

WE ZERO IN ON PRUDENT AND CREATIVE SOLUTIONS TO ADDRESS WORKPLACE ISSUES.



GINA M. ROCCANOVA

Chair, Labor & Employment Practice Group

Gina Roccano serves clients with more than 20 years of experience in negotiations, counseling, litigation, arbitration and training. She is a California State Bar certified mediator.

Gina's decade of service as a Deputy City Attorney on the Labor Team in the San Francisco City Attorney's Office provides her with special insights for handling matters faced by government entities, including administrative hearings, collective bargaining and labor arbitrations, as well as providing advice and counsel to elected and appointed officials.

In private practice, Gina has handled employment matters for private and non-profit entities in the health care, education, hospitality, marketing, and technology sectors, among others. She has particular expertise in the areas of discrimination, accommodation, leave of absence laws, wage-and-hour law, and NLRB enforcement in non-unionized workplaces.

Our sound counsel resolves issues quickly and favorably, helping prevent damage to an employer's relationships with its employees and the public. We represent employers in the full range of labor and employment rules, regulations and procedures, and have an exceptional track record exemplified by satisfied clients and successful court decisions.

Our Labor and Employment Practice Group provides advice and litigation services to help clients 1) create a blueprint for fiscal sustainability, including changes in the areas of health care, retiree healthcare and retiree benefits, and 2) develop sound practices, policies, and procedures that foster a positive work environment and protect the agency as it enforces its rules.

Our cases and other matters have been tied to issues such as wage and hour, vested rights (pensions and retiree health benefits), medical leave, disability accommodations, overtime, layoffs, hiring, terminations, discipline, severance, due process, and social media in the workplace. We have also defended clients against claims of defamation, retaliation (whistleblower), violence in the workplace, discrimination, and harassment as well as claims of employee privacy, First Amendment (free speech) and public policy violations.

We advise public agencies on all these issues discretely as they arise and on a more regular basis, depending on the clients' needs.

LITIGATION

The Meyers Nave team has handled some of the leading California cases concerning retiree health and pension benefits, as well as union-driven Fair Labor Standards Act (FLSA) and writ lawsuits, wage and hour class actions, and numerous wrongful termination, sexual and racial harassment and discrimination lawsuits. A testament to our success is the fact that major cities, Los Angeles, San Francisco and San Jose, as well as Orange County have engaged our services to represent them in complex pension reform litigation. Cities

nationwide are closely watching these cases. We also prepare responses to unfair labor practices and California Department of Fair Employment (DFEH)/Equal Employment Opportunity Commission (EEOC) charges and help settle potential litigation.

We litigate in state and federal courts from the inception of the case through discovery, trial and appeal.

GENERAL ADVICE

We routinely advise public agencies regarding legal issues affecting employment and have assisted in drafting or revising personnel regulations, employee handbooks, civil service rules and labor contracts.

Our approach emphasizes timely service and a prudence that will help clients avoid future legal disputes. Our advice is grounded in our belief that creative solutions often yield better results than simply stating legal concerns or "saying no." We use our knowledge and broad experience to identify effective solutions.

LABOR RELATIONS & NEGOTIATIONS

Our attorneys serve as lead negotiator for numerous employers and work behind the scenes as labor counsel for many more. We sit at the table with our clients when the stakes are high—as they are in collective bargaining, contract grievances, unfair labor practice charges, dispute resolutions and arbitrations. We negotiate labor contracts and counsel public agencies in all stages of negotiations. Our experience includes preparation and strategy, serving as chief spokesperson at the table, mediations, arbitrations, impasse procedures, and briefing and seeking direction from councils and

Labor & Employment Services

- Litigation
- Administrative hearings
- Preventive counseling on all labor and employment issues
- EEO and other personnel investigations
- Labor relations
- Labor negotiations and concession bargaining
- Human resources and FLSA audits
- Employee discipline and Skelly hearings
- Layoffs and furloughs
- DFEH, EEOC, PERB, OSHA, Office for Civil Rights and Department of Labor proceedings
- Public Employees' Pension Reform Act (PEPRA)
- In-house training and workshops
- Compensation and benefits
- Severance packages
- Mediation
- Regulatory compliance
- Neutral advisors to councils and commissions
- Reorganization

government boards. As labor counsel, we regularly review labor contracts and advise on potential impasse, unfair labor practice, and negotiation strategy issues.

ADMINISTRATIVE HEARINGS

Our labor and employment lawyers have handled the full range of administrative hearings and arbitrations before CalPERS, civil service commissions, Public Employment Relations Board (PERB), the U.S. Department of Labor and the state Employment Development Department. We also work with clients to evaluate risk and strategy, develop appropriate discipline notices, and guide them through the *Skelly* hearing process and all stages of appeal.

Whenever appropriate, we explore all opportunities for alternative dispute resolution, including mediation, using private and court-appointed mediators. We are well acquainted with local mediators throughout the state and can identify mediators with particular expertise.

POLICY & PROCEDURE AUDITS

We offer personnel audits that are both agency-wide and focused on specific subjects such as discrimination, harassment, hiring practices and workplace safety. Our lawyers regularly conduct reviews of personnel rules, employer-employee relations resolutions, civil service rules, municipal codes, labor contracts and department policies to ensure legal compliance and best practices.

For example, our FLSA overtime audits range from comprehensive audits of all exemptions and overtime practices to more limited exemption status reviews. In addition, we have advised numerous agencies on options to reduce post-employment benefits obligations, Governmental Accounting Standards Board (GASB) liability and compensation costs.

INVESTIGATIONS

Meyers Nave's Workplace Investigations Team has handled some of the highest profile

independent investigations of alleged misconduct and other internal affairs matters among California's public and private employers. These confidential cases involve elected and appointed officials, high level managers, public safety officers and administrative employees. Recent examples include investigating allegations of racial bullying against African American students at a major California university, claims of racial and gender-based harassment by the CEO of a nationally recognized non-profit, complaints of ethics violations against a Northern California elected official, and allegations of sexual harassment regarding department heads in two large Northern California counties.

Our dedicated team conducts professional, independent investigations to minimize the damaging effects of unresolved workplace allegations. Along with investigation services, we provide crisis management advice and public relations assistance.

EMPLOYEE TRAININGS

Clients commend our training services for providing attendees with information and skills that they can immediately apply in the workplace. Some of our most popular workshops have been on benefits reform, effective discipline, hiring practices, avoiding workplace harassment and discrimination, and the interplay of the various medical leave-related laws. We also provide webinars on pertinent labor and employment topics.