

# Litigation (Labor & Employment)

The possibility that an employee may sue for wrongful termination or bring other challenge to adverse employment actions or workplace conditions is inherent in the employment relationship. RWG's attorneys are ready to defend our clients when an employee files suit and to provide proactive advice throughout the process.

The first step usually begins before the lawsuit is even filed. The employee may have filed internal complaints or pre-litigation claims such as Government Claims or administrative complaints under the Fair Employment & Housing Act (FEHA) or its federal counterpart. RWG assists clients with internal investigations, and advises and helps clients navigate challenging disciplinary proceedings and the interactive process in requests for accommodation. Throughout these pre-litigation proceedings, we provide an objective evaluation so that our clients can make informed decisions. This may include developing strategies to resolve the dispute before it matures to a lawsuit and assisting the client through that process, including issues involving severance.

If the matter proceeds to litigation, RWG has the experience and expertise to represent clients zealously in all types of labor and employment litigation. Employers commonly face wrongful termination or other suits alleging adverse action was taken because the employee is a member of a protected class or engaged in activity protected under the FEHA. While *quid pro quo* harassment cases are infrequent, hostile work environment claims are not. These are the types of employment litigation routinely brought by employees in both the private and public sector. RWG successfully represents clients in such cases in the trial and appellate courts, as well as mediation.

In the public sector, employment litigation extends far beyond FEHA claims for discrimination, harassment and retaliation. That is where RWG's specialized experience in public employment provides expertise uniquely relevant to public clients, many of whose employees are entitled to special protections under the Due Process clause and other laws and enactments. A sampling of the diverse areas in which RWG routinely defends public employers includes:

- ▶ Writ of mandate challenges to discipline and to the adequacy of *Skelly* proceedings
- ▶ Whistleblower claims, including Labor Code 1102.5 and the First Amendment

## TEAM

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## RELATED PRACTICES

Labor & Employment

- ▶ Litigation involving political activities and challenges to public officials
- ▶ Claims under the Public Safety Officers Procedural Bill of Rights Act and the Firefighters Procedural Bill of Rights Act
- ▶ Charges under the Myers-Milias-Brown Act
- ▶ Claims involving health and pension benefits, vested rights, and CalPERS issues
- ▶ Challenges to employment action under City charters, ordinances and MOUs/MOAs
- ▶ Employment litigation involving Government Claims Act issues
- ▶ Breach of contract and related claims by senior at-will public officers

RWG brings its broad and specialized knowledge to defend clients aggressively in all types of public sector labor and employment litigation. Our careful preparation and sophisticated motion work eliminates or greatly reduces claims, and paves the way for successful resolution at trial or mediation, and on appeal.