Reform Act

12.28.2022

PERB Reaffirms its View on Test for Whether Managerial Decision Is Subject to Bargaining

12.05.2022

Nate J. Kowalski

PERB Reinforces Deferral to Arbitration Doctrine in Context of Retaliation Unfair Practice Claims Brought Under MMBA

10.10.2022

Third Circuit Court Highlights Free Speech Protections for Public Employees in Context of Discipline for Violation of COVID-19 Face Covering Policy

07.11.2022

Appellate Court Reaffirms Importance of Three-Prong Test for Whether Managerial Decision Is Subject to Bargaining

06.29.2022

California Supreme Court Confirms Worker Friendly Evidentiary Standard for Whistleblower Retaliation Claims

01.28.2022

California Public Employers May Face a State Vaccination Mandate Should OSHA Issue Regulations Based on President Biden's Vaccine Initiative

09.23.2021

California Enacts Law Providing New Bank of Supplemental Paid Sick Leave

03.23.2021

PERB Decision Interprets Statute Which Prohibits Public Employers From Deterring or Discouraging Union Membership

03.09.2021

Cal/OSHA Updates "FAQ" Guidance Regarding Emergency COVID-19 Regulations

01.15.2021

Legal and Practical Considerations for Mandating That Public Employees Obtain a COVID-19 Vaccination

12.17.2020

Cal/OSHA Adopts Expansive and Burdensome Regulations to Mitigate COVID-19 Exposure and Outbreaks in the Workplace

12.02.2020

Expansion of Close Contact: Drastic Impact on Calculating Exposure to COVID-19

11.05.2020

2020 Legislative Update on Public Sector Labor and Employment Issues

10.13.2020

Nate J. Kowalski

AB 992 Clarifies Permissible Communications via Social Media Platforms
10.08.2020

Local Educational Agencies And Other Public Agencies Subject To New
Rebuttable Presumption Standard for COVID-19 Workers' Compensation
Claims
10.06.2020

California Mandates COVID-19 Exposure Notification Requirements for
Public Employers Starting January 1, 2021
09.29.2020

California Family Rights Act Significantly Expanded by New Legislation
09.18.2020

California Enacts Supplemental Paid Sick Leave Law for Large Employers,
Emergency Responders, and Health Care Providers
09.17.2020

New York Federal Court Ruling Invalidates Crucial DOL Regulations
Interpreting the FFCRA
08.25.2020

The California Supreme Court Upholds PEPRAs Changes to
"Compensation Earnable," But Leaves the "California Rule" Intact
08.13.2020

Assessment of Contact Tracing: Balancing Privacy and Safety in the
Pandemic
06.26.2020

California Supreme Court Rules Video Redaction Costs Under CPRA Are
Not Recoverable
05.29.2020

Governor Issues Executive Order Affecting Statutory Deadlines or
Requirements for Collective Bargaining, Administrative Hearings, and
POST in Response to COVID-19
05.14.2020

California Supreme Court Hears Oral Arguments in Critical Pension Case
05.07.2020

Discipline During the Pandemic: Can Employers Do It and, If So, How?
05.06.2020

Nate J. Kowalski

AALRR Helps Client Defeat Sexual Harassment Claims at Trial and on Appeal

04.13.2020

CARES Act: What Public Entity Employers Need to Know About the Federal COVID-19 Stimulus

03.31.2020

Considerations for Public Agencies Before Implementing Furloughs and Layoffs

03.27.2020

Frequently Asked Questions Regarding Medical Inquiries and Medical Examinations During COVID-19 Pandemic

03.27.2020

Governor's Executive Order N-25-20 Brings Temporary Changes for Retired Annuitants

03.27.2020

Governor Newsom's Updated List of "Essential Critical Infrastructure Workers" Includes Government Employees

03.23.2020

Governor Newsom Issues a Statewide "Stay Home" Order That Affects But Does Not Close Public Entity Employers

03.20.2020

HR 6201: What Public Entity Employers Need to Know About Federal COVID-19 Legislation

03.19.2020

Eight California Counties and the City of Fresno Release Orders Affecting Public Entity Employers in Those Areas

03.19.2020

Court Requires Record of Threatened Litigation to be Included in Agenda Packet for Closed Session Item

03.09.2020

Publications

Mr. Kowalski has published articles in the Los Angeles Daily Journal, California Labor and Employment Review, California Special District Magazine, California Public Employee Relations Journal, California Public

Nate J. Kowalski

Employers Labor Relations Association Alerts and California Lawyer. His recent articles include:

- "Working Through the Pandemic: Safety Considerations for Employees Returning to Work," *CSDA Magazine* (Aug. 2020)

Blog Posts

AALRR Partners Presenting at SCPLRC's 39th Annual Labor Relations Conference

Public Entity Labor & Employment Law Blog, 02.03.2023

Community & Professional

Mr. Kowalski volunteers at a number of community organizations, including Fullerton Pony & Little League Baseball; Cub Scouts; Irvine Novaquatics; and Servite High School Robotics. He is a member of the University of Michigan Alumni Association.

Jorge J. Luna

Partner
562-653-3200
jluna@aalrr.com



Sometimes a litigator's best tool is the willingness to engage in thoughtful and open-minded discussion.

Jorge Luna has been practicing law since 1996 in a variety of areas, including employment, construction, business litigation, intellectual property and entertainment. For the past 17 years, Mr. Luna has focused his practice exclusively on employment matters, with an emphasis on litigation and workplace investigations.

Mr. Luna represents employers in all aspects of employment law matters, including employment discrimination, harassment, retaliation and wrongful termination. Mr. Luna has extensive experience preparing, handling and managing litigation matters, including taking cases up to and through trial and subsequent appeals. Specifically, he addresses budgets, initial pleadings, discovery, dispositive motions, mediations, arbitrations, bench trials, jury trials and appeals.

Mr. Luna conducts workplace investigations for both private and public employers. Mr. Luna is experienced in handling investigations involving high ranking employer representatives and sensitive topics, including claims of discrimination, harassment, and retaliation. Mr. Luna is a member of the Association of Workplace Investigators, and he has lectured on investigation topics, including assessing credibility and handling problematic witnesses.

Honors & Recognitions

Mr. Luna was named a "Southern California Rising Star" for five consecutive years, based on a poll of selected Southern California Lawyers. This recognition honors exceptional Southern California attorneys who are

OFFICE

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Suite 300
Cerritos, CA 90703

INDUSTRIES

Entertainment & Media
Public Entities

EDUCATION

J.D., Loyola Law School
B.A., Princeton University

ADMISSIONS

1996, California
U.S. Court of Appeals, Ninth Circuit
U.S. District Court, Central District of California

PRACTICE AREAS

Investigations
Labor & Employment Litigation
Litigation
Trials

Jorge J. Luna

under the age of 40. All award recipients must be nominated by an attorney outside of their firm and must go through an extensive assessment before being selected for this honor.

Mr. Luna has also received awards from the following organizations: Corporate LiveWire Global Awards, AVVO, and The American Registry.

Representative Matters

- On behalf of a public entity, Mr. Luna obtained summary judgment in federal court against three former employees who claimed gender discrimination after they were laid off as part of a reduction in force.
- Mr. Luna achieved summary judgment on behalf of a public entity against an employee who was not selected for promotion because he was not the most qualified applicant. The plaintiff claimed age-based discrimination, retaliation, fraud and breach of contract. The firm was first brought into the case just two weeks before the deadline for filing a motion for summary judgment, with the plaintiff's deposition yet to be taken. The appellate court affirmed the summary judgment.
- Mr. Luna also successfully represented a public entity client against 15 causes of action stemming from the termination of a maintenance worker who had been out on medical leave for several years. The entire action was dismissed without leave to amend, and Mr. Luna's client was awarded its costs.
- On behalf of a public entity, Mr. Luna successfully negotiated a favorable settlement of a discrimination and retaliation claim brought by a former member of the police department who claimed she was constructively terminated. Mr. Luna was able to settle both the civil litigation claim and an associated workers' compensation claim.

Events & Speaking Engagements

California Public Employers Labor Relations Association (CALPELRA) Annual Training Conference:

- *What's Over the Rainbow @ CALPERS: Guidance For Disability Retirement* - November 2021
- *Guidance for Disability Retirement* - November 2020

Jorge J. Luna

Bullying Investigations: Finding Our Way in Uncharted Territory - 2023
CALPELRA Annual Training Conference
Monterey, California, 11.16.2023

Alerts & Articles

Changes to the Political Reform Act
12.28.2022

California Supreme Court Confirms Worker Friendly Evidentiary Standard
for Whistleblower Retaliation Claims
01.28.2022

The California Supreme Court Upholds PEPRA's Changes to
"Compensation Earnable," But Leaves the "California Rule" Intact
08.13.2020

California Supreme Court Hears Oral Arguments in Critical Pension Case
05.07.2020

Considerations When Employees Return to Work During COVID-19
Pandemic
04.22.2020

EEOC Guidance for Employers Navigating ADA Risks in the Workplace
Amid the COVID-19 Pandemic
04.15.2020

AALRR Helps Client Defeat Sexual Harassment Claims at Trial and on
Appeal
04.13.2020

The Department of Labor's Temporary Rule Regarding the Families First
Coronavirus Response Act
04.06.2020

Frequently Asked Questions Regarding Medical Inquiries and Medical
Examinations During COVID-19 Pandemic
03.27.2020

Governor's Executive Order N-25-20 Brings Temporary Changes for
Retired Annuitants
03.27.2020

Jorge J. Luna

Governor Newsom's Updated List of "Essential Critical Infrastructure Workers" Includes Government Employees

03.23.2020

HR 6201: What Public Entity Employers Need to Know About Federal COVID-19 Legislation

03.19.2020

Eight California Counties and the City of Fresno Release Orders Affecting Public Entity Employers in Those Areas

03.19.2020

Community & Professional

- Mexican American Opportunity Foundation, Board Member
- Princeton University Southern California Alumni Association, Member
- Association of Workplace Investigators, Member
- Whittier Area Community Church, Assistant Basketball Coach

Ruth M. Bond

Partner
628-234-6200
ruth.bond@aalrr.com



Ruth Bond's practice focuses on representing public entities in labor and employment matters as well as other areas of public law. Her labor and employment matters include litigation in state and federal court, workplace investigations, arbitrations, labor relations, day-to-day advice regarding compliance with relevant statutes and regulation, handling charges filed with the Equal Employment Opportunity Commission, the California Office of Civil Rights and the Public Employment Relations Board and more.

Before joining AALRR, Ms. Bond was a Partner at a boutique law firm where she represented a variety of non-profits and public agencies, including cities, counties and special districts, primarily in labor and employment matters. Ms. Bond oversaw the firm's litigation and investigations practices. Before that, Ms. Bond spent nearly 14 years as a Deputy City Attorney for the City of San Francisco, under the leadership of City Attorney Dennis Herrera. As a member of the Labor team, Ms. Bond represented the City of San Francisco in every aspect of labor and employment law. Ms. Bond gained extensive experience in employment litigation in state and federal court. This included appellate work in the California Court of Appeal, Ninth Circuit Court of Appeals and successfully opposing a Petition for Review in the California Supreme Court. Ms. Bond also has a great deal of experience with grievance arbitrations and labor negotiations.

While at the Office of the City Attorney, Ms. Bond advised several city departments including Juvenile Probation, Adult Probation, Recreation and Parks, and the City Attorney's Office. These departments relied on Ms. Bond to provide insight and guidance on compliance with federal, state and local employment laws such as Title VII, the Fair Labor Standards Act, the Americans with Disabilities Act, the California Fair Employment and Housing Act and San Francisco's Civil Service Rules. Ms. Bond also served

OFFICE

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Suite 200
Sausalito, CA 94965

INDUSTRIES

Nonprofits
Public Entities

EDUCATION

J.D., New York University School of Law
B.A., Yale University

ADMISSIONS

2001, State Bar of California
U.S. Court of Appeals, Ninth Circuit
U.S. District Court, Eastern and Northern Districts of California

PRACTICE AREAS

California, Federal & Local Agency Claims
Collective Bargaining & Labor Relations
Employment Policies, Procedures & Training
Investigations
Labor & Employment Law
Labor & Employment Litigation
Leaves of Absence

Ruth M. Bond

as a member of the City Attorney's Affirmative Litigation Task Force from 2015 to 2017.

Before the Office of the City Attorney, Ms. Bond was a litigation associate for another firm, and a judicial clerk for the Hon. Barrington D. Parker Jr. in the U.S. District Court for the Southern District of New York.

Prior to attending law school, Ms. Bond was an award-winning journalist for the Fort Worth Star-Telegram and other publications. She applied these journalism skills in law school as an Articles Editor on the New York University Law Review.

Honors & Recognitions

- Top Women Lawyer, *Daily Journal*, 2020 and 2021
- Top 100 Lawyer, *Daily Journal*, 2021

Representative Matters

Dinslage v. City and County of San Francisco(2016) 5 Cal.App.5th 368 (partially published)

Events & Speaking Engagements

California Public Employers Labor Relations Association - CALPELRA

- 2019 - "The Death of the Stray Remarks Doctrine: Once Is Now Enough To Show Sexual Harassment, and Other Legal Updates Regarding Sexual Harassment Law"
- 2022 - "Union Activity and Whistleblowing"

Thankful For Employment Law Updates - 2023 CALPELRA Annual Training Conference

Monterey, California, 11.17.2023

Community & Professional

- The Bar Association of San Francisco, Member
- Friends of The Children – SF Bay Area, Board of Directors

Sarah J. Martoccia

Of Counsel
562-653-3200
Sarah.Martoccia@aalrr.com



My goal is to make each client feel as if they are my most important client.

Sarah Martoccia, has over two decades of experience working in public employment law. Her role at AALRR as Public Safety Group Leader was due in part to her range of expertise which includes negotiating and drafting Memoranda of Understandings for unions; preparing and trying disciplinary appeal hearings before various administrative bodies, including Civil Service Commissions, Personnel Boards, and arbitrators; and drafting, filing, and trying employment grievances on numerous issues before City Managers, City Councils, and other hearing officers. She has worked on matters involving the Fair Labor Standards Act, the Family Medical Leave Act, Public Safety Officers Procedural Bill of Rights Act (POBR) and the Firefighters Procedural Bill of Rights Act (FBOR) and other employment law issues. She has researched and drafted Petitions for Writs of Mandate and Appellate Briefs and argued motions before the Superior Court and the California Court of Appeal.

Ms. Martoccia began her legal career representing law enforcement unions and their employees. In that capacity, she represented hundreds of peace officers during the internal affairs investigation process. She has significant experience with the Public Safety Officers Procedural Bill of Rights Act (POBR), and has successfully argued violations of the Act both before hearing bodies and in court. Ms. Martoccia has represented officers during the Skelly process and at post-disciplinary appeal hearings. Having spent several years on the other side of the investigatory process, Ms. Martoccia now brings her unique experience to the management side. She is able to identify potential arguments that may be made by a public safety employee, as well as guide the agency through the entire disciplinary process while avoiding POBR violations and other legal pitfalls.

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INDUSTRIES

Public Entities

EDUCATION

J.D., Southwestern University School
of Law
B.A., California State University, Long
Beach

CLERKSHIPS

Los Angeles District Attorney's Office,
Eastlake Juvenile District

ADMISSIONS

1997, California
U.S. District Court, Central District of
California

PRACTICE AREAS

Advice & Counsel
Collective Bargaining
Disciplinary Matters
Investigations
Litigation
Public Safety
Public Safety Officers Procedural Bill
of Rights Act

Sarah J. Martoccia

Before joining AALRR, Ms. Martoccia owned and managed a private law firm, where she assisted clients in day-to-day operations with an emphasis on employment and labor law issues, unemployment cases, civil litigation collection cases and personal injury cases. She is familiar with all aspects of business litigation and disputes, as well as advising companies on employment practices, including but not limited to hiring and firing decisions, wage and hour issues, and investigation of employee complaints.

While in law school, Ms. Martoccia served as the Note and Comment Editor on the Southwestern Law Journal and as an advocate on the Interscholastic Trial Advocacy Program. During her last year, she was permitted by the California State Bar to make court appearances while still in school as a Certified Law Clerk for the Los Angeles District Attorney's Office, Eastlake Juvenile District.

Honors & Recognitions

Ms. Martoccia was named a "Rising Star" by Southern California Super Lawyers in 2005, 2006, and 2010.

Events & Speaking Engagements

Ms. Martoccia is a frequent speaker at AALRR events, as well as for outside organizations related to her practice.

Recent speaking engagements include:

- Presenter: "*Looking For Harmony In Labor Relations*" - CALPELRA Annual Training Conference, (November 2022)
- Presenter: "*Not All Blue: Current Public Safety Topics*," CALPELRA Annual Training Conference, (November 2021)
- Presenter, "*Red Fish, Blue Fish: Effective Investigations Under POBRA / FOBR*," CALPELRA Annual Training Conference, (November 2021)
- Presenter, "*Law Enforcement Update*," CALPELRA Annual Training Conference, virtual (November 2020)"

Introduction to Public Safety Officers Procedural Bill of Rights Act - 2023
CALPELRA Annual Training Conference
Monterey, California, 11.16.2023

Sarah J. Martoccia

Alerts & Articles

A California Appellate Court Rules that Digital In-Car Video System Recording Was Properly Allowed as Evidence at Police Officers' Termination Hearings
01.12.2022

California Legislature Passes Senate Bill 16; Expanding Peace Officer Records Accessible to the Public
09.23.2021

California Legislature Passes Senate Bill 2; Increasing Peace Officer and Public Entity Civil Liability & Creating a Decertification Process
09.23.2021

California Appellate Court Rules that Certain Records Involving Peace Officer Misconduct Will Remain Public Regardless of When the Peace Officer Misconduct Occurred
03.05.2021

California Considers Expanding Public Access to Peace Officer Personnel Records
08.10.2020

California Supreme Court Rules Video Redaction Costs Under CPRA Are Not Recoverable
05.29.2020

Governor Newsom Extends the Statute of Limitations for Peace Officer Misconduct Investigations by 60 Days Due to COVID-19 Pandemic
04.03.2020

California Court of Appeal Weighs In on Application of SB 1421
02.13.2020

Blog Posts

Court of Appeal Further Clarifies POBR 1-Year Statute of Limitations
Public Safety Law Blog, 03.30.2023

California Court of Appeal Rules on Statute of Limitations Under POBRA
Public Safety Law Blog, 02.10.2023

Community & Professional

- Los Angeles County Bar Association, Member

Cassandra D. Lo

Of Counsel
949-453-4260
cassandra.lo@aalrr.com



Cassandra Lo represents employers in both the private and public sectors in all areas of labor and employment law, including discrimination and harassment, retaliation, leaves of absence, wrongful discharge, ADA, wage and hour, benefits, policy and procedure, collective bargaining, the Public Safety Officers Procedural Bill of Rights Act, the Firefighters Procedural Bill of Rights Act, privacy laws, the California Public Records Act, peace officer personnel records, and conflicts of interest.

Ms. Lo handles matters in state and federal courts as well as before various administrative agencies. She has successfully defended employers in hearings, arbitrations, trials, and appeals. Additionally, she has assisted clients in collective bargaining, drafting Memoranda of Understanding, handbooks, personnel rules and other workplace policies, and conducting necessary workplace training sessions.

Prior to joining the firm, Ms. Lo regularly represented cities and local agencies in labor and employment related matters. She served as a Deputy County Counsel for the County of Los Angeles, where she represented the Los Angeles Sheriff's Department and served as the Advisor to the Sheriff's Equity Oversight Panel. Ms. Lo's prior experience also includes conducting numerous personnel investigations for the County of Los Angeles and the Board of Supervisors' County Equity Oversight Panel.

Events & Speaking Engagements

2023, CSDA, Sexual Harassment Prevention Training
2022, League of Cities Annual Conference, Sexual Harassment Prevention Training for Supervisors and Officials
2022, Orange County City Attorneys Association, Return to Work: Cal/OSHA COVID-19 Guidelines
2020, County of Los Angeles, Government Conflicts of Interest

OFFICE

20 Pacifica
Suite 1100
Irvine, CA 92618

EDUCATION

J.D., Loyola Law School
B.A., University of California, Santa Barbara

ADMISSIONS

2013, California
U.S. District Court, Central District of California

PRACTICE AREAS

Collective Bargaining & Labor Relations
Disciplinary Matters
Discrimination & Harassment
Employment Policies, Procedures & Training
Investigations
Labor & Employment Law
Labor & Employment Litigation
Litigation
Public Safety
Workplace Training

Abraham Escareno

Senior Associate
562-653-3200
aescareno@aalrr.com



Helping people drove my decision to become an attorney. It still remains my driving force.

Abraham Escareno is experienced in counseling and representing both public and private sector clients in various aspects of labor and employment law, including discrimination, disability, privacy, harassment, retaliation, unfair labor practices, and bargaining. He handles all stages of the litigation process to trial. Prior to joining AALRR, Mr. Escareno worked for other labor and employment law firms. He has litigated cases before administrative law boards and state and federal courts.

After graduating from law school, Mr. Escareno earned a fellowship to clerk at the State of California Attorney General's Office, Employment and Administrative Mandate Section. While in law school, Mr. Escareno worked at the San Francisco City Attorney's Office, Office of Labor and Employment, defending against claims of discrimination, reasonable accommodation and section 1983 due process violations. He also served as a summer law clerk at the Equal Employment Opportunity Commission, Office of General Counsel in Washington, DC where he researched and wrote legal memoranda on a variety of sophisticated legal issues. In addition, Mr. Escareno was a judicial extern for the Honorable Consuelo B. Marshall, U.S. District Court, Central District of California, where he researched and wrote memoranda analyzing a variety of legal issues.

While attending the University of California, Berkeley, Mr. Escareno was an Associate Justice with the Judicial Council of Associated Students of the University of California. Mr. Escareno also served as Submissions Editor and Senior Articles Editor for the Berkeley La Raza Law Journal. While

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INDUSTRIES

Public Entities

EDUCATION

J.D., University of California, Berkeley
School of Law
B.A., University of California, Berkeley

ADMISSIONS

2012, California
U.S. District Courts, Central and
Northern Districts of California

PRACTICE AREAS

Investigations
Labor & Employment Law
Labor & Employment Litigation
Litigation
Workplace Training

LANGUAGES

Spanish

Abraham Escareno

obtaining his undergraduate degree, he also studied abroad at the University of Carlos III in Madrid, Spain.

Publications

Mr. Escareno is a contributor to the firm's labor and employment publications and blogs.

Community & Professional

- Los Angeles County Bar Association, Labor & Employment Law Section, Member
- Mexican American Bar Association, Member