



## Doug Dexter

Partner

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Doug Dexter is chair of the American Bar Association Labor and Employment Law Section, a fellow in the American College of Labor & Employment Lawyers, and a former president of the Northern California Human Resources Association. Doug also served more than 15 years as chair of Farella's Employment Practice. These roles, coupled with 35 years of practicing California employment law, have informed Doug about the status and trends of that law, as well as the value of listening to client priorities, collaborating with a diverse team of legal professionals, and communicating positions toward resolution of employment-related disputes.

Doug specializes in advising and representing large employers, particularly in the technology industry. He helps these clients reach decisions of first impression that will support client goals over time and application to employee populations, consistent with the client's workplace ethos and brand. These decisional contexts range from drafting policies to resolving individual employee circumstances.

In litigation, Doug communicates with clients, lawyers, and courts to reconcile facts, law, and party priorities toward resolution – whether through negotiation, summary judgment, or trial. A life-time early adopter, Doug strives to leverage technology for more efficient and material evidentiary analysis.

The subjects of Doug's experience, advice, and litigation span the unique dictates of California employment law, including wage and hour, accommodation, discrimination, workplace privacy, collective action, competition, trade secrets, contingent workforces, and agreements to commence, compensate, and sever employment. Doug consistently litigates individual, class and PAGA actions. Raised in San Francisco, educated in San Diego, and initially officed in Los Angeles, Doug has spent his career resolving employment disputes in venues across California.

As a professional leader, Doug has benefited from mentoring and working with diverse talented teams of attorneys, both within and outside of Farella. Doug recognizes that supporting legal profession diversity, as well as independent thought among newer lawyers, enhances legal analysis and client service — and creates a more competent and admirable profession.

### Distinctions

- *Best Lawyers in America*, Litigation - Labor and Employment, Employment Law - Management (2018-2023)
- *Benchmark Litigation*, Labor & Employment Star (2019-2023)
- Northern California *Super Lawyers* in Employment & Labor since (2006-2022)

### Memberships and Affiliations

- Chair, ABA, Labor and Employment Law Section (Present)
- Vice-Chair, ABA, Labor and Employment Law Section (August 2019-2021)
- Fellow, American College of Labor & Employment Lawyers (2015-present)
- Budget Co-Chair, ABA, Labor and Employment Law Section (2017-2019)
- Governing Council Member, ABA, Labor and Employment Law Section (2011-2017)

### Services

- Employment
- Technology
- Wine

### Education

- University of San Diego (J.D., 1984)
  - . *magna cum laude*;
  - Comments Editor, *San Diego Law Review*
- San Jose State University (B.A.- Political Science, 1981)
  - . Political Science

### Bar Admissions

- California

### Court Admissions

- U.S. District Court (C.D. Cal.)
- U.S. District Court (E.D. Cal.)
- U.S. District Court (N.D. Cal.)
- U.S. District Court (S.D. Cal.)
- 9th U.S. Circuit Court of Appeals

- Co-Chair, ABA, Labor and Employment Law Section, Technology in the Practice and Workplace Committee (2005–2007)
- President, Northern California Human Resources Association (2005)
- Founding Sponsor, San Francisco High School Mock Trial Competition

## Experience

### **Ortega v. Nestle Waters**

Represented defendant Nestle Waters in a putative state-wide class action by delivery drivers and warehouse employees alleging wage and hour violations, wage statement defects, and failures to reimburse business related expenses. The parties reached a mediated settlement of all claims.

### **Ortiz v. Ghirardelli**

Defended a wage and hour class action brought by hourly restaurant and retail employees for all California locations. The complaint included meal and rest break violations, unpaid overtime, non-compliant wage statements, unreimbursed business expenses, and PAGA claims. We resolved all claims prior to class certification through mediation, and the court approved the settlement.

### **Topete v. Treasury Wines**

Defended Treasury Wine Estates Americas Company in a putative class action by all current and former non-exempt employees who worked for the company in California from 2011 through 2016. Plaintiffs alleged Treasury failed to include all non-discretionary incentive pay in the regular rate of pay for overtime purposes; failed to provide second meal periods to its non-exempt employees on shifts over 10 hours; implemented an uneven time-rounding practice; and failed to maintain and issue accurate payroll records. Civil penalties were sought under the Private Attorneys General Act. Without formal discovery, we reached an early mediated resolution of all claims minimizing litigation costs for our client.

### **Correa v. Sabah International**

Defended class action involving field service technicians who were required to drive company vehicles. The main claim centered on the compensability of time spent traveling from home to the various work sites (i.e. whether the technicians were “subject to the control” of Sabah during that commute). Ancillary claims include compensation for the completion of work reports, cell phone calls, and maintaining the company vehicle. All claims were settled at mediation, court approval is pending.

### **Bonner v. SFO Shuttlebus**

Defended class action brought by hourly commuter bus drivers alleging failure to pay for compensable time, including pre- and post-trip inspection time, time spent waiting between shifts, medical examination and license maintenance time, and rest break violations. Analyzed bus drivers covering numerous different routes to various clients, including Google, Facebook, and Genentech. Settled claims after taking depositions of class representatives.

## Publications

December 11, 2020

**California Employers Face Various New Laws in January 2021**

June 23, 2020

**7 Tips for Creating a COVID-19 Essential Business Travel Policy**

April 27, 2020

**Coronavirus and the Workplace: Guidance for Employers Resuming Operations**

March 20, 2020

**Coronavirus and the Workplace: Key Legal Updates for Employers**

March 13, 2020

**Coronavirus and Employee Privacy Laws: What Employers Should Know**

December 23, 2019

**New Laws for California Employers in 2020**

November 04, 2019

**California's New Ban on Mandatory Employment Arbitration: How We Got Here and What This Means**

October 2, 2019

**What Employers Should Know About the California Consumer Privacy Act Taking Effect January 1, 2020**

February 13, 2019

**California Court Finds Shift Call-Ins May Trigger Reporting Time Pay**

10/10/2018

**New California Employment Laws Will Require Significant Changes in 2019**

8/27/2018

**California Supreme Court Clarifies Background Check Laws in California**

7/31/2018

**California Supreme Court Declines to Apply Federal Excuse for Short Unrecorded Work Periods**

6/27/2018

**California to Implement Broad New National Origin Discrimination Protections**

5/25/2018

**Supreme Court Rules That Employees Can Waive Class Action Rights Through Arbitration Agreements**

5/3/2018

**California Supreme Court Adopts New Independent Contractor Classification Test for Purposes of Wage Orders**

3/16/2018

**California Supreme Court Confirms Special State Rule on Calculating Overtime Premiums Arising From Bonuses**

12/11/2017

**California WARN Act Notice Requirements Apply to Temporary Layoffs**

5/11/2017

**"Day of Rest" Requirement Measured By Workweek, Not Every Seven-Day Period**

4/24/2017

**Refusal to Rescind Employee's Voluntary Resignation Is Not an Adverse Employment Action Under FEHA**

3/27/2017

**New Fair Employment and Housing Act Regulations Further Limit Consideration of Criminal History**

**in Employment Decisions**

11/7/2016

**California Enacts New Employment Laws for 2017**

5/5/2016

**San Francisco Enacts Nation's First Fully Paid Parental Leave Ordinance**

5/5/2016

**IP and Employment Implications of the Defend Trade Secrets Act to be Discussed at May 24-25 Roundtable Programs**

4/13/2016

**California Court Imposes Duty to Accommodate Non-Disabled Employees Associated With Disabled Persons**

10/13/2015

**New California Law Allows Employers to Cure Two Wage Statement Violations Within Limited Period**

10/6/2015

**California Court Approves Retaliation Protection For Private Police Report**

9/9/2015

**California to Enact Strongest Equal Pay Law in Nation**

7/15/2015

**California Liberalizes Mandatory Sick Leave Law**

6/1/2015

**Supervisor-Caused Stress is Not a "Disability" under the FEHA**

4/8/2015

**San Francisco's Minimum Wage Increases to \$12.25 on May 1, 2015**

1/13/2015

**California's Sick Leave Law Will Require Altering Most PTO Programs by July 2015**

12/12/2014

**NLRB Limits Employers' Ability to Restrict Employee Email Use During Nonworking Time, Reversing Precedent**

10/7/2014

**New California Law Holds Employers Liable for Labor Contractor's Wage Violations**

9/22/2014

**California Expands Mandatory Harassment Training to Include "Bullying" Prevention**

9/16/2014

**New Law Requires California Employers to Provide Paid Sick Leave**

8/18/2014

**California Employers Required to Pay Employees' Work-Related Cell Phone Expenses**

7/24/2014

**Employers May Require Exempt Employees to Use Accrued Leave for Absences Shorter Than Half a Day**

7/16/2014

**California Supreme Court Splits From Federal Law on Commissioned Employee Exemption**

**Compliance**

7/14/2014

**Supreme Court Clarifies Severance Payment Tax Rules**

6/24/2014

**California Supreme Court Authorizes Class Action Waivers In Arbitration Agreements**

4/21/2014

**California Court Authorizes Fitness for Duty Examination After Employee Returns from FMLA Leave**

3/25/2014

**New Legal Guidance For Modifying Arbitration Agreements**

11/18/2013

**New San Francisco Ordinance Requires Employers To Discuss Family Life Accommodations**

10/29/2013

**12 New Laws California Employers Need To Know**

12/5/2012

**New California Employment Laws Effective January 1, 2013**

4/13/2012

**Employers Need Not Police Meal and Rest Breaks**

11/28/2011

**California Employment Law Updates**

3/4/2011

**Employers Cannot Force Employees To Waive Statutory Right To Pursue Wage Claims With Labor Commission**

10/21/2010

**Employment Issues for Troubled Companies and Companies in Transition Webinar**

9/9/2010

**Ninth Circuit Finds Female Employee's Unwelcome Advances On Male Colleague Potentially Actionable**

8/6/2010

**California Court Finds Employer May Be Liable For Honoring Rival's Non-compete Agreement**

11/24/2009

**California Court Rejects Non-Competition Agreement As Necessary To Protect Confidential Information**

10/2/2009

**Ninth Circuit Scrutinizes Return To Duty Physical Examinations**

5/7/2009

**How to Protect Employee Data in a Small Business**

*Protecting Employee Data*

1/15/2009

**New San Francisco Commuter Ordinance Takes Effect January 19, 2009**

9/9/2008

**California Governor Enacts Special Paycheck Rules For Temporary Workers And Criminal Penalties**

#### For Falsified Timesheets

8/12/2008

**California Supreme Court Narrows Enforceability Of Non-Solicitation And Effect Of Release Clauses**

7/23/2008

**California Court of Appeals Rejects Employer Strict Liability For Missed Meal Breaks**

6/23/2008

**Alert: Supervisor Assurance Trumps Employer Policy - Creates Privacy Expectation In Electronic Communications**

6/5/2008

**Alert: California Court Holds That Holiday Pay Premium Need Not Form "Regular Rate Of Pay" Under California Overtime Statute**

3/21/2008

**California Court Provides No On-Call Pay For Apartment House Managers Restricted To Their Residence**

3/6/2008

**California Supreme Court Protects Supervisors From Retaliation Liability**

2/8/2008

**Alert: California Court Expands Administrative Overtime Exemption**

## Outside the Office

Doug is the father of two wilderness adventurers: a climber in college and a surfer in medical school. He is currently aspiring to competency as a jazz drummer and fly fisherman.