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 and engaging trainer. She regularly conducts seminars and workplace trainings for employees and officials on matters such as harassment prevention, disability discrimination, workplace investigations, diversity and inclusion, unconscious bias, 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 numerous 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.
EVENTS
Navigating Social Media – A Guide for Local Agency Officials
Diversity and Unconscious Bias
Auditing Your MOU
Best Practices Surrounding Social Media Platforms
Beyond Tolerance: Cultivating an Elevated and Inclusive Workplace
Facebook vs. the First Amendment
Choose Your Own Disability Adventure
#NotYouToo: Advanced Harassment Prevention Training For HR Professionals And Managers
What You Say Online Can and Will Be Used Against You: Social Media Training for Law Enforcement Agencies
Golden Nuggets: Balancing the Right to Know vs. Privacy in the Workplace
Not Your Average Harassment Training
Beyond the Basics: Advanced Harassment Prevention Training
Don’t be Blinded by the Sun: Social Media in the Public Sector
Race Time Decisions: Choose Your own Discipline Adventure
Free Speech, Union Activity and Social Media in the Fire Service
Think Before You Act: Diversity and Unconscious Bias in the Workplace
Mind the Gap: Reconciling Boomers, Gen X, Millennials, and Gen Z in the Workplace
Cultural Changes in the Workplace in the #MeToo Era
INCYMI: Recent Developments in Social Media and the Law
The New Norm: Cultural Changes in the #MeToo Era Workplace
Think Before You Tweet: Social Media Basics for Local Government Officials
Preventing Workplace Harassment, Discrimination, and Retaliation for Elected Officials
Required Harassment Prevention for Staff/Board
Power of the Pen: How Leaders Create Effective Documentation in the Workplace
Social Media in the Public Workplace: Friend…Follow…Fire?
No Employee Left Behind: Evaluating the Evaluations
When the Chips are Down: Learning from the HR Headlines
It’s Elementary, Dear Watson: Conducting Effective Workplace Investigations
2017 Legal Update for Public Sector Employers
Everything You Never Wanted to Know About Medical Leaves of Absence and Disability
Power of the Pen: Creating Effective Workplace Documentation
Everyday Ethics for Supervisors
Managing the Virtual Playground: What Every HR Professional Needs to Know About Social Media
HR in Crisis: Learning from the Headlines
Keeping Score: Creating Effective Documentation in the Workplace
Navigating Through the Fog of Fit for Duty Evaluations
Escaping the Cyclone: Choose Your Own ADA-FEHA Adventure
Everything You Never Wanted to Know About Employment Law
Valuing Diversity in the Workplace
Diving in the Deep End of Disability Discrimination
AB 1825 Sexual Harassment Prevention for Staff and Elected Officials
HR Boot Camp for Supervisors
Fitness for Duty Evaluations
Human Resources Boot Camp
Keep Calm and Update Your Status: Emerging Trends in Social Media
ADA and the Interactive Process: It’s More than it Appears
ADA/Interactive Processes, Accommodate What?
Conducting Totally Tubular Workplace Investigations
Everyday Ethics
Panel Discussion on Transgender Workplace Issues
Difficult Conversations in the Clubhouse: How to Handle Sensitive Human Resources Situations
Don’t Let One Bad Apple Spoil the Bunch: Strategies for Addressing Challenging Employees
Don’t Let One Bad Apple Spoil the Bunch: Dealing with Difficult Employees
Social Media Challenges and Opportunities for Special Districts: A Legal Perspective
It’s All Fun and Games Until the Flying Monkeys Arrive: Dangerous Workplace Conduct
If I Had Only Used My Brain: Creating Effective Documentation in the Workplace
Human Resources Guide to Effective Employee Evaluations
Legislative Update: What’s Happening Now
Firefighter’s Procedural Bill of Rights Act: Overview and Solutions for Employers
We, the Rude, Angry, and Violent People: Preventing and Responding to Dangerous Workplace Conduct
Avoiding Wipeouts On The Wave Of Social Media
Riptide Ahead: Preventing and Responding to Dangerous Workplace Conduct
Sexual Harassment Prevention Training for Elected and Appointed Officials
Legislative Update: AB 2053 Abusive Conduct Training
The Troll Under the Bridge: Consequences of Not Addressing Disability Discrimination
Avoiding Gnarly Wipeouts by Conducting Totally Tubular Workplace Investigations
Trying to End the Endless Summer: Conducting Reasonable Accommodation Meetings
In Order to Form a More Perfect Workplace Investigation
Don’t Tweet Your Way to Termination: Social Media and the Public Workplace
Really Bad, in a Good Way: Performance Evaluations, Employee Discipline, and Effective Documentation
The Troll Under the Bridge: Disability Discrimination in the Workplace
Status Update: Recent Developments to Social Media in the Workplace
How to Strengthen Your Agency: Human Resources Boot Camp for Managers

PUBLICATIONS
2018 Legal Trends
Three Keys to Preventing Workplace Harassment: Training, Leadership and Accountability
2017 Legal Trends
2018 Brings New Restrictions on Public Employers’ Inquiries Into Salary History and Conviction History
2016 Legal Trends
Preparing for 2017: California Legislative Update
Workplace Harassment Prevention Training is Now Mandatory for Elected Officials
Social Media and the Workplace
Answers to Common Employer Questions About Transgender Employees
The Only Constant is Change: Are You in Compliance with the New FEHA Regulations?
Curiouser and Curiouser: Expansion of the Duty to Reasonably Accommodate Disability
Social Media Q&A for Special Districts
Pocket Guide to Disability Discrimination in the California Workplace
Dress and Grooming Standards for California Public Employers...It’s a
Bit More Complicated than You Might Expect
Significant Changes to the FEHA: Are You Prepared for 2015?
2014 Legal Trends
Compliance with AB 218: California JPIA Model Form for Criminal Inquiries
Q & A: Harassment Prevention Training and Special Districts
How Outdated is Your Harassment Prevention Policy?
Common Public Employer Misconceptions
To Document or Not to Document: Life After Poole v. Orange County Fire Authority