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Labor and Employment Law and Litigation

Wiley Price & Radulovich, LLP gives its employer-clients responsive, individualized representation in labor and employment law and litigation. As labor and employment law has expanded and become more regulated, we strive to give the practical advice and problem resolution that California employers require.

Our many years of experience representing public and private sector employers in California and our client loyalty lead us to believe that we are serving our clients in productive, efficient and cost-effective ways. Our clients tell us they value especially our ability to listen to their concerns and objectives and to advise them in a way they understand. Our firm's commitment to a diverse and supportive work environment, with an emphasis on teamwork, helps us to understand our clients' needs and provide solutions to their employment problems.

We are committed to providing the very highest quality representation for our clients, with cost efficiencies and a personal sensitivity made possible by a smaller firm.

Specializing in:

- Employment Litigation
- Labor Negotiations
- Workplace Investigations
- Administrative Proceedings before the NLRB and the PERB
- Advice Regarding Compliance with Employment and Labor Laws





Description Of Services

We practice exclusively in the areas of labor and employment law, employment-related litigation and alternative dispute resolution. We represent our clients in the following ways:

SERVICES AVAILABLE TO ALL CLIENTS

- *Advice regarding compliance with federal, state and municipal laws*
- *Representation before arbitrators, mediators and government agencies*
- *Representation in federal and state courts*

More specifically, we represent our clients in the following ways:

TITLE VII OF THE CIVIL RIGHTS ACT (AS AMENDED BY THE CIVIL RIGHTS ACT OF 1991), THE AGE DISCRIMINATION IN EMPLOYMENT ACT, THE EQUAL PAY ACT, THE AMERICANS WITH DISABILITIES ACT, THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT, THE FAMILY AND MEDICAL LEAVE ACT AND THE CALIFORNIA FAMILY RIGHTS ACT

- *Review personnel policies and practices*
- *Train supervisors on recognizing and avoiding discrimination and harassment and potential personal liability*
- *Advise regarding hiring, promotion, termination, layoff, salary, benefits, and leave obligations*
- *Assist with responding to employee claims of*

harassment and other forms of discrimination

- *Represent clients before the Equal Employment Opportunity Commission and the California Fair Employment and Housing Commission*
- *Litigate lawsuits in federal and state courts and before private arbitrators*

WRONGFUL DISCHARGE

- *Litigate claims based on public policy, contract, covenant of good faith and fair dealing, infliction of emotional distress, fraud, defamation and similar theories*
- *Advise regarding personnel policies and employment decisions (e.g., hiring, discipline, termination)*
- *Train and present seminars to supervisors on legal developments and their practical significance*
- *Counsel regarding employment contracts and alternative means of dispute resolution*

NATIONAL LABOR RELATIONS BOARD AND PUBLIC EMPLOYMENT RELATIONS BOARD

- *All aspects of practice and litigation before the National Labor Relations Board and the Public Employment Relations Board*
- *Advice on union-related issues*



Description Of Services

MISCELLANEOUS FEDERAL AND STATE LABOR LAWS

- Counsel regarding the numerous laws affecting employers, including such diverse matters as whistleblower protection, drug testing, polygraph testing and the myriad of protected leaves of absence

CALIFORNIA'S CONSTITUTIONAL RIGHT TO PRIVACY

- Advice regarding all aspects of workplace privacy including drug testing, employment references, electronic mail, and internet use issues

PERSONNEL POLICIES AND PRACTICES

- Help drafting and interpreting employment contracts and non-competition agreements
- Draft and revise personnel policy manuals and employee handbooks
- Review and advise regarding employment applications, interviews, disciplinary actions, and performance evaluations

FAIR LABOR STANDARDS ACT AND INDUSTRIAL WELFARE COMMISSION ORDERS

- Consult about minimum wage, overtime, vacation pay and other wage/hour requirements
- Analyze exempt versus non-exempt status of employee

- Represent clients before the U.S. Department of Labor and California Labor Commissioner

ALTERNATIVE DISPUTE RESOLUTION

- Consult regarding mediation, arbitration and other forms of private dispute resolution
- Design dispute resolution programs and assist with mediation of employment disputes
- Represent clients in mediation, judicial arbitration, private arbitration, and industry arbitration

UNEMPLOYMENT COMPENSATION LAWS

- Assist with responding to unemployment claims
- Represent employers before the Unemployment Insurance Appeals Board

EXECUTIVE ORDERS AND FEDERAL CONTRACT COMPLIANCE

- Advise regarding preparation, documentation and revision of affirmative action plans
- Represent clients during compliance reviews by the Office of Federal Contract Compliance Programs
- Counsel regarding the Rehabilitation Act and other obligations of recipients of federal and state funds



Description Of Services

WORKERS' ADJUSTMENT RETRAINING AND NOTIFICATION ACT

- Advise employers about layoff and plant closing notice obligations

VIETNAM ERA VETERANS READJUSTMENT ASSISTANCE ACT

- Guide employers with their obligations under this and other laws pertaining to military leaves and reinstatement of veterans

WORKERS' COMPENSATION STATUTES

- Evaluate and counsel regarding leaves of absence, reinstatement, light-duty assignments, integration with protected leaves, and related issues
- Represent employers before the Workers' Compensation Appeals Board in cases involving allegations of serious and willful conduct, discrimination, retaliation and reinstatement rights

INVESTIGATIONS

- Investigate allegations of employee misconduct including, but not limited to, harassment, fraud, threats of violence, theft and discrimination
- Advise regarding implementing recommendations that are the product of investigation findings
- Assist clients who conduct internal investigations and audits of personnel practices and procedures

SPECIAL SERVICES FOR PUBLIC SECTOR CLIENTS

In addition to the services provided to all clients, these services are provided to our public sector clients:

- Counsel and litigation involving the Meyers-Milias-Brown Act, the Trial Court Employment Protection and Governance Act, and other state employer-employee relations laws
- Representation at hearings before the Public Employment Relations Board, including unfair practice and representation cases
- Representation at hearings before Civil Service Commissions
- Advice regarding compliance with Skelly procedures and the Peace Officers' Bill of Rights
- Representation in strike-related litigation, including injunction proceedings
- Training supervisors on effective employee relations in the public sector
- Meeting and conferring under the Meyers-Milias-Brown Act, the Trial Court Employment Protection and Governance Act, and other state employer-employee relations laws
- Counsel and representation in grievance meetings and arbitration
- Advice on the Brown Act open meeting requirements



Description Of Services

SPECIAL SERVICES FOR UNIONIZED CLIENTS

In addition to the services provided to all clients, these services are provided to our unionized clients:

- *Representation in all aspects of collective bargaining negotiations and contract administration, including grievance meetings and labor arbitration*
- *Assistance with strike contingency planning and representation in injunction proceedings*
- *Representation before the National Labor Relations Board or the Public Employment Relations Board in representation, unit clarification, decertification and unfair labor practice cases*
- *Training of supervisors on effective supervision under the union contract*
- *Advice regarding apprenticeship compliance issues*
- *Help with all matters involving the employer-union relationship*

SPECIAL SERVICES FOR NON-UNIONIZED CLIENTS

In addition to the services provided to all clients, these services are provided to our clients who are not organized by a labor union:

- *Recommendations for maintaining a satisfied, non-unionized workforce*
- *Review of personnel policies and practices, including employee complaint procedures*
- *Training of supervisors on employee relations and effective supervision*
- *Advice regarding responding to union organizing campaigns*
- *Representation before the National Labor Relations Board or Public Employment Relations Board in response to union petitions and unfair labor practice charges, from the agency investigation through agency or court hearing stages*
- *Counsel regarding establishment of dual operations*



Attorney Resume - Joseph E. Wiley

Education

Mr. Wiley was graduated with high honors from the Michigan State University Honors College in 1972 and received his Master's Degree from the Industrial Relations Research Institute, University of Wisconsin, Madison in 1975. He received his legal education at Santa Clara University, graduating magna cum laude in 1978.

Professional Experience

Mr. Wiley is recognized as an expert at representing public and private sector employers in traditional labor relations and employment law issues. Before his entry into private practice, Mr. Wiley served as a regional representative for the California Public Employment Relations Board and as a field attorney for the Oakland office of the National Labor Relations Board. He currently represents employers before the National Labor Relations Board, the California Public Employment Relations Board and the Department of Labor. He serves as chief

spokesperson in labor negotiations in the public and private sectors. He provides ongoing advice regarding contract administration and represents employers in labor arbitrations. Mr. Wiley provides seasoned counsel to employers regarding employee discipline, due process and grievance procedure issues.

He has also successfully represented many of our public and private sector clients in wrongful termination and employment discrimination litigation.

Since 2000, Mr. Wiley has been integrally involved with the statutory developments that now govern the California trial courts as employers. Our firm represents many of the California trial courts in their labor and employment law matters.

Teaching and Training

Mr. Wiley was a member of the Adjunct Faculty at Santa Clara University School of Law from 1995-2000 where he taught

Public Sector Labor and Employment Law. He frequently conducts training for our clients on diverse topics, from sexual harassment prevention to procedural due process rights of public employees.

ENE Evaluator

For over fifteen years, Mr. Wiley has served the United States District Court for the Northern District of California as an Early Neutral Evaluator in labor and employment law cases.

Published Articles

Mr. Wiley's articles on employment discrimination and due process obligations of public employers have appeared in the *National Law Journal*, *Law Practice Management*, *California Labor & Employment Law Quarterly* and *California Public Employee Relations (CPEP)*.



Attorney Resume - Joseph E. Wiley

Professional Affiliations

Mr. Wiley is a member of the Labor and Employment Law Section of the State Bar of California and was a member of the Executive Committee of the Section from 1998-2002. He is a member of the Attorneys' Committee of the California Association of Sanitation Agencies, the Alameda County Bar Association, and the Bar Association of San Francisco. He is also a member of the American Bar Association Labor and Employment Law Section Committee on Developing Labor Law.

E-mail Address

jwiley@wprlaw.com



Attorney Resume - Suzanne I. Price

Education

Ms. Price was graduated from Mills College with honors in 1981. She received her legal education at the University of San Francisco, where she was a member of the Law Review, graduating in 1985.

Professional Experience

Ms. Price regularly advises the firm's clients about traditional labor relations issues. Clients particularly value her counsel regarding employee discipline in a union environment, employer obligations to bargain changes to existing terms and conditions of employment and/or the effects of those changes, and the meaning and application of labor contract provisions. Because of her experience in labor relations, she often serves as the chief spokesperson for management in labor negotiations.

She regularly gives clients guidance about the state and federal anti-discrimination laws, including the 1991 Civil Rights Act, the Americans with

Disabilities Act, the Age Discrimination in Employment Act and the Family and Medical Leave Act. The firm's clients often seek her assistance with issues involving leaves of absence, reasonable accommodation, due process, and alleged harassment. Ms. Price has conducted many investigations for our clients into allegations of workplace misconduct, including harassment and discrimination. Ms. Price is also experienced in representing our clients before the Equal Employment Opportunity Commission and the California Department of Fair Employment and Housing.

Ms. Price has represented clients in dozens of labor arbitrations and administrative proceedings. She has also represented our clients in litigation in state and federal court, including the Ninth Circuit Court of Appeal, and the Public Employment Relations Board.

Published Articles

Ms. Price's articles on employment discrimination have been published in the *National Law Journal* and *Law Practice Management*. Ms. Price has written on the difficulty of maintaining voluntary affirmative action plans in the 1990s, and co-authored a paper on *Employment Discrimination Law for the Municipal Attorney Employer*.

Professional Affiliations

Ms. Price is a member of the Labor and Employment Law Section of the State Bar of California, and the Bar Association of San Francisco.

E-mail Address

sprice@wprlaw.com



Attorney Resume - Monna R. Radulovich

Education

Ms. Radulovich was graduated with honors from the University of California at Santa Barbara in 1982 and received her legal training at Boalt Hall School of Law, University of California, Berkeley, graduating in 1985.

Professional Experience

Ms. Radulovich was a founding partner of our firm and is now of counsel to the firm.

Ms. Radulovich counsels employers regarding a variety of employment law issues, including compliance matters involving the Fair Labor Standards Act, the Americans With Disabilities Act and the Family and Medical Leave Act. She revises and prepares the personnel policies and employee handbooks of our clients. She advises employers about workplace violence, drug and alcohol testing requirements, privacy rights and free speech issues.

Ms. Radulovich has represented employers in state and federal court actions involving employment discrimination, sexual harassment, the Fair Labor Standards Act, Section 1983, and wrongful termination.

Our clients value her successful representation of them in mediation and other forums for alternative dispute resolution.

Training

Ms. Radulovich has given management training programs on a variety of issues including unlawful workplace harassment, the requirements of California and Federal family leave laws, the privacy and First Amendment free speech rights of public employees, controlling overtime liability under the Fair Labor Standards Act, discrimination and accommodation under the Americans with Disabilities Act, and investigating complaints of discrimination, harassment and other employee misconduct.

Professional Affiliations

Ms. Radulovich is a member of the Labor and Employment Law Section of the State Bar of California.



Attorney Resume - Ian P. Fellerman

Education

Mr. Fellerman graduated from the University of California, San Diego in 1982. He received his law degree from the University of California, Davis in 1985, where he was a member of the Trial Practice Honors Board.

Professional Experience

Mr. Fellerman specializes in employment litigation, representing clients in wage and hour, wrongful termination, discrimination, harassment, unfair competition and trade secret lawsuits. He has successfully handled numerous trials in both state and federal courts. Among his recent successes, Mr. Fellerman won a disability discrimination case against a high tech client, successfully defended a financial institution sued by its former President/CEO for alleged wrongful termination, obtained summary judgment on behalf of a security guard company sued for race/sex discrimination and harassment, and defeated a motion for class certification in a wage and hour class action

brought against a communications company.

In addition to his effective representation in litigation, Mr. Fellerman regularly responds to charges filed with various state and federal agencies, including the EEOC, DFEH, DLSE, DOL, and OFCCP. He also counsels employers on discipline and discharge, wage/hour requirements, reductions in force, workplace violence, leave of absence laws, trade secrets/confidentiality agreements, drug testing, affirmative action programs, internal investigations, privacy rights and reasonable accommodation of protected disabilities.

Mr. Fellerman also conducts investigations into allegations of workplace misconduct, and trains both management and staff on employment law issues.

Presentations

Mr. Fellerman has presented to a variety of organizations on subjects ranging from sexual harassment and electronic privacy

in the workplace to employment practices liability insurance.

Publications/Recognition

Mr. Fellerman has published numerous articles, including ones on electronic privacy in the workplace and the use of the judicial estoppel doctrine to preclude disability discrimination claims.

In 2007, Mr. Fellerman was named by The BTI Consulting Group, Inc. as a BTI Client Service All-Star -- one of a select group of 148 attorneys identified by corporate counsel at Fortune 1000 and large companies as providing superior client service.

Professional Affiliations

Mr. Fellerman is a member of the American Bar Association, the Litigation Section of the Alameda County Bar Association, and the Labor and Employment Law Section of the Bar Association of San Francisco.

E-mail Address

ifellerman@wprlaw.com



Attorney Resume - Joan Pugh Newman

Education

Ms. Pugh Newman was graduated with distinction from Stanford University in 1981, and she received her law degree in 1990 from the University of California at Los Angeles School of Law.

Professional Experience

Ms. Pugh Newman's specialty is advising employers regarding employee relations and compliance with employment laws, including the Family and Medical Leave Act, the California Family Rights Act, the Pregnancy Disability Leave Act, the Americans with Disabilities Act, and State discrimination laws. She often helps clients prepare and revise their personnel policies so they are clear and comply with developments in the law.

She has extensive experience responding to charges of discrimination filed with the Equal Employment Opportunity Commission and the Department of Fair Employment and Housing, and representing clients in

investigations by these agencies. Ms. Pugh Newman represents employers in wrongful termination and employment discrimination litigation, and she has frequently succeeded in obtaining dismissals of cases before trial.

Training

Ms. Pugh Newman gives supervisory training on such topics as leaves of absence, discipline and sexual harassment.

Professional Affiliations

Ms. Pugh Newman is a member of the Labor and Employment Law Section of the State Bar of California. She also is a member of the San Francisco County Bar Association.

E-mail Address

jpughnewman@wprlaw.com



Attorney Resume - Masa Shiohira

Education

Mr. Shiohira was graduated from the University of California, Berkeley in 1999, with a Bachelor of Arts degree in Political Science and Mass Communications. He received his Juris Doctor from the University of California, Hastings College of the Law, in 2005. Following law school, he attended the Harvard Program on Negotiations, completing "Negotiating Labor Agreements" in the summer of 2006.

Professional Experience

Mr. Shiohira engages in and assists with labor negotiations and grievance handling on behalf of the firm's employer clients. He also responds to unfair practice charges pending before the Public Employment Relations Board. He pairs with our more senior attorneys to defend our employer clients in litigation matters.

Prior to joining Wiley Price & Radulovich, LLP, Mr. Shiohira worked in the Employee Relations Division of the City and County of San Francisco's Department of Human Resources, where he served as an assistant negotiator at the bargaining table, reviewed grievances and issued draft decisions on behalf of the Director of Human Resources, and mediated disputes between unions and City departments. Before graduating law school, Mr. Shiohira worked for the National Football League, Management Council, drafting briefs for NFL labor arbitration proceedings, and researching legal issues affecting the NFL.

E-mail Address

mshiohira@wprlaw.com



Our Fee Policy

Because most of the work we do for our clients is performed when our clients are not present, we believe it is important to explain how our fees are determined and to detail the services for which our clients are paying.

HOW WE ASSURE A FAIR FEE

We seek always to provide the most effective representation in order to achieve the best possible result at a reasonable cost. Thus, it is our objective to establish a fair fee for all services provided. This means that the fee must be fair to both the client and the firm. A fair fee should take into account the amount of time reasonably required to perform the service, the degree of expertise and experience of the persons performing the service, the difficulty of the work, and the time constraints caused by the urgency of the undertaking.

We maintain detailed records showing the nature of services we perform and the time we devote to such services. These records itemize services such as:

- *Conferences with our client*
- *Conferences with other representatives of our client*
- *Representing our client in discussions with opposing counsel, union representatives and agency personnel*

- *Planning a resolution of the problems presented by the case and conferring with other attorneys in the firm to test the theories and solutions to the problems*
- *Researching legal questions*
- *Preparing documents and court pleadings*
- *Reviewing and preparing correspondence*
- *Telephone conferences for or with our client*
- *Representing our client in depositions, arbitrations and mediations*
- *Court appearances*



Our Fee Policy - The Basis For Our Fee

A lawyer's product is not just his or her time. It is also his or her experience, judgment, research, access to the courts, support staff, library and equipment. Time is simply a relatively efficient way to set a monetary value for these products. Therefore, hourly rates are established for each attorney in our firm and are determined primarily by the experience of that individual.

WILEY PRICE & RADULOVICH, LLP has alternative pricing arrangements with several of its clients. The firm has negotiated pre-determined fixed fee arrangements for labor arbitrations, negotiations and training. An estimate of fees and costs can always be provided once the problem has been defined, and we are pleased to provide such an estimate upon request. Because unusual or complicating factors sometimes arise, and because it is not possible to foresee the exact course a matter may take, an estimate should not be interpreted as a binding fee quotation.

Costs advanced by us and expenses incurred on our client's behalf are billed to the client at our cost. There is no administrative charge or mark-up. The expenses for which we seek reimbursement include:

- *Court costs*
- *Fees of expert witnesses*
- *Arbitrator fees*
- *Deposition costs*
- *Filing fees*
- *Travel expenses*
- *Photocopying and printing*
- *Messenger fees*
- *Postage*

There is no charge for in-office support, sending or receiving facsimile transmissions, or computer aided legal research.



Some Of Our Clients

AC Transit	Humane Society Silicon Valley	Sacramento County Superior Court
Alameda County Superior Court	Hunter Douglas, Inc.	Sacramento-Yolo Mosquito & Vector Control District
Allied Barton Security Services	Imperial County Superior Court	San Bernardino County Superior Court
Amador Water Agency	Ironhouse Sanitary District	San Francisco County Superior Court
Bearing Engineering	J.T. Warren & Associates, Inc.	San Francisco Credit Union
Bed, Bath & Beyond	Judicial Council of California/ Administrative Office of the Courts	San Luis Obispo County Superior Court
Brown & Caldwell	Kern County Superior Court	San Mateo County Superior Court
Butte County Superior Court	Lake County Superior Court	Santa Barbara County Superior Court
California Institute of Integral Studies	Lassen County Superior Court	Santa Clara County Superior Court
California Newspaper Partnership/ Media News Group	Los Angeles County Superior Court	Santa Cruz County Superior Court
Central Marin Sanitation Agency	Macro Plastics, Inc.	Sewer Authority Mid-Coastside
City of Berkeley	Mammoth Community Water District	Smart & Final
City of Hercules	Marin County Superior Court	St. Rose Hospital
City of Martinez	Menlo Park Fire Protection District	Stewart Enterprises, Inc.
City of Pacifica	National Medical Services	Sunrise Assisted Living
Contra Costa County Superior Court	North Marin Water District	Tahoe Forest District Hospital
Contra Costa Water District	Novato Sanitary District	Tahoe-Truckee Sanitation Agency
DeSilva Gates Construction	Oakland Unified School District	Tehama County Superior Court
Downtown Merchants Association	Orange County Superior Court	Templeton Community Services District
East Bay Municipal Utility District	Otis Spunkmeyer, Inc.	Truckee Sanitary District
Fairfield-Suisun Sewer District	Pacific Die Cut Industries	Union Sanitary District
Field Research Company	Pet Food Express, Inc.	Vallejo Sanitation and Flood Control District
Foster's Wine Estates Americas Company	PODS, Inc.	VINA Technologies
Golden Gate National Parks Conservancy	Ravenswood City School District	
Graybar Electric Company	Red Wing Company	
	Right Away Ready Mix	



Some Of Our Clients

Wachovia Corporation

West Bay Sanitary District

West Contra Costa Unified School
District

West County Wastewater District

Western Power & Equipment

Wilbur-Ellis Company

Yuba County Water Agency