



JENN PROTAS

SHAREHOLDER

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PRACTICE OVERVIEW

Jenn Protas helps employers navigate California's numerous employment laws and defends them with an eye toward successful yet cost-effective resolution. She builds relationships with her clients to understand their businesses better. Jenn provides counsel on various subjects, including employee leave issues, personnel management, hiring, terminations, and wage and hour practices. In addition, she has substantial experience drafting employer policies, handbooks, confidentiality and nondisclosure agreements (NDAs), incentive compensation agreements, separation agreements, and settlement agreements.

Jenn also defends employers on wage and hour law matters, wrongful termination, harassment, discrimination, and retaliation in single-plaintiff litigation, Private Attorneys General Act actions, and/or class actions. Her practice also includes housing discrimination matters and business litigation.

Jenn is a frequent public speaker and regularly presents seminars and training on employment issues such as annual legal updates, complex leave issues, compliance with California wage and hour law, and effective employee management. She also provides legally mandated harassment prevention and fair housing training directly to clients.

REPRESENTATIVE MATTERS

- Reached a successful, early resolution of a threatened class and PAGA wage and hour action resulting in a settlement with the former employee for only \$10,000
- Defended employers in several class action and/or PAGA claims
- Advised staffing industry clients regarding the effect of California employment laws on their industry, including pay history, final wages, and harassment prevention trainings
- Successfully challenged a \$6.37 million tax assessment on the issue of whether taxicab drivers were employees or independent contractors in a seven-day hearing before the California Unemployment Insurance Appeals Board
- Successfully opposed petitions for writs of mandate to the Sixth District Court of Appeal and petition for review to the California Supreme Court
- Obtained through mediation favorable results in claims involving discrimination, harassment, retaliation, wrongful termination, wage and hour violations, PAGA allegations, assault and battery, and various other allegations
- Defended businesses in court and before administrative agencies against wage and hour claims for overtime, meal and rest periods, and penalties
- Obtained summary judgment and successfully defended judgment on appeal

PROFESSIONAL ACTIVITIES

Jenn is an active member of the Santa Clara County Bar Association. She served as co-chair of the Judiciary Committee from 2019 to 2020. Jenn previously chaired the Diversity Committee of the Santa Clara County Bar Association in 2012 and served from 2010 to 2019, in addition to co-chairing the LGBT Committee from 2009 to 2010. She has also served on the Executive Committee, Board of Trustees, Finance Committee, Law-Related Education Committee, Civil Practice Committee, and the Employment Law Section.

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PROFESSIONAL ACTIVITIES CONT.

Jenn was a Friends of Levitt Pavilion San Jose board member and served as their board secretary from 2018 to 2022. She has also served on the boards of the Santa Clara County Employer Advisory Council (EAC) and the National LGBTQ+ Bar Association.

Jenn participated four years in the Future Vision mentoring program at Lincoln High School in San Jose and coached the Mountain View High School mock trial team.

PRACTICE AREAS

Employment Law
Litigation and Dispute Resolution

EDUCATION

J.D., University of the Pacific, McGeorge School of Law, *with distinction*, Order of the Coif (top 10%)
B.A., English and Creative Writing, The University of Arizona, *summa cum laude* with honors

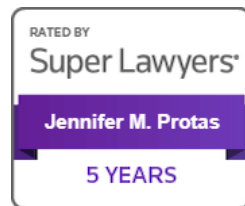
ADMISSIONS

California
U.S. District Court, Central, Eastern, & Northern Districts of California
United States Supreme Court

AWARDS

In 2018, Jenn was honored by the National LGBT Bar Association (now the National LGBTQ+ Bar Association) as one of the Best LGBT Attorneys Under 40. She was also recognized for her commitment to advancing inclusion and diversity in the legal profession by the Santa Clara County Bar Association with the 2018 Diversity Award. Jenn was honored by the Santa Clara County Bar Association's Diversity Committee as one of the recipients of the Unsung Heroes Award in 2013. She was also selected as the Santa Clara County Bar Association's 2011 Barrister of the Year.

Jenn was named "Northern California Super Lawyer" from 2018 to 2024. Each year, no more than five percent of the lawyers in the state are selected by the research team at Super Lawyers to receive this honor. Before that, Jenn was named Northern California Rising Star in 2016 and 2017. Each year, no more than 2.5 percent of the lawyers in the state are selected by the research team at Super Lawyers to receive this honor.



SPEAKING ENGAGEMENTS AND PUBLICATIONS

- Co-Presenter, *2024 Employment Law Update*, January 18 & 24, 2024
- Co-Presenter, *If I Knew Then What I Know Now – Wage & Hour Webinar*, September 26, 2023
- Co-Presenter, *Deciphering the Alphabet Soup of Leaves of Absences Laws*, May 17, 2023
- Co-Author, [Three Updates to California Employee Agreements](#), March 3, 2023
- Co-Presenter, *2023 Employment Law Update*, January 17, 2023
- Co-Presenter, *Supervisor Training: Managing Employees & Timekeeping*, September 28, 2022
- Co-Presenter, *Wage & Hour: Back to the Basics*, May 10, 2022
- Co-Presenter, *2022 Annual Employment Law Update*, January 11, 2022
- Co-Presenter, *Employer's Hard Lessons Learned Through Wage & Hour Lawsuits*, September 22, 2021
- Presenter, *Business Essentials: Creating a Bully-Free Work Environment*, August 24, 2021
- Author, [Employers Must Pay COBRA Premiums Now, Reimbursable by Tax Credit Later](#), March 29, 2021
- Co-Author, [New COVID-19 Stimulus Bill's Impact on FFCRA and CA SPSL](#), December 28, 2020
- Co-Presenter, *2021 Annual Employment Law Update*, December 15, 2020

SPEAKING ENGAGEMENTS AND PUBLICATIONS CONT.

- Co-Author, [New Cal/OSHA Regulations Effective November 30th](#), November 25, 2020
- Co-Presenter, [Election Outcomes and Actions to Take](#), November 12, 2020
- Co-Presenter, [Employee Lawsuits on the Rise: What You Can Do](#), September 23, 2020
- Author, [California Significantly Expands Coverage Under the CRFA](#), September 21, 2020
- Co-Presenter, [LGBTQ+ Workplace Harassment: Assessing, Investigating, and Litigating Sexual Orientation and Gender Identity-Based Bias in States with Protective Laws](#), May 27, 2020
- Author, [How, When, and If to Bring Employees Back to Work](#), May 26, 2020
- Co-Presenter, [Managing a Remote Workforce](#), May 20, 2020
- Co-Presenter, [Your COVID-19 Funding & Employment Questions Answered](#), April 23, 2020
- Co-Presenter, [The FFRCA and CARES Act Update](#), April 7, 2020
- Co-Presenter, [COVID-19 Coping Strategies and Insight for Small & Medium-Sized Businesses](#), March 27, 2020
- Co-Presenter, [New Paid Leave Benefits For Employees](#), March 20, 2020
- Co-Presenter, [2020 Annual Employment Law Update: The Year in Review & Preview](#), January 15, 16, 21, 2020
- Author, [AB5 Challenge Cites Arbitrary Exceptions](#), Daily Journal, January 3, 2020
- Co-Presenter, [Employment Law Seminar: Bullying in the Workplace](#), October 16, 17, 2019
- Co-Presenter, [Breaking the Myth of Binary Sex and Gender: Intersex and Nonbinary People in the Legal System and Employment Context](#), October 7, 2019
- Co-Presenter, [High-Risk Employees: Avoiding Pitfalls and Protecting the Company](#), May 15, 16, 2019
- Co-Presenter, [2019 Annual Employment Law Update: The Year in Review and Preview](#), January 29-31, 2019
- Co-Presenter, [Employment Law Seminar: Successfully Employing and Managing a Mobile Workforce](#), September 11 & 12, 2018
- Co-Presenter, [Employment Law Seminar: Small Mistakes, Major Consequences...Let's Hit Rewind](#), May 31 & June 1, 2018
- Co-Author, [California Adopts New Test for Determining Independent Contractor Classifications](#), May 8, 2018
- Quoted, [Get Ready for 2018: California Trends Put HR in the Spotlight.](#), January 10, 2018
- Co-Author, [What California Hiring Managers Need to Know About California's New Compensation History Law](#), January, 2018
- Co-Presenter, [2018 Annual Employment Law Update: The Year in Review and Preview](#), January 17, 18, 24, 2018
- Co-Presenter, [Social Media, Marijuana, and Privacy: How Your Employees' Off-Duty Conduct Can Affect Your Business](#), September 27, 28, 2017
- Author, [California Supreme Court Clarifies "Day of Rest" Rules](#), May 16, 2017
- Co-Presenter, [Setting Employees Up To Succeed...and \(Safely\) Breaking Up With Those Who Don't](#), April 26, 27, 2017
- Presenter, [The Year in Review and Preview - 2017 Employment Law Update](#), March 8, 2017
- Co-Presenter, [Finally, A Wage & Hour Seminar...It's About Time](#), February 28, 2017
- Co-Presenter, [The Year in Review and Preview - 2017 Employment Law Update](#), January 10, 17, 19, 2017
- Co-Presenter, [Successfully Closing the Deal: Navigating the Employment Issues in M&A Deals](#), October 27, 2016
- Co-Presenter, [Advanced Leaves of Absence](#), October 11, 2016
- Co-Presenter, [Finally, A Wage & Hour Seminar It's About Time](#), September 27-28, 2016
- Presenter, [Diversity in the Workplace and Elimination of Bias](#), July 8, 2016
- Co-Presenter, [Leaves of Absence: Understanding the Complexities of CA and Federal Leave Laws](#), May 17, 2016
- Co-Presenter, [Fair Housing](#), February 2016
- Co-Presenter, [Do We Live in a Post-Bias World?](#), January 22, 2016
- Co-Presenter, [The Year in Review and Preview - 2016 Employment Law Update](#), January 12-13, 26, 2016
- Co-Presenter, [Reopening California - What Employers Need to Know](#), June 16, 2021
- Interviewee, [County Requires Employers to Check Worker's Vaccination Status](#), Daily Journal, May 26, 2021
- Author, [Ascertaining Vaccinations Status: Can and Must Employers Do So?](#), May 25, 2021
- Co-Author, [Employers Beware! Wage & Hour Violations Can Lead to Steep Penalties](#), May 19, 2021
- Co-Presenter, [Hiring: First Impressions Matter...and So Does Not Getting Sued](#), April 7, 2021
- Author, [So You Were Copied on an LWDA Letter - What Do You Do?](#), April 6, 2021
- Co-Presenter, [Employers: what are the top 5 employment law updates for 2015?](#), April 23, 2015
- Presenter, [Advanced Leaves of Absence: the Interaction between FMLA, CFRA, the ADA and Other Important Laws](#), November 17 and 19, 2015

SPEAKING ENGAGEMENTS AND PUBLICATIONS CONT.

- Co-Presenter, [The Internet Was Yesterday: Where is your Business Today and Where is it Going Tomorrow?](#), October 27 and 29, 2015
- Co-Presenter, [The Year in Review and Preview – 2015 Annual Employment Law Update](#), January 28-29, 2015
- Co-Presenter, [2014 Annual Employment Law Update](#), January 22-23, 2014
- Author, [Update on California's New Paid Sick Leave Law](#), August 18, 2015
- Author, [Employment Law Update: California's New Paid Sick Leave Law](#), July 10, 2015
- Author, [Employer Alert: Changes in Hiring and Compensating Employees](#), June 27, 2014
- Author, "Divesting from *The Apartheid of the Closet*: Toward an Enriched Legal Discourse of Sexual and Gender Identity" (2007) 38 McGeorge L.Rev. 571