

## Michelle Barrett Falconer

Shareholder

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## Practice Areas

Leave and Accommodation  
Class Action  
Discrimination and Harassment  
Handbooks and Policies  
Labor Management Relations

## Overview

Michelle Barrett Falconer regularly advises management clients on disability accommodation issues, the Family and Medical Leave Act (FMLA) and similar state laws, and other leaves of absence. In that capacity, she has helped national and global clients, as well as clients with operations based solely in California, to develop leaves of absence and disability accommodation policies, procedures, forms, as well as to create process-oriented solutions to comply with local laws. She regularly assists clients with benchmarking and best practices to achieve their diversity and inclusion objectives, as well as to facilitate effective change management surrounding such initiatives. She previously served as the National Co-Chair of Littler's Leaves of Absence and Disability Accommodation Practice Group

She also advises, represents, and trains management clients in various other areas of employment and labor law, including:

- Discrimination, harassment, and retaliation
- Wrongful termination
- Employee handbooks and related personnel policies
- Policy and various paid time off benefits changes and related strategy issues
- Class action litigation involving complex wage and hour issues
- Union representation elections and decertifications
- Collective bargaining

She has represented a variety of employers in federal and state court litigation, in employment arbitrations, before the National Labor Relations Board, and before other state and federal agencies. Her clients include many large tech industry corporations.

Michelle is also a founding member of Littler's COVID-19 Task Force. Using her prior (pre-pandemic) advice and counsel experience to leverage "common sense" solutions, she regularly advises clients on navigating federal, state and local COVID-19 related restrictions and reopening requirements.

Prior to law school, Michelle worked as a Human Resources Representative for one of the largest privately held agri-business firms in the United States, where she developed training programs and dual language tests for employers and evaluated internal human resources and employee relations practices. This experience helps her partner closely with HR teams to solve complex problems, which often present multidimensional issues.

## Professional and Community Affiliations

- Member, American Bar Association
- Member, State Bar of California
- Member, Bar Association of San Francisco
- Member, National Hispanic Bar Association
- Member, San Francisco La Raza Lawyers Association
- Former Member, Committee to revise interrogatories for use in employment litigation cases, Labor and Employment Section, State Bar of California

## Recognition

- Named, The Best Lawyers in America®, 2024-2025
- Named, Client Service All-Star, *BTI Consulting*, 2020, 2024

## Education

J.D., Georgetown University Law Center, 1998

A.B., Stanford University, 1994

## Bar Admissions

California

## Courts

U.S. Court of Appeals, 9th Circuit

California Supreme Court

U.S. District Court, Northern District of California

U.S. District Court, Eastern District of California

U.S. District Court, Southern District of California

U.S. District Court, Central District of California

## **Publications & Press**

### **Compliance Tips for Avoiding Common FMLA Violations, Errors**

*SHRM*

January 27, 2025

### **California Expands Paid Sick Leave Uses for Crime Victims and Agricultural Employees, and Changes Unpaid Leave Standards for Victims**

*Littler ASAP*

September 30, 2024

### **Updated California Paid Sick and Safe Leave FAQs Address January 1, 2024 Changes**

*Littler ASAP*

December 15, 2023

### **Governor Signs Amendments to Expand, and Better Align, Paid Sick Leave Requirements Throughout California**

*Littler ASAP*

October 5, 2023

### **California Court's Expansion of 'Employer' Could Have Implications for AI Regs**

*SHRM Online*

August 28, 2023

### **California Supreme Court's Expansion of "Employer" under FEHA Could Have Implications for AI Regulation**

*Littler ASAP*

August 25, 2023

### **Recognize These Common Myths About Job Coaches**

*SHRM Online*

December 5, 2022

### **Missouri Discriminated Against Employee with Disability**

*SHRM Online*

October 27, 2022

### **California Creates Bereavement Leave Requirement**

*Littler ASAP*

October 10, 2022

## **Calif. Joins List Of States Tackling Paid Leave Requirements**

*Law360*

October 7, 2022

## **New California “Designated Person” Standards Could (Further) Complicate Leave Administration**

*Littler ASAP*

October 3, 2022

## **California Extends COVID-19 Supplemental Paid Sick Leave Through 2022, Makes Small Amendment and Offers Grants for Smaller Employers**

*Littler ASAP*

September 30, 2022

## **3 Tips For Employers To Handle Holidays Inclusively**

*Law360 Employment Authority*

September 16, 2022

## **Del. The Latest State To Enact Paid Family, Medical Leave Law**

*Law360*

May 11, 2022

## **Littler Survey: Competitive Talent Market and Pandemic Uncertainty Complicate Return-to-Office Policies**

*Press Release*

May 4, 2022

## **The Littler Annual Employer Survey 2022**

*Littler Report*

May 4, 2022

## **New DOJ Opioid Guidance Puts Employers On Notice**

*Law360 Employment Authority*

April 7, 2022

## **California Issues New FAQs on COVID-19 Paid Sick Leave**

*SHRM Online*

March 18, 2022

## **Updated California Supplemental Paid Sick Leave FAQs Answer Some Big Questions**

*Littler ASAP*

March 11, 2022

## **California Labor Commissioner Issues 2022 COVID-19 Supplemental Paid Sick Leave Posters and FAQs, But Many Questions Remain**

*Littler ASAP*

February 18, 2022

**An Employer's Guide to California's 2022 COVID-19 Paid-Sick-Leave Law**

*SHRM Online*

February 15, 2022

**California Governor Signs 2022 Supplemental Paid Sick Leave Bill**

*Littler ASAP*

February 9, 2022

**4 Takeaways As EEOC Eyes Telework In The COVID Era**

*Law360 Employment Authority*

September 9, 2021

**How the Pandemic Changed Federal Paid Leave Reform Talks**

*Law360 Employment Authority*

July 15, 2021

**Rulings Illuminate Intersection Of COVID-19, Disability Law**

*Law360 Employment Authority*

May 25, 2021

**Slow rehiring of child care workers may stymie employers' return to workplace plans**

*Workforce Management*

May 22, 2021

**Will the Pregnant Workers Fairness Act Get to Biden's Desk?**

*Law360 Employment Authority*

May 21, 2021

**Employers Lean Toward Hybrid, In-Person Work Plans**

*Law360*

May 18, 2021

**The Littler Annual Employer Survey 2021**

*Littler Report*

May 12, 2021

**Littler Survey: Employees Want Remote and Hybrid Work More Than Employers Do**

*Press Release*

May 12, 2021

**California's COVID-19 Paid-Sick-Leave Mandate Brings Logistical Difficulties**

*SHRM Online*

April 23, 2021

**California Enacts (Retroactive) 2021 Emergency Supplemental Paid Sick Leave Law**

*Littler ASAP*

March 22, 2021

**Latest COVID-19 Relief Package Provides Tax Credits for Voluntary Paid Sick and Family Leave**

*Littler ASAP*

March 18, 2021

**San Jose Revises Emergency Paid Sick Leave Law While Other California Localities Take Steps Toward Similar Action**

*Littler ASAP*

January 7, 2021

**Will California Employers Ring in the New Year with Emergency Paid Sick Leave Laws?**

*Littler ASAP*

December 21, 2020

**Littler Attorneys Recognized by BTI Consulting and Lawdragon**

*Press Release*

December 15, 2020

**3 Legal Land Mines Employers Should Avoid In The Pandemic**

*Law360*

November 23, 2020

**Pandemic Prompts Employers to Review Year-End Vacation Policies**

*SHRM Online*

November 20, 2020

**Employers' Top Return-to-Work Concerns**

*The Wall Street Journal*

October 4, 2020

**California Expands COVID-19 Supplemental Paid Sick Leave Requirements**

*Littler ASAP*

September 10, 2020

**WPI Labor Day Report 2020**

*Littler Report*

September 8, 2020

**Sonoma County, California Enacts Emergency Paid Sick Leave Ordinance**

*Littler ASAP*

August 20, 2020

**Oakland, California Releases Emergency Paid Sick Leave FAQs**

*Littler ASAP*

July 30, 2020

**Employers' Top Return-to-Work Concerns**

*Financial Advisor IQ*

June 22, 2020

**GC Cheat Sheet: The Hottest Corporate News Of The Week**

*Law360*

June 19, 2020

**Managing Coronavirus-Related Leave in California**

*SHRM Online*

June 9, 2020

**Safety, Remote Work Accommodations and Liability Lead List of Concerns as Companies Reopen Workplaces Amid COVID-19, Littler Survey Finds**

*Press Release*

June 2, 2020

**The Littler COVID-19 Return to Work Survey Report**

*Littler Report*

June 2, 2020

**As Virus Wanes, Employers Warm Up To Long-Term Telework**

*Law360*

June 2, 2020

**My Boss Wants Me Back at Work. How Do I Keep my Family Safe?**

*The Wall Street Journal*

May 21, 2020

**Bay Bridge Series: Oakland Enacts COVID-19 Supplemental Paid Sick Leave Ordinance**

*Littler ASAP*

May 14, 2020

**Coronavirus compliance: Sick leave guidance for employers**

*HR Morning*

May 14, 2020

**The Next Normal: A Littler Insight on Returning to Work – Handling Concerns about Hesitant or “High-Risk” Employees**

*Littler ASAP*

April 30, 2020

**Coronavirus (COVID-19) Employer FAQs**

*Littler ASAP*

March 24, 2020

**Small businesses walk a ‘very difficult tightrope’ when providing sick leave for coronavirus**

*San Francisco Business Times*

March 11, 2020

**Coronavirus (COVID-19) Guidance for Business Preparedness**

*Littler ASAP*

March 4, 2020

**4 Tips On Complying With States' Paid Family Leave Laws**

*Law360*

September 10, 2019

**California Extends Paid Family Leave Benefits to 8 Weeks**

*SHRM Online*

July 2, 2019

**California Extends Paid Family Leave Benefits from 6 to 8 Weeks**

*Littler ASAP*

July 1, 2019

**California's Working Parents Can Take School-Related Leave**

*SHRM Online*

September 11, 2018



**Bloomberg Law's VIDEO Coverage of the 2018 Littler Executive Employer Conference**

*Bloomberg Law*

May 4, 2018

**Dear Littler: Is an Extended Leave of Absence a Reasonable Accommodation Required by the ADA?**

*Dear Littler*

January 24, 2018

**How Do Pregnancy and Baby-Bonding Leave Laws Interact in California?**

*SHRM Online*

January 5, 2018

**Local and State Developments Impact San Francisco Paid Parental Leave Obligations**

*Littler ASAP*

February 13, 2017

**State Laws Encourage Employers to Honor Veterans**

*Littler ASAP*

November 8, 2016

**San Francisco Amends Paid Parental Leave Law to Adapt to State Law Changes and to Clarify Requirements**

*Littler ASAP*

September 21, 2016

**San Francisco Amends Paid Parental Leave Law**

*Bloomberg BNA Daily Labor Report*

September 6, 2016

**Bonding by the Bay: San Francisco Mandates Paid Parental Leave**

*Littler ASAP*

April 21, 2016

**Paid Sick Time Law Developments in the State of California; Emeryville, California; Eugene, Oregon; and Bloomfield, New Jersey**

*Littler ASAP*

June 24, 2015

**Obama's Sick Leave Push Faces Uphill Battle In Congress**

*Law360.com*

January 15, 2015

**An Update on the Epidemic: California's Statewide Paid Sick Leave Law**

*Littler ASAP*

January 12, 2015

**California's new sick leave law explained**

*SFGate*

September 14, 2014

**The Bermuda Triangle Has Expanded: The FMLA's Intersection With the ADA, Workers' Compensation and More**

*XpertHR*

September 12, 2013

**Lost In Translation: California's New Pregnancy Disability Leave Regulations and Their New, Contradictory Obligations**

*Committee News*

Spring 2013

**State rule changes broaden rights on pregnancy disability**

*Sacramento Business Journal*

January 11, 2013

**Lost in Translation: California's New Pregnancy Disability Leave Regulations and Their New, Contradictory Obligations**

*Littler ASAP*

January 4, 2013

**A Guide to Employee Benefits Administration and Leaves of Absence**

*Littler ASAP*

November 21, 2012

**The Stork Has Landed: California Employers Must Maintain and Insurers Must Provide Pregnancy Benefits**

*Littler ASAP*

October 19, 2011

**RICO/IMMIGRATION or ANTITRUST/IMMIGRATION Lawsuits?**

*Littler ASAP*

September 11, 2006

**California's New Legislation Providing for Paid Family and Medical Leave Raises Significant Implementation Questions and Challenges for Employers**

*Littler ASAP*

October 31, 2002

## **Events & Speaking Engagements**

### **Paid Family Feud: Navigating Dueling State – and Employer-Sponsored Leave and Wage-Replacement Programs**

2022 California Virtual Regional Employer Conference

November 2, 2022

### **Paid Family Feud: Navigating Dueling State- and Employer-Sponsored Leave and Wage-Replacement Programs**

Littler Executive Employer Conference

May 5, 2022

### **Can't Leave This Behind: Reviewing the Fallout from a Year of Novel Leave Issues and Strategizing for the Future**

The 2021 Executive Employer Conference, Phoenix, AZ

May 12, 2021

### **Changes to Family Medical and Sick Leave Obligations in the Time of COVID-19**

The 2020 Executive Employer Conference, Phoenix, AZ

May 7, 2020

### **Happy (Paper) Trails: Creating Effective FMLA and ADA Policies, Templates and Practices that Won't Go Off the (Legal) Rails**

The 2019 Executive Employer Conference, Phoenix, AZ

May 9, 2019

### **Prescription for a Solution: Critical Issues in Paid Sick Leave Compliance**

The 2018 Executive Employer Conference, Phoenix, AZ

May 3, 2018

### **Paid Sick Time: Compliance Solutions for Multi-Jurisdictional Requirements**

May 11, 2017

### **Littler's 6th Annual Brewers Briefing 2016**

Milwaukee, WI

September 7, 2016

### **Paid Sick Time: Local Legislation Creates a Big Problem for Employers**

The 2016 Executive Employer® Conference, Scottsdale, AZ

May 5, 2016

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

San Francisco, CA

January 28, 2016

**New Employment and Labor Laws for 2015**

San Francisco, CA

January 20, 2015

**The Changing Rules of the Road Dealing with Pregnancy Discrimination**

August 13, 2014

**Disability Discrimination and Reasonable Accommodation in Real Life: An Interactive Program**

San Francisco, CA

June 24, 2014

**Disability Discrimination and Reasonable Accommodation in Real Life: An Interactive Program**

San Jose, CA

June 19, 2014

**Getting it Right in the Golden State - Practical Thoughts for Complying with California's New Pregnancy Disability Leave and Disability Discrimination Regulations**

March 14, 2013

**FMLA Strategy Session – How Retailers Can Curb Intermittent and Reduced Schedule Leave Abuse**

November 1, 2012

**Leave Me Alone**

San Francisco, CA

April 3, 2012