



Janae H. Novotny

Partner — Silicon Valley

1503 Grant Road, Suite 200
Mountain View, CA 94040-3270

650.327.2672 t

650.688.8333 f

jnovotny@bwslaw.com

Janae Novotny is a partner in the law firm of Burke, Williams & Sorensen, LLP. She was previously a partner at Kay & Stevens. Janae has over 30 years of experience representing cities, counties, special districts, school districts, and water districts in labor relations, employment law, public agency access law, and education law. She advises public agencies regarding all matters within the scope of bargaining, pension and retiree benefits issues under CalPERS, CERL, STRS, and local retirement systems. She represents public agency employers through the negotiations spectrum, from planning and developing negotiations parameters based on statutory fact-finding criteria through negotiations, impasse, mediation and fact-finding hearings. She advises MMBA employers regarding both safety and miscellaneous employee groups.

Janae regularly advises public agencies on a wide range of labor and employment issues, including MOU interpretation; grievance responses; benefits and leaves administration, including pension benefits; coordination of FMLA, CFRA, and Workers Compensation leaves; interactive process discussions under the ADA and FEHA; interpretation and application of new laws; worker classification issues, and employee discipline and performance evaluation issues.

In addition to bargaining with all employee groups under the education employer collective bargaining statutes, she also handles certificated and classified discipline, dismissal, and layoff, including administrator reassignment and release issues; and contract management issues; and handles all Education Code personnel issues. She is experienced in interest-based bargaining as a negotiator, trainer, and facilitator. Janae also advises school districts regarding board governance issues, student related issues, school district reorganization, federal and state constitutional issues. She has handled numerous sexual harassment and other personnel investigations, grievance arbitrations, unfair labor practice hearings before PERB, and fact-finding hearings.

Janae is a presenter at various conferences, including the CALPELRA Annual Conference, CALPELRA Learn trainings, California State Association of Counties, the Association of California School Administrators, and the California School Business Officials trainings and conferences. She contributed to the development of CALPELRA ACADEMY 9, The Impasse Process From Declaration Through Post Fact-finding (AB 646). Janae also conducts trainings in labor relations and interest-based bargaining, employee evaluation and discipline, sexual harassment, disability accommodation and FMLA/CFRA, and other public sector

employment issues. She is a co-author of CPER's Pocket Guide To Factfinding, contributing author of California Public Sector Labor Relations, Labor and Employment Law Section, State Bar of California, Matthew Bender and a contributing author of Burke's annual publication Legal Trends.

Presentations

- ▶ Decertification And Representation Petitions: Opportunities To Improve An Agency's Labor Relations Structure, 2018 CALPELRA Annual Conference, Monterey Conference Center, December 6, 2018
- ▶ PERB, Court and Legislative Developments Affecting HR, ACSA Personnel Institute, October 3, 2018
- ▶ Work-Life & Creating Balance: 2.0, Women in Law & Leadership, April 19, 2018
- ▶ Negotiating Leaves of Absence, ACSA Negotiators' Symposium, San Diego, January 17, 2018
- ▶ Selected Negotiations Fundamentals for the Beginner or the Experienced Bargainer, ACSA Negotiators' Symposium, San Diego, January 18, 2018
- ▶ Negotiations Hot Topics, ACSA Negotiators' Symposium, San Diego, January 18, 2018
- ▶ Understanding And Effectively Managing Employee And Union Protected Rights, CALPELRA, Steinbeck 2, December 7, 2017
- ▶ Update on PERB & Court Decisions Affecting Bargaining - The New Developments You Need to Know, ACSA Personnel Institute, Irvine Marriott, October 9, 2015
- ▶ Total Compensation in 2015 and Beyond: Practical Tools for Negotiations and Recruitment Efforts, ACSA Personnel Institute, Irvine Marriott, October 8, 2015
- ▶ Burke Attorneys Present at the ACSA Negotiators' Planning Retreat, ACSA Negotiators' Planning Retreat, Renaissance Palm Springs Hotel, June 24-25, 2015
- ▶ Hot Topics, ACSA's Negotiators' Symposium, Hilton Bayfront San Diego Hotel, January 14, 2015
- ▶ Explaining Tidal Surges And Shifting Sands: Communicating Effectively With Employees And The Public During Negotiations, CALPELRA 39th Annual Training Conference, Monterey Conference Center, November 19, 2014
- ▶ Assembling The Disability Accommodation Puzzle - How Do The Pieces Fit Together: The Interactive Process, Workers Compensation, Ed Code Leave Provisions And Fitness-For-Duty Evaluations?, North State Spring Conference, April 27, 2013
- ▶ Hot Topics, ACSA Symposium for Negotiators, January 23, 2013
- ▶ Negotiating and Implementing the Pension Reform Act, CALPELRA's 2012 Annual Training Conference, December 3, 2012

Publications

- ▶ **2018 Legal Trends**, December 2018
- ▶ **2017 Legal Trends**, Fall 2017
- ▶ **2016 Legal Trends**, Fall 2016
- ▶ **2015 Legal Trends**, Fall 2015
- ▶ **2014 Legal Trends**, Fall 2014
- ▶ **2013 Legal Trends**, Fall 2013

- ▶ **2012 Legal Trends**, Fall 2012
- ▶ **2010 Legal Trends**, Fall 2010
- ▶ **2009 Legal Trends**, Fall 2009

PRACTICE GROUPS

- ▶ Education Law
- ▶ Labor and Employment Law
- ▶ Public Law

EDUCATION

- ▶ Georgetown University Law Center J.D.
- ▶ California State University, Fresno

ADMISSIONS

- ▶ State Bar of California
- ▶ United States Court of Appeals for the Ninth Circuit
- ▶ United States District Court for the Eastern District of California
- ▶ United States District Court for the Northern District of California
- ▶ United States District Court for the Southern District of California