



Kelly A. Trainer

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Kelly Trainer is a partner in Burke's Orange County office, representing employers in labor and employment law matters.

Kelly has represented and advised employers on matters involving numerous federal and state law claims, including discrimination, harassment, retaliation, disability and leaves of absence, wrongful termination, leaves of absence, wage and hour, freedom of speech and association, and privacy. In addition, Kelly's practice includes representation of public employers in areas unique to public employment such as due process, disciplinary procedures, the MMBA, CalPERS, the Public Safety Officers Procedural Bill of Rights, and the Firefighters Procedural Bill of Rights.

Kelly has an extensive counseling practice, concentrating on preventive measures of employment and labor law. In this regard, her practice has focused on working cooperatively with management and human resources professionals on the handling of a variety of labor and employment matters. She also revises personnel rules, employee handbooks, personnel ordinances, and specific policies.

Kelly is an experienced trainer, and she regularly conducts a variety of seminars and workplace trainings for employees on matters such as harassment prevention, disability discrimination, workplace investigations, diversity and inclusion, managing difficult employees, workplace violence, discipline and termination, social media, performance evaluations, creating effective documentation, and leaves of absence.

Kelly has acted as lead negotiator during labor negotiations for public agencies, and has negotiated many labor agreements. In addition to labor negotiations, Kelly has experience in handling related labor relations issues such as grievances and PERB proceedings, and she regularly advises employers on such matters.

Kelly is a member of the Association of Workplace Investigators, and has served as a neutral investigator and fact-finder for internal investigations of employment complaints.

Presentations

- ▶ PARMA - Choose Your Own Disability Adventure, PARMA Holiday Chapter Event, Orange Conference Center, December 11, 2018
- ▶ #NotYouToo: Advanced Harassment Prevention Training For HR Professionals And Managers, 2018 CALPELRA Annual Conference, Monterey Conference Center, December 7, 2018
- ▶ Webinar - What You Say Online Can and Will Be Used Against You: Social Media Training for Law Enforcement Agencies, Webinar, November 15, 2018
- ▶ Golden Nuggets: Balancing the Right to Know vs. Privacy in the Workplace, COSIPA, October-November 2018
- ▶ Harassment Prevention Training, CSDA Annual Conference & Exhibitor Showcase, September 26, 2018
- ▶ Beyond the Basics: Advanced Harassment Prevention Training, CSDA Annual Conference & Exhibitor Showcase, September 25, 2018
- ▶ Don't be Blinded by the Sun: Social Media in the Public Sector, 2018 IPMA-HR International Training Conference & Expo, Phoenix, AZ, September 24, 2018
- ▶ Facebook vs. the First Amendment, League of California Cities Annual Conference, September 14, 2018
- ▶ Think Before You Act: Diversity and Unconscious Bias in the Workplace, Client Presentation, September 2018
- ▶ Free Speech, Union Activity and Social Media in the Fire Service, Client Presentation, September 2018
- ▶ Cultural Changes in the Workplace in the #MeToo Era, WISE Los Angeles Chapter Workshop, July 2018
- ▶ Mind the Gap: Reconciling Boomers, Gen X, Millennials, and Gen Z in the Workplace, Client Presentation, July 2018
- ▶ INCYMI: Recent Developments in Social Media and the Law, CAALAC/OCCAA Joint Meeting, June 2018
- ▶ The New Norm: Cultural Changes in the #MeToo Era Workplace, LOCC Women's Caucus, April 19, 2018
- ▶ Choose Your Own Disability Adventure, CALPELRA, Colton, December 8, 2017
- ▶ Think Before You Tweet: Social Media Basics for Local Government Officials, Webinar, November 14, 2017
- ▶ Not Your Average Harassment Training, Webinar, October 25, 2017
- ▶ Managing Marijuana in the Workplace, CJPIA Educational Forum, Santa Barbara, October 2017
- ▶ Sexual Harassment Prevention Training, CSDA Annual Conference, September 27, 2017
- ▶ Preventing Workplace Harassment, Discrimination, and Retaliation for Elected Officials, 2017 League of California Cities Annual Conference, September 14, 2017
- ▶ Required Harassment Prevention for Staff/Board, CSDA Webinar, June 6, 2017
- ▶ Power of the Pen: How Leaders Create Effective Documentation in the Workplace, CSDA General Manager Leadership Summit, June 2017
- ▶ Social Media in the Public Workplace: Friend...Follow...Fire?, IEPMA-HR Training Forum, Rancho Cucamonga, May 2017
- ▶ Everything You Never Wanted to Know About Medical Leaves of Absence and Disability, Client Presentation, April 2017
- ▶ No Employee Left Behind: Evaluating the Evaluations, CJPIA Human Resources Academy, Westlake Village, April 2017
- ▶ It's Elementary, Dear Watson: Conducting Effective Workplace Investigations, CJPIA Human Resources Academy, April 2017
- ▶ 2017 Legal Update for Public Sector Employers, CJPIA Human Resources Academy, Westlake Village,

April 2017

- ▶ When the Chips are Down: Learning from the HR Headlines, IPMA-HR Western Region Annual Conference, April 2017
- ▶ Everything You Never Wanted to Know About Medical Leaves of Absence and Disability, Client Presentation, March 2017
- ▶ Power of the Pen: Creating Effective Workplace Documentation, SCPMA-HR Annual Training Conference, Alhambra, March 2017
- ▶ Everyday Ethics for Supervisors, Client Presentation, February 2017
- ▶ Social Media in the Public Workplace: Friend...Follow...Fire?, Southern California Public Labor Relations Council, February 2017
- ▶ Everything You Never Wanted to Know About Medical Leaves of Absence, Client Presentation, January 2017
- ▶ Everyday Ethics for Supervisors, Client Presentations, December 2016
- ▶ Managing the Virtual Playground: What Every HR Professional Needs to Know About Social Media, CALPELRA 41st Annual Training Conference, Portola Hotel & Spa - De Anza 1, November 4, 2016
- ▶ HR in Crisis: Learning from the Headlines, CALPELRA 41st Annual Training Conference, Monterey Marriott Hotel – San Carlos 4, November 3, 2016
- ▶ Choose Your Own Disability Adventure, CALPELRA 41st Annual Training Conference, Portola Hotel & Spa - Bonsai Room, November 3, 2016
- ▶ Keeping Score: Creating Effective Documentation in the Workplace, CALPELRA 41st Annual Training Conference, Monterey Marriott Hotel - San Carlos 1, November 2, 2016
- ▶ Escaping the Cyclone: Choose Your Own ADA-FEHA Adventure, CJPIA Risk Management Education Forum, October 2016
- ▶ AB 1825 Sexual Harassment Prevention for Staff and Elected Officials, CSDA Annual Conference & Exhibitor Showcase, October 2016
- ▶ Diving in the Deep End of Disability Discrimination, Client Presentation, October 2016
- ▶ Navigating Through the Fog of Fit for Duty Evaluations, CJPIA Risk Management Educational Forum, October 2016
- ▶ Valuing Diversity in the Workplace, Client Presentation, October 2016
- ▶ Everything You Never Wanted to Know About Employment Law, Client Presentation, October 2016
- ▶ HR Boot Camp for Supervisors, Client Presentation, September 2016
- ▶ Fitness for Duty Evaluations, CJPIA Workers' Compensation Symposium, August 2016
- ▶ Human Resources Boot Camp, CJPIA , July 2016
- ▶ Keep Calm and Update Your Status: Emerging Trends in Social Media, CSDA GM Leadership Summit, Olympic Valley, June 14, 2016
- ▶ ADA/Interactive Processes, Accommodate What?, COSIPA Seminar, Concord, June 2016
- ▶ ADA/Interactive Processes, Accommodate What?, COSIPA Seminar, Costa Mesa, June 2016
- ▶ ADA and the Interactive Process: It's More than it Appears, COSIPA Seminar, June 2016
- ▶ Panel Discussion on Transgender Workplace Issues, Western Region IPMA-HR Annual Training Conference, April 2016
- ▶ Conducting Totally Tubular Workplace Investigations, IPMA-HR Annual Training Conference, San Diego,

April 27, 2016

- ▶ Everyday Ethics, City of Pasadena, April 2016
- ▶ Facebook v. First Amendment, PARMA Annual Conference, Indian Wells, February 24, 2016
- ▶ Power of the Pen: Creating Effective Workplace Documentation, 20th Annual California JPIA Risk Management Educational Forum, September 23, 2015
- ▶ Don't Let One Bad Apple Spoil the Bunch: Strategies for Addressing Challenging Employees, Southern California Public Labor Relations Council, September 2015
- ▶ Difficult Conversations in the Clubhouse: How to Handle Sensitive Human Resources Situations, CJPIA 20th Anniversary Risk Management Educational Forum, September 2015
- ▶ Don't Let One Bad Apple Spoil the Bunch: Dealing with Difficult Employees, CSDA General Manager Leadership Summit, July 14, 2015
- ▶ Social Media Challenges and Opportunities for Special Districts: A Legal Perspective, CSDA Webinar, May 5, 2015
- ▶ It's All Fun and Games Until the Flying Monkeys Arrive: Dangerous Workplace Conduct, 2015 IPMA-HR Conference, April 30, 2015
- ▶ If I Had Only Used My Brain: Creating Effective Documentation in the Workplace, 2015 IPMA-HR Conference, April 29, 2015
- ▶ Legislative Update: What's Happening Now, CJPIA Human Resources Academy, April 2015
- ▶ It's Elementary, Dear Watson: Conducting Effective Workplace Investigations, CJPIA Human Resources Academy, April 2015
- ▶ Human Resources Guide to Effective Employee Evaluations, CJPIA Human Resources Academy, April 2015
- ▶ Firefighter's Procedural Bill of Rights Act: Overview and Solutions for Employers, March 2015
- ▶ HR Boot Camp, CSDA Board Secretary/Clerk Conference, February 12, 2015
- ▶ Power of the Pen: Creating Effective Documentation in the Workplace, 2015 PARMA Conference, Disneyland Hotel, February 9, 2015
- ▶ We, the Rude, Angry, and Violent People: Preventing and Responding to Dangerous Workplace Conduct, 2015 PARMA Conference, Disneyland Hotel, February 9, 2015
- ▶ Don't Let One Bad Apple Spoil the Bunch: Strategies for Addressing Challenging Employees, Southern California Public Labor Relations Council Annual Conference, February 2015
- ▶ Avoiding Wipeouts On The Wave Of Social Media, CALPELRA 39th Annual Training Conference, Monterey Conference Center, November 20, 2014
- ▶ Riptide Ahead: Preventing and Responding to Dangerous Workplace Conduct, CALPELRA 39th Annual Training Conference, Monterey Conference Center, November 19, 2014
- ▶ Legislative Update: AB 2053 Abusive Conduct Training, Southern California Public Labor Relations Council, November 2014
- ▶ Sexual Harassment Prevention Training for Elected and Appointed Officials, California Association of Resource Conservation Districts Annual Conference, November 2014
- ▶ The Troll Under the Bridge: Consequences of Not Addressing Disability Discrimination, 11th Annual Disability Employment Awareness Conference & Training, October 16, 2014
- ▶ Keep Calm and Update Your Status: Emerging Trends in Social Media (State Bar of California), State Bar of California, October 7, 2014

- ▶ Trying to End the Endless Summer: Conducting Reasonable Accommodation Meetings, CJPIA Annual Risk Management Educational Forum, October 2014
- ▶ Avoiding Gnarly Wipeouts by Conducting Totally Tubular Workplace Investigations, CJPIA Annual Risk Management Educational Forum, October 2014
- ▶ Keep Calm and Update Your Status: Emerging Trends in Social Media, CSDA Annual Conference and Exhibitor Showcase, October 2014
- ▶ In Order to Form a More Perfect Workplace Investigation, 2014 IPMA-HR International Training Forum, September 22, 2014
- ▶ Don't Tweet Your Way to Termination: Social Media and the Public Workplace, League of California Cities Annual Conference and Expo, September 2014
- ▶ It's Elementary, Dear Watson: Conducting Effective Workplace Investigations, State Bar of California, July 2014
- ▶ Really Bad, in a Good Way: Performance Evaluations, Employee Discipline, and Effective Documentation, CSDA General Manager Leadership Summit, June 2014
- ▶ The Troll Under the Bridge: Disability Discrimination in the Workplace, IPMA-HR Western Regional Annual Conference, May 2014
- ▶ Status Update: Recent Developments to Social Media in the Workplace, PARMA 2014 Conference, San Jose Convention Center, February 9-13, 2014
- ▶ How to Strengthen Your Agency: Human Resources Boot Camp for Managers, CJPIA Executive Academy, January 2014
- ▶ Diving in the Deep End: Exploring Four Key Discrimination Challenges, CALPELRA Annual Conference, Monterey, November 20, 2013
- ▶ Preventing Workplace Violence, CJPIA, September 2013
- ▶ Status Update: Employment Law Update on Social Media in the Workplace, IPMA-HR Western Regional Conference, Orange, May 2013
- ▶ Predict a Better Future: Dealing with Difficult Employees, 2013 Western Region IPMA Annual Training Conference, May 1, 2013
- ▶ Creating Effective Documentation, California Joint Powers Insurance Authority's Human Resources Academy, April 23, 2013
- ▶ Effective Performance Evaluations, California Joint Powers Authority's Human Resources Academy, April 23, 2013
- ▶ How to Strengthen Your Agency: HR Basics for Managers, California Joint Powers Insurance Authority's Leadership Academy, March 21, 2013
- ▶ Don't be Disabled by Disability Issues: A Holistic Focus!, CalPRIMA Southern California Workshop, Diamond Bar, April 2013
- ▶ Diving in the Deep End: Exploring Four Challenges of Disability Discrimination PARMA/CalPRIMA Mini-Conference, October 2012
- ▶ To Tweet or Not to Tweet: Balancing the Benefits and Burdens of Social Media, Burke Attorney Retreat, September 2012

Publications

- ▶ **Get Ready For 2019: The Year Of Harassment Prevention**, December 20, 2018
- ▶ **2018 Legal Trends**, December 2018
- ▶ **Keeping Up with the Legislature: 2019 Brings Changes to the Fair Employment and Housing Act**, November 2018
The Authority, California JPIA Newsletter Issue 81
- ▶ **In Case You Missed It: California Adopted Comprehensive National Origin Regulations**, November 2018
The Authority, California JPIA Newsletter Issue 81
- ▶ **Aftermath of the Janus v. AFSCME Decision**, August 2018
The Authority, California JPIA Newsletter Issue 78
- ▶ **Preparing for Changes: California Legislative Update**, May 2018
The Authority, California JPIA Newsletter Issue 75
- ▶ **Three Keys to Preventing Workplace Harassment: Training, Leadership and Accountability**, February 2018
California Special District Magazine
- ▶ **Is Your Harassment Prevention Training Legally Compliant?**, February 2018
The Burke Beat
- ▶ **2017 Legal Trends**, Fall 2017
- ▶ **2018 Brings New Restrictions on Public Employers' Inquiries Into Salary History and Conviction History**, November 2017
- ▶ **What You Say Online Can and Will Be Used Against You**, July 2017
On the Burke Beat - Law Enforcement Liability Update
- ▶ **Preparing for 2017: California Legislative Update**, November 2016
- ▶ **2016 Legal Trends**, Fall 2016
- ▶ **Workplace Harassment Prevention Training is Now Mandatory for Elected Officials**, October 2016
Employment Law Update
- ▶ **Social Media and the Workplace**, Summer 2016
Today's Insurance Professionals
- ▶ **Answers to Common Employer Questions About Transgender Employees**, May 2016
The Authority, CJPIA
- ▶ **Curiouser and Curiouser: Expansion of the Duty to Reasonably Accommodate Disability**, April 2016
Employment Law Update
- ▶ **The Only Constant is Change: Are You in Compliance with the New FEHA Regulations?**, April 2016
The Authority Newsletter
- ▶ **Social Media Q&A for Special Districts**, February 2016
California Special District Magazine
- ▶ **Pocket Guide to Disability Discrimination in the California Workplace**, October 2015
CPER Pocket Guide
- ▶ **Dress and Grooming Standards for California Public Employers...It's a Bit More Complicated than**

You Might Expect, August 2015

The Authority

- ▶ **Significant Changes to the FEHA: Are You Prepared for 2015?**, December 2014
Employment Law Update
- ▶ **Compliance with AB 218: California JPIA Model Form for Criminal Inquiries**, July 2014
The Authority, CJPIA
- ▶ **Q & A: Harassment Prevention Training and Special Districts**, June 11, 2014
CSDA e-News
- ▶ **How Outdated is Your Harassment Prevention Policy**, June 2014
The Authority, CJPIA
- ▶ **Common Public Employer Misconceptions**, April 2014
The Authority, CJPIA
- ▶ **To Document or Not to Document: Life After Poole v. Orange County Fire Authority**, February 2014
The Authority, CJPIA
- ▶ **Failing to Train Employees and Officials About Workplace Harassment Can Be Disastrous**, December 2013
Employment Law Update
- ▶ **2013 Employment Legislation Highlights**, November 2013
- ▶ **2013 Employment Legislation Highlights**, November 2013
The Authority, CJPIA
- ▶ **Legislative Update: 2013 Employment Highlights**, November 2013
The Authority Newsletter
- ▶ **Legal Matters: Volunteers...Too Good to be True?**, October 2013
The Authority, CJPIA
- ▶ **Affordable Care Act Frequently Asked Questions**, August 16, 2013
- ▶ **Legal Trends, 2008-2013**
Burke, Williams & Sorensen, LLP
- ▶ **Legal Matters: SB 1012: More Changes Required for Retired Annuitant Contracts**, August 2012
The Authority, CJPIA
- ▶ **SB 1021: More Changes Required for Retired Annuitant Contracts**, July 2012
Employment Law Update
- ▶ **Pocket Guide to Disability Discrimination in the California Workplace**, November 2011
CPER Pocket Guide
- ▶ **The Top 10 Things that Employers Need to Know About the New FMLA Regulations**, 02.01.2009
February 2009 *Public Law Update*
- ▶ **Mandatory Supervisory Harassment Training: Are You In Compliance Yet?**, 01.01.2008
January 2008 *Public Law Update*
- ▶ **Mandatory Supervisory Harassment Training: Status of the Regulations**, 07.25.2007
July 2007 *Labor & Employment Law Update*
- ▶ **A Change in Administrative Investigations**, 06.01.2007
June 2007 *Labor & Employment Law Update*

- ▶ **Further Defining "Reasonable Accommodation" under The Fair Employment And Housing Act,**
02.01.2006
February 2006 Employment Law Update

PRACTICE GROUPS

- ▶ Labor and Employment Law
- ▶ Litigation

EDUCATION

- ▶ University of the Pacific, McGeorge School of Law J.D., 2001
- ▶ University of Houston B.A., 1998

ADMISSIONS

- ▶ State Bar of California
- ▶ State Bar of Texas