

**Jesse Lad
Of Counsel**

1999 Harrison Street, 9th Floor
Oakland, CA 94612

T: 510.808.2000
F: 510.444.1108
jlad@meyersnave.com

Practice Group
Labor and Employment

California Bar Number
229389

Education
Marquette University Law School, JD, 2003

University of Iowa, BA Political Science
with a Spanish minor, 1998

Practicing Since : 2003

Jesse Lad advises clients on a wide range of labor and employment law matters arising under state and federal laws, including labor relations, collective bargaining, discipline, employee privacy, and medical leave. He also defends clients against claims of harassment, discrimination, retaliation, and wrongful discharge, as well as wage and hour issues.

Jesse serves as lead employment law counsel, lead labor counsel, and chief labor negotiator for numerous cities and special districts in California. He regularly represents public agency employers in arbitrations and administrative hearings, and has handled representation and certification matters for various clients. He also served as a member of the team that conducted an internal affairs investigation for the Bay Area Rapid Transit District (BART) of the BART police officer-involved shooting death of passenger Oscar Grant. Jesse has prevailed in cases at both the trial and appellate court levels, as well as in numerous arbitrations and administrative hearings.

Prior to joining Meyers Nave, Jesse worked for a Sacramento firm where his practice primarily focused on defending harassment and discrimination claims for public and private employers. He also counseled employers regarding personnel issues and drafted employment policies and procedures. While in law school, Jesse was an intern with the National Labor Relations Board and Wisconsin Court of Appeals.

Professional Affiliations

- Member, The State Bar of California
- Member, Alameda County Bar Association, Labor & Employment Law Section

Presentations and Publications

- Presenter, “Interplay of Key Leave Laws: ADA, FMLA, FEHA and Workers' Compensation,” California Public Employers Labor Relations Association Annual Training Conference, 2017
- Presenter, “Understanding the New Overtime & Minimum Wage Regulations: Impacts to Districts,” California Special Districts Association Webinar, 2016
- Presenter, “What’s New at PERB?” Meyers Nave Webinar, 2016
- Author, “Ninth Circuit Holds Cash-in-Lieu Payments Under a Flexible Benefits Plan Must Be Included in the FLSA Regular Rate,” Meyers Nave Client Alert, June 15, 2016
- Presenter, “Employee Discipline 101: How Managers and Supervisors Can Implement Effective Discipline Under City of Union City Personnel Policies,” City of Union City, 2015
- Presenter, “Introduction To Employee Discipline: Avoiding Common Pitfalls In The Process Of Taking Corrective Action,” California Public Employers Labor Relations Association (CALPELRA) Annual Training Conference; 2014, 2015
- Presenter, “Trends in Labor & Employment Law,” Northern California Chapter of the International Public Management Association for Human Resources (IPMA-HR), 2015
- Presenter, “Interplay Of Key Leave Laws: Navigating ADA, FMLA, FEHA, And Workers' Compensation Law,” CALPELRA Annual Training Conference; 2013, 2014, 2015
- Presenter, “The Facts About Factfinding – Developing Practice Under AB646,” Meyers Nave Webinar, 2013
- Presenter, “Scooby Doo - Where Are You? Navigating Leaves of Absence,” PELRAC Annual Conference, 2012
- Presenter, Human Resources Legal Update Seminar for the Northern California Chapter of the IPMA-HR, 2012
- Presenter, Legal Update Presentation to NORCAL Municipal Human Resources Managers Group, Carmel Valley, CA, 2011
- Presenter, “Interplay of Key Leave Laws: Navigating ADA, FMLA, FEHA, and Worker's Compensation Law,” CALPELRA Annual Conference, 2011
- Author, “Supreme Court Decision Extends Anti-Retaliation Protections to Fiancés,” *PublicCEO*, 2011
- Presenter, “Legal Update 2011,” Northern California Chapter of the IPMA-HR, 2011
- Presenter, “Basic Anatomy of a Discipline Case” and “Advanced Anatomy of a Discipline Case,” CALPELRA, 2010
- Presenter, “Anatomy of a Discipline Case,” CALPELRA, 2009
- Presenter, “Legal Update 2009,” Northern California Chapter of the IPMA-HR, 2009

- Presenter, “How to Respond to a DFEH or EEOC Complaint” CALPELRA, 2008
- Presenter, “Legal Considerations in the Pre-Employment and Hiring Process,” League of California Cities Personnel and Employee Relations Seminar, 2008
- Presenter, “Preventing Sexual Harassment in the Workplace,” City of South San Francisco, 2007
- Presenter, “The Skelly Process, The Good, The Bad and the Ugly,” CALPELRA, 2006
- Presenter, “PERB Update,” Meyers Nave Breakfast Speaking Series, 2006
- Author, “California Supreme Court Confirms The Doctrine of ‘At-Will’ Employment,” *Daily Journal*, 2006
- Author, “At-Will Employment,” *Oakland Business Review*, 2006
- Presenter, “Return to Work,” CALPELRA, 2005
- Presenter, “Legal Update,” Meyers Nave Breakfast Speaking Series, 2005

Representative Experience

- *City of Modesto v. Modesto Police Officers Association*. Prevailed in an arbitration involving a Police Officer that was terminated for off-duty misconduct.
- *Chief Labor and Employment Counsel*: City of Napa, City of Walnut Creek, City of Modesto, City of South San Francisco, City of Larkspur, Town of Los Altos Hills, Sacramento Housing and Redevelopment Agency, Delta Diablo Sanitation District, City of Cloverdale, and City of Livingston.
- *Served as Chief Labor Negotiator*: Sacramento Housing and Redevelopment Agency, City of Modesto, City of Walnut Creek, City of Pittsburg, City of Fremont, City and County of San Francisco, City of Santa Clara, City of Livingston, and West Valley Sanitation District.
- *AFSCME Local 2019 v. East Bay Municipal Utility District*. Prevailed in a grievance arbitration upholding the district’s methodology for determining when a recruitment should proceed on an internal basis only.
- *AFSCME LOCAL 2019 v. East Bay Municipal Utility District*. Prevailed in a grievance arbitration alleging that a clause in a collective bargaining agreement precluded the district from making changes to policies and procedures during the term of the agreement.
- *AFSCME Local 2019 v. East Bay Municipal Utility District*. Prevailed in a grievance arbitration where the union alleged that telephone operators were entitled to out-of-class compensation for performing work similar to a higher level classification.
- *AFSCME Local 444 v. East Bay Municipal Utility District*. Prevailed in a grievance arbitration that broadened the District’s ability to assign work to meter readers beyond their assigned route. The arbitrator overturned a 20-plus year practice of allowing meter readers to leave work after completing their assigned route.
- *Bay Area Rapid Transit District*. Conducted key third-party witness interviews pertaining to alleged wrongdoing by BART police officer involved in the Oscar Grant shooting. This New

Year's Day 2009 incident gained public attention nationwide, and sparked protests that extended for a number of weeks following the shooting.

- *Carranza v. Los Altos Hills*. Successfully obtained a dismissal of all employment-law related causes of action filed by multiple plaintiffs, including claims of sexual harassment, discrimination, retaliation, wrongful termination, and violation of state wage and hour laws.
- *Carr v. Lake Valley Fire Protection District*. Obtained a complete dismissal of a wage and hour lawsuit brought against the district. Former firefighters filed federal litigation charges, seeking back pay, liquidated damages, and attorneys' fees for alleged unpaid wages and overtime pursuant to the Fair Labor Standards Act.
- *Clark v. City of Oakland*. Prevailed on motion for summary judgment/adjudication for all employment law causes of action.
- *Contra Costa County v. Contra Costa Deputy District Attorneys' Association*. Represented the county during a fact-finding proceeding after an impasse was reached between the county and the association during negotiations for a successor collective bargaining agreement. The fact-finding panel recommended adoption of the county's proposal and issued findings of fact consistent with the county's position.
- *Gilbert v. County of San Bernardino*. Prevailed in writ action where a county employee alleged that the county had a ministerial duty to apply for a disability retirement on behalf of the employee because the county allegedly had treated her as if she was disabled.
- *Gilbert v. County of San Bernardino – Appeal*. Petitioner appealed the superior court's decision to the California Court of Appeal. Prepared appellate brief that resulted in the Court of Appeal upholding the superior court's order in favor of the county.
- *Hughes v. City of Stockton*. Prepared an appellate brief that resulted in the Ninth Circuit Court of Appeals upholding the trial court's decision in the city's favor. This federal litigation sought alleged unpaid overtime pay under the Fair Labor Standards Act. The plaintiffs were 20 current and former Stockton employees working as fire dispatchers.
- *Laborers International Union of North America (LIUNA) v. City of Milpitas*. Obtained a dismissal of an unfair labor practice charge filed with the California Public Employment Relations Board (PERB) alleging bad-faith bargaining by the city.
- *League of California Cities Post-Redevelopment Working Group*. Served on the labor and employment/retirement/PERS subgroup.
- *MacDonald v. Menlo Park Fire District*. Prevailed in a grievance hearing regarding pay methodology for acting assignment.
- *Menlo Park Firefighters Association v. Menlo Park Fire District*. Prevailed in a grievance hearing regarding training requirements for firefighters.
- *Municipal Attorney Association v. City and County of San Francisco*. Prevailed in a grievance arbitration upholding the monthly cap in the Long Term Disability Policy for San Francisco attorneys. The potential damages at issue in this grievance were significant citywide.

- *Police Officers Association v. City of Dixon*. Obtained an advisory arbitration decision proposing significant discipline for a police officer that failed to disclose property damage to a police department vehicle.
- *Police Officers Association v. City of Livingston*. Represented the city in a fact-finding proceeding where the panel issued recommendations consistent with the city's position. Negotiated a successor MOU that included significant wage and benefit concessions.
- *Police Officers Association v. City of South San Francisco*. Represented the city in a grievance brought by South San Francisco Police Association alleging that the city was violating a collective bargaining agreement by not cashing out sick leave upon separation from service. The arbitrator ruled that the city's practice was consistent with the MOU and denied the grievance.
- *Police Officers Association v. City of South San Francisco*. Prevailed in a discipline arbitration upholding the termination of a police officer that fabricated a memorandum to avoid discipline.
- *Police Officers Association v. City of Tracy*. Obtained an arbitration decision instituting a significant suspension for a police officer that engaged in off-duty misconduct.
- *Rowe v. City of Suisun*. Prevailed in a writ action where a police officer alleged that he was unlawfully denied reinstatement to his former sergeant position.
- *Setzler v. City and County of San Francisco*. A former deputy sheriff sued the county for discrimination, retaliation, civil rights violations and related claims. The plaintiff dismissed his lawsuit with prejudice after our motion to dismiss successfully eliminated the plaintiff's potentially viable claims against the county.
- *Setzler v. City and County of San Francisco - Appeal*. The plaintiff appealed the district court's dismissal of his civil rights claim. Prepared appellate brief that resulted in Ninth Circuit Court of Appeals upholding the district court's order dismissing the plaintiff's civil rights claim.
- *SEIU v. Kaiser Foundation Hospital*. Prevailed in a discipline grievance arbitration upholding the termination of a long-term employee who allowed a friend to access a confidential facility after hours.
- *SEIU v. The Permanente Medical Group*. Prevailed in a discipline arbitration upholding the termination of a sonographer who performed patient services while under the influence of alcohol.
- *Stumbough v. South San Francisco*. Obtained a dismissal of breach of contract action pursuant to motion for summary judgment. The plaintiff alleged that the city breached a settlement agreement by failing to reinstate him to his former firefighter position.
- *Teamsters v. City of Pittsburg*. Prevailed in a discipline arbitration upholding the termination of a maintenance employee who was dishonest about a workplace violence issue.
- *Teamsters v. City of Tracy*. Prevailed in an arbitration upholding the termination of a maintenance worker who failed to obtain proper authorization for a leave of absence.

- *Tuolumne County Deputy Sheriffs Association v. County of Tuolumne*. Prevailed in a petition where the Deputy Sheriffs Association sought enforcement of schedules in side letters signed by the union and county, which the Board of Supervisors never approved.
- *Valenzuela v. Santa Clara Valley Water District*. Prevailed in a discipline arbitration upholding the termination of a benefits manager who failed to properly account for his leave usage.
- *Westfall v. City of Larkspur*. Represented the city in an advisory arbitration involving the termination of a fire engineer for concerns regarding reliability. The arbitrator determined that the city had good cause to terminate the fire engineer and recommended that the termination be upheld.