



Emily Prescott

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OVERVIEW

Ms. Prescott practices labor and employment law on behalf of California public sector employers and has over twenty years of experience in labor and employment law and public sector labor relations, including as a labor lawyer serving public agencies throughout Northern California, prior service as the Employee Relations Manager for the City & County of San Francisco, and as a labor arbitrator certified on the California State Mediation and Conciliation Service arbitrator panel.

INVESTIGATIONS

Ms. Prescott is an experienced workplace investigator who has conducted many high-level, sensitive, and complex investigations into allegations of harassment, discrimination, hostile work environment, retaliation, employee misconduct, workplace safety, workplace violence, and whistleblower complaints, including allegations against peace officers and firefighters.

NEGOTIATIONS

Ms. Prescott has successfully negotiated numerous safety and non-safety collective bargaining agreements on behalf of cities, counties, and a community college district in both traditional and interest-based negotiating environments, and she assists senior policy makers and elected officials in developing collective bargaining strategies. She also provides training on the negotiations process to elected officials, management representatives, and bargaining teams.

ADVICE & REPRESENTATION

Ms. Prescott advises and represents public sector employers in all facets of labor and employment law, including collective bargaining, impasse procedures, preventative counseling, discipline and termination, public sector wage-and-hour law, unfair labor practice charges, workplace investigations, grievances, leave management, Civil Service Commission procedures, and interplay of labor contracts with personnel rules.



EXPERIENCE

- 2015 – *Prescott Law & Public Employment Consulting*
Practice includes workplace investigations, labor negotiations on behalf of public sector employers, neutral hearing officer services, and advice and representation work in all facets of public sector labor and employment law.
- Employee Relations Manager (2013-2015) *City & County of San Francisco, Employee Relations Division*
Assisted in development, planning, and direction of the City's positions and policies for 2014 collective bargaining with twenty-five simultaneous tables; served as chief negotiator at one of the lead tables; served as panel member for interest arbitrations. Developed and presented trainings on the negotiations process, the grievance process, how to respond to information requests, discipline, *Skelly* due process rights, and *Weingarten* representation rights. Managed team of employee relations representatives, with five direct reports; coordinated team of outside negotiators.
- Senior Labor Counsel (2004-2013) *Renne Sloan Holtzman Sakai LLP, San Francisco, CA*
Advised public sector employers, including elected officials, in all facets of labor and employment law. Collaborated with human resources, finance, and other stakeholders in preparing for and conducting negotiations. Served as chief negotiator and successfully negotiated numerous collective bargaining agreements. Provided training to elected officials, management representatives, and bargaining teams on the negotiations process. Frequent speaker and author on labor relations topics. Conducted workplace investigations, including allegations against peace officers and firefighters.
- Labor Arbitrator (2001-2004) *Self-employed, San Francisco, CA*
Maintained private practice as a neutral labor arbitrator, hearing officer, and panel member of the California State Mediation and Conciliation Service.
- Labor Relations Representative (1999-2001) *City & County of San Francisco, Employee Relations Division*
Chief negotiator and labor relations representative. Organized and facilitated a pre-bargaining management retreat to prepare for negotiations with the City's fifty labor unions.
- Litigation Associate (1995-1999) *Rosenblum, Parish & Isaacs, P.C., San Francisco, CA*
Active in all aspects of civil litigation. Practice areas included employment discrimination and commercial contract disputes. Co-presenter of Family & Medical Leave Act seminars.
- Attorney (1993-1995) *Office of the City Attorney, Oakland, CA*
Co-counsel on two jury trials. Represented the City in law and motion matters, *Pitchess* motions, and depositions. Prepared motions for summary judgment.

EDUCATION

Ms. Prescott earned her J.D. from the University of California, Hastings College of the Law (1993) and her B.A. from Duke University (1986).

MEMBERSHIPS

Labor and Employment Law Section Executive Committee, State Bar of California

- Member, Executive Committee (2006-2009)
- Advisor, Executive Committee (2009-2011)

Co-Editor-in-Chief (2007-2009), California Labor & Employment Law Review

- Editorial Board Member (2009-)

PUBLICATIONS

- Co-author of chapter on wage-and-hour law in the public sector for California Public Sector Employment Law treatise (LexisNexis, 2011).
- Mandatory Fact-Finding Under the Meyers-Milias-Brown Act, California Labor & Employment Law Review, Vol. 26, No. 1 (January 2012)
- Authored *amicus* brief relied upon in *Johnson v. Arvin-Edison Water Storage District* (2009) 174 Cal. App. 4th 729 for the proposition that the “catch-all” IWC Wage Order No. 17 does not apply to public sector employment
- When Firmly Held Religious Beliefs Conflict With the Right to Wedded Bliss (co-author with Allyson Hauck and Dana Barton), California Public Employee Relations Journal, Issue 191 (August 2008)
- How Those Jerks at Work Create Liability Problems for Employers (co-author with Genevieve Ng), California Labor & Employment Law Review, Vol. 22, No. 3 (May 2008)
- *Claremont Police Officers Association v. City of Claremont*: The California Supreme Court Reaffirms the Existence of Management Rights (co-author with Charles Sakai), California Labor & Employment Law Review, Vol. 21, No. 2 (March 2007)

PRO BONO

Pro Bono Arbitrator for the Homeless Shelter Arbitration Project in San Francisco, CA. Conduct arbitrations for disputes between shelter residents and San Francisco shelters, when shelter residents have been denied services for alleged violations of shelter rules.



SPEAKING ENGAGEMENTS

- How to Prepare for Grievance Arbitration
- Lessons from the First Year of Fact-finding Under the MMBA
- Fact-Based Bargaining in a Concession Bargaining Environment
- Accommodating Religion in the Workplace
- The Labor Code and Public Sector Employment: “That Doesn’t Apply to Us, Does it?”
- State Wage and Hour Law in the Public Sector
- Jerks at Work: Practical Tips for Dealing With Workplace Bullies
- Labor Relations Training
- How to Resolve Workplace Grievances

REFERENCES

Available upon request.