



Doug Dexter

Partner

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Doug Dexter is chair-elect 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* for Litigation - Labor and Employment (2021-2022)
- *Benchmark Litigation*, Labor & Employment Star (2019-2021)
- Northern California Super Lawyers (2006-2021)

Memberships and Affiliations

- Chair-Elect, ABA, Labor and Employment Law Section (August 2021-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 in California in 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.