



Marlene S. Muraco

Shareholder

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Practice Areas

Class Action
Wage and Hour
Leave and Accommodation
Discrimination and Harassment
Home Health and Home Care

Overview

Marlene S. Muraco is a seasoned employment litigator, with 20 years of experience successfully defending employers against the full panoply of employment law claims including wrongful termination, discrimination, harassment, invasion of privacy, and alleged violations of state and federal employee leave laws. The primary focus of her practice is on class actions, with particular emphasis on wage and hour claims arising under California law and the Fair Labor Standards Act, including claims for overtime, unpaid meal and rest periods, and misclassification of employees and contractors.

Marlene also regularly advises employers on practical and thorough compliance with employment and labor laws with a focus on employers' operational and strategic needs. In addition to serving as outside counsel to employers, she has extensive experience serving a key role in a company's internal HR and legal functions, which has given Marlene a unique understanding of her clients' business and legal needs and allows her to develop and implement practical solutions to complex legal issues. For example, from 2001 to 2008 Marlene spent two days a week on-site in the employee relations department of a Silicon Valley Fortune 100 technology company providing legal advice and practical guidance on employment issues to the company's human resources and employee relations staff.

In addition, Marlene regularly provides management training for clients on all aspects of employment law, including managing within the law, sexual harassment prevention and response, leaves of absence, and termination without liability.

Professional and Community Affiliations

- Member, Santa Clara County Bar Association

- Member, American Bar Association
- Member, Northern California Human Resources Association
- Member, Society for Human Resource Management

Education

J.D., University of Minnesota Law School, 1991, *cum laude*

B.A., University of California, Berkeley, 1988

Bar Admissions

California

Publications & Press

'New PAGA' brings guarded optimism to California employers

Westlaw Today

July 19, 2024

“New PAGA” Brings Guarded Optimism to California Employers

Littler ASAP

July 3, 2024

Let's review the NLRB's incursion into nonunion territory

Daily Journal

January 8, 2013

California Court of Appeal Clarifies how to Calculate Overtime on a Bonus

Littler ASAP

January 12, 2009

Dark Skies and Lame Ducks: How Private Sector Employers Fared in Sacramento and Washington in 2008

Littler ASAP

December 19, 2008

California Court of Appeal Holds No Punitive Damages Available for Wide Variety of Labor Code Violations

Littler ASAP

December 18, 2008

Total Wage and Hour Compliance: An Initiative to End the Wage and Hour Class Action War

Littler Report

April 21, 2008

Dennis Brown and Marlene Muraco Highlighted at Monterey Conference

Monterey Herald

January 31, 2007

Classwide Determination of Overtime Exemptions: The False Dichotomy Posed By Sav-On And A Suggested Solution

The Labor Lawyer

September 2006

Agreements to Submit Disputes to a Judicial Referee May Allow Employers to Avoid the Pitfalls of Jury Trials and Arbitration

Littler ASAP

August 31, 2006

California Supreme Court Clarifies Who Has Standing to Sue Under California's Unfair Competition Law

Littler ASAP

July 28, 2006

Marlene Muraco Advises Employers on Good Workers that are a Bad Fit

Wall Street Journal

May 1, 2006

Court Clarifies Circumstances When Employee "Bounty Hunters" May Collect Penalties for Employer's Violation of Labor Code Provisions

Littler ASAP

December 7, 2005

Class Action Fairness Act of 2005: Law Allows Some Class Action Cases to Be Removed from State to Federal Court

Littler ASAP

March 14, 2005

Events & Speaking Engagements

Class Action Roundtable

Littler Executive Employer Conference, Phoenix, AZ

May 8, 2024

Latest Developments on Non-Exempt Wage and Hour Compliance in California

October 13, 2020

Top 10 Unexpected COVID-19 Issues for San Jose Employers

May 28, 2020

Wage Statements

Littler Executive Employer, Phoenix, AZ

May 4, 2018

Labor & Employment Law Developments: Looking Back at 2015 and Ahead to 2016 - San Jose

San Jose, CA

February 2, 2016

New Employment and Labor Laws for 2015

San Jose, CA

January 29, 2015

New Employment and Labor Laws for 2015

San Jose, CA

January 14, 2015

10th Annual Employment Law & Leadership Conference

January 23, 2014

"You Can't Make Me Come to Work!" Untangling the Web of Employee Leaves

San Jose, CA

May 23, 2013

2013 Employment Law and Leadership Conference

San Jose, CA

January 30, 2013

2013 Bay Area Employment Law Updates

San Jose, CA

January 15, 2013

You Can't Make Me Come to Work! Untangling the Web of Employee Leaves and Understanding What's New in 2013

Silicon Valley Chamber of Commerce Seminar, San Jose, CA

December 13, 2012

The Next Gold Rush: Leading the HR function from Pre- to Post-IPO and Beyond

September 24, 2012

2012 Employment Law and Leadership Conference

San Jose, CA

January 11, 2012

Suitable Seating for Your Employees -Is Your Company Compliant, or at Risk?

June 29, 2011

Books & Book Chapters

- Workplace Policies and Best Practices, *California Wage and Hour Law and Litigation*, Continuing Education of the Bar (CEB), chapter author, 2010, 2011
- Class Actions Under California Law, *Employment Law Class Actions*, Littler Mendelson, chapter author, 2010
- Pros and Cons of Contractual Arbitration, *Employment Arbitration Agreements: A Practical Guide*, Aspen, chapter author, 2010
- Minimum Wage Issues, *Wage and Hour Answer Book*, Aspen, chapter author, 2009
- *Managing Workplace Harassment -- A Guide for Preventing, Addressing and Resolving Harassment Issues on the Job*, g.Neil, 2003
- *Hire & Fire Module: Ten Steps to Help You Stay Out of Court*, co-Author: Brian McMillan, g.Neil, 2001
- *Family and Medical Leave Act: A Ten-Step Federal and State Compliance Guide for Employers*, co-Author: Brian McMillan, g.Neil, 2000