

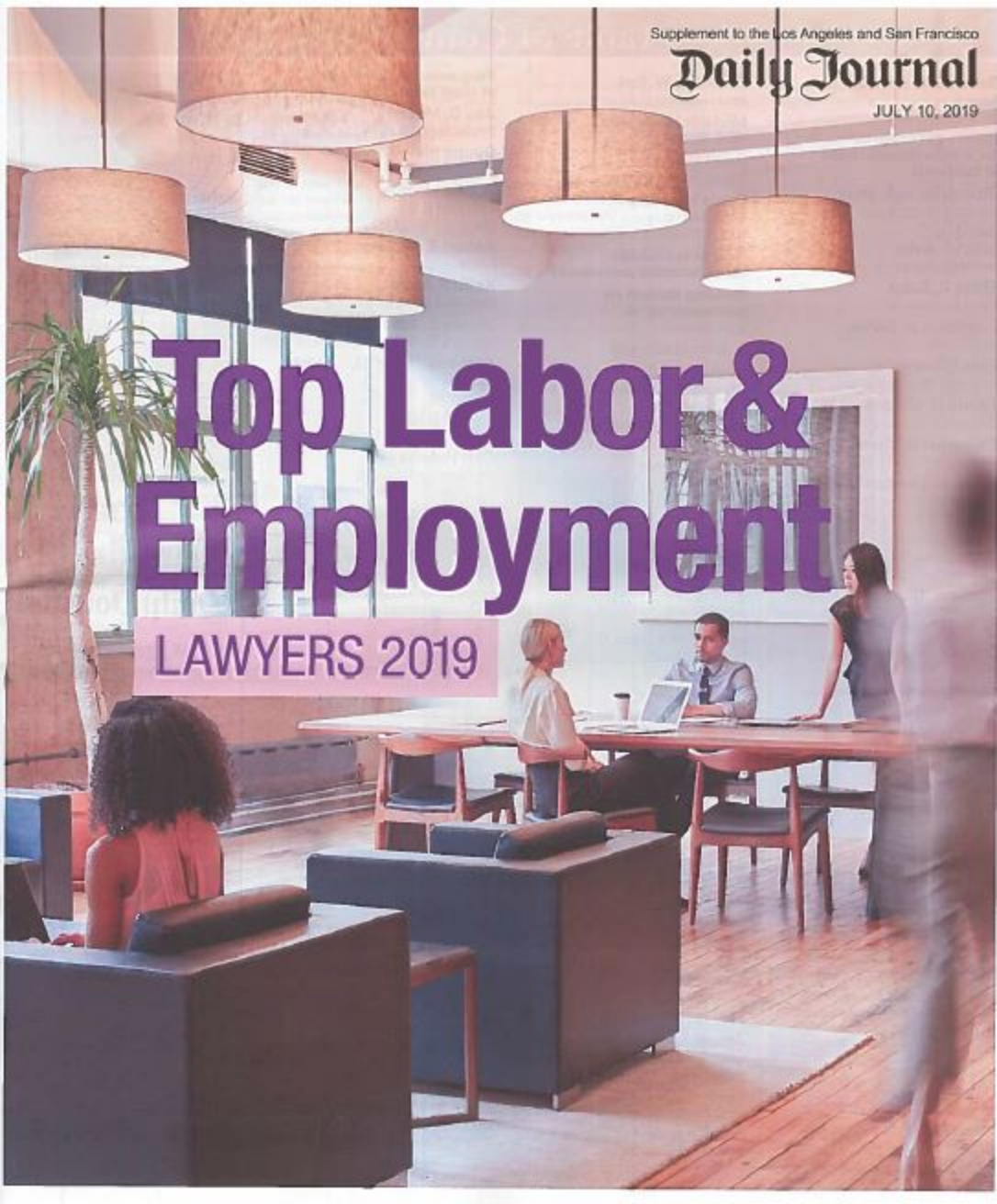
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Top Labor & Employment

LAWYERS 2019



Jul. 10, 2019

Lee Feldman

Feldman Browne Olivares



Feldman continues to aggressively fight for disabled, discriminated and harassed workers in class actions, securing both injunctive relief and policy changes for thousands of California employees. It's what got him into law in the first place, he said.

"I wanted to champion the rights of the underdog, the person who lacks power that's up against powerful forces," Feldman said.

Most times, that means facing a large corporation or big law firm with an abundance of resources. The trick, Feldman says, is choosing which cases you're willing to take to trial.

Recently, Feldman favorably settled one such case against Los Angeles County. Feldman won class certification in March for more than 15,000 employees who were asked disturbingly personal questions during their application process.

The questionnaire asked applicants to answer inquires about menstrual issues, use of therapy and results from cancer screenings, among other questions.

That last question is what cost named plaintiff Danessa Valentine a chance at a county job as a human services aide, Feldman said. When Valentine listed she wasn't sure, the county

demanding her medical records and found a diagnosis for a precancerous condition. They later rescinded the job offer.

"There's a statute that's part of the Fair Employment Housing Act that says that you can't make a medical inquiry that is unrelated to job necessity," Feldman said. "In other words, each question has to be job-related and consistent with business necessity. She was applying for a [human services] position and they're asking 'Have you ever had cancer,' which has absolutely nothing to do with the position."

After Feldman won certification, the parties reached a tentative settlement this past May that bars the county from using that questionnaire to weed out employees with medical conditions that may require time off. The settlement also limits future medical inquires to only those that are necessary, job-related and narrowly tailored to specific positions.

Feldman also secured a \$6.3 million settlement. To this day, the case stuns Feldman in how blatantly it targeted any worker who was sick and disabled or had the potential to be. *Valentine v. County of Los Angeles*, BC602184 (L.A. Super Ct., filed Nov. 24, 2015).

"There are state and federal laws that are specifically intended to protect employees who are not healthy, disabled workers who need jobs but may need time off for medical treatment or because of a disability or family medical leave," Feldman said. "And here we've got a government entity that's actually passing a law that is discriminatory on its face."

-- Glenn Jeffers

Jul. 10, 2019

Gina Browne

Feldman Browne Olivares



Browne was co-counsel on a 2011 appellate case that found government workers can sue under the California False Claims Act when they are retaliated against for investigating possible false claims by superiors. *Cordero-Sacks v. Housing Authority of City of Los Angeles* (2011) 200 Cal.App.4th 1267.

Browne is revisiting that issue now in a highly charged FCA case with a similar fact pattern involving the superintendent of a charter school. *Maribel Galan v. Alta Public Schools*, 18STCV05944 (L.A. Super. Ct., filed Nov. 20, 2018). Maribel Galan participated in an investigation into alleged misuse and misappropriation of public funds by Alta Public Schools' CEO, and claims she was fired for reporting the alleged misappropriation.

The case is timely, Browne said. Earlier this year California Attorney General Xavier Becerra issued an opinion that charter schools must comply with public integrity laws just like public school districts. In May, Gov. Gavin Newsom codified that opinion.

Since then, several charter school founders and executives have found themselves in hot water for a lack of transparency, conflict of interest and outright corruption, Browne said.

"My case and some of the other cases that have been in the news lately deal with the charter schools that were not following these strict requirements, not necessarily being transparent, and the consequences and fallout of how this impacted schools and the children in them."

Browne is also working to pass AB 9, a bill that would streamline the process for filing administrative claims under California's Fair Employment and Housing Act. She said defendants exploit the confusing and cumbersome nature of the FEHA process to get cases thrown out.

"I do not want to see plaintiffs lose an otherwise righteous and winning case if defendants can successfully argue that their DFEH complaint was not timely made due to unintended consequences in the DFEH's process," she said.

-- Jennifer Chung Klam