

ERMA 2023/24 Training Topics

1. **Harassment, Discrimination, and Retaliation Prevention (compliant with SB 1343/AB 1825)**: This workshop is designed for supervisory and/or non-supervisory employees to prevent unlawful discriminatory harassment and retaliation. [2 hours/3 hours]
2. **Best Practices for Navigating Public Safety Workplace Complaints**: Complaints made against public safety employees pose unique issues. This training will explore everything from intake of the complaint through retaining the investigator. More critically, this will cover aspects of the POBR and FBOR that may impact how the investigation is conducted. Best practices for mitigating liability to your agency and ensuring your agency is able to defend decisions related to the complaint will also be reviewed. [3 hours]
3. **Defining the Elected Official's Role with Respect to Individual Employees**: Governing bodies of public agencies often have appointing authority over the agency's highest officials, such as the city manager or executive director. But otherwise, an elected official and the governing body as whole have virtually no role regarding individual employees. This 1-hour training discusses several legal reasons why the role of elected officials with regard to individual employees have such substantial limitations and includes practical approaches for dealing with individual employees. [1 hour]
4. **First Amendment Issues in a Politically Charged World**: Civil unrest, political polarization, the pandemic and conversations related to increased DEI have made fodder for many discussions. This training will explore an employee's right of expression, both inside and outside of the workplace including on social media, as well as an employer's ability to address and/or restrict such speech. The latest developments in First Amendment will be explored with the use of case studies to explore navigating free speech issues during this time. [2 hours]
5. **Successful Management of Disabilities in the Workplace**: Public sector disability discrimination claims are on the rise and present challenging reasonable accommodation issues for employers. This presentation will take a closer look into the process that employers are legally required to follow to evaluate common accommodations that are sought by employees such as extended leave, light duty, and telecommuting and flexible work schedules. We will discuss how to address accommodation requests and make legally defensible decisions. We will also discuss lessons learned in recent disability discrimination jury trials that will provide a blueprint for working with legal counsel to ensure litigation ends with a favorable result at the lowest possible cost. [3 hours]
6. **Whistle Blown – Practical Considerations for Handling Whistleblower Complaints**: Almost every employment-related statute applicable to California public employees now has an anti-retaliation provision that allows employees who report wrongdoing (whistleblowing) or engage in other legally protected activity, to sue for damages and, in some cases, reinstatement and attorneys' fees. This presentation will review the anti-retaliation laws a public employer needs to know and the conduct these laws protect. This presentation also will highlight the challenges employers face when defending against whistleblower claims in litigation, and best practices for managing whistleblower complaints and minimizing liability exposure. [2 hours]
7. **They Posted What?!? Social Media, Employer Liability, and the First Amendment**: California employers face with increasing frequency issues surrounding employees' and elected officials' use of social media, both as a component of their positions as well as means to express personal opinions to networks of friends and family. Within this context, public employers commonly struggle to discern their rights and obligations with respect to crafting effective and enforceable social media policies, while simultaneously avoiding First Amendment concerns. This session first analyzes the law in this area from an advisory perspective, to help attendees understand the constitutional boundaries and components of the ability to regulate employee social media usage, and also address the risks in employees' use of their personal devices in conducting official business. The training session then shifts to the practical navigation of issues surrounding social media in the investigatory and litigation context, to demonstrate how such policies can permissibly be enforced within the bounds of First Amendment jurisprudence, as well as in order to avoid running afoul of related state and federal statutes. [3 hours]
8. **Implementing and managing remote work employees**: Following COVID related office shutdowns, many public entity employers are grappling with employees requesting remote work on a full or part time basis, managing remote workers, and compelling employees to return to the office full time. This presentation will go over basic facts regarding mandatory legal requirements for having employees continue to work remotely, effectively managing and disciplining remote workers, potentially compelling remote workers back into the office, and importantly dealing with potential frustrations from employees who are required to perform full time in person work. [2 hours]

9. **Preventing Harassment, Discrimination, and Retaliation in Public Safety Departments:** Now more than ever, public safety employees are held to a higher standard – both by community expectations and by law. This workshop is designed to help public safety agencies to prevent unlawful discrimination, harassment, and retaliation in the workplace, and how to work in partnership with Human Resources when claims arise. Practical case studies are utilized throughout the training to address hypothetical situations unique to public safety officers and supervisors. **[2 hours]**