

HOGE ■ FENTON



JENN PROTAS
SHAREHOLDER

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PRACTICE OVERVIEW

Jenn Protas helps employers navigate California's numerous employment laws and defends employers with an eye toward successful, yet cost-effective resolution. Jenn builds relationships with her clients to better understand their businesses and provide counsel on a range of subjects, including employee leave issues, personnel management, hiring, terminations, and wage and hour practices. In addition, Jenn 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 matters related to wage and hour law, wrongful termination, harassment, discrimination, and retaliation in single-plaintiff litigation, Private Attorney 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 trainings on such employment issues as: annual legal updates, complex leave issues, complying with California wage and hour law, and effective employee management. She also provides legally-mandated harassment prevention trainings and fair housing trainings at clients' sites.

REPRESENTATIVE MATTERS

- Reached a successful, early resolution of a threatened class and PAGA wage and hour action resulting in 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 affect of California employment laws to their industry, including pay history, final wages, and harassment prevention trainings
- Successfully challenged \$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 At-Large Board Member of the National LGBT Bar Association and co-chair of the Membership & Diversity Advisory Committee. She also serves on the board of The Friends of Levitt Pavilion San Jose in the role of Secretary. Jenn is a former board member of the Santa Clara County Employer Advisory Council (EAC).

Jenn is also an active member of the Santa Clara County Bar Association. She served as co-chair to the Judiciary.

PROFESSIONAL ACTIVITIES CONT.

Committee from 2019-2020. Jenn previously chaired the Diversity Committee in 2012 and served from 2010-2019 in addition to co-chairing the LGBT Committee from 2009-2010. 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.

Jenn is a member of the Asian Pacific American Bar Association of Silicon Valley.

She participated for 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.

Jenn is a member of the Society for Human Resource Management (SHRM).

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 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.

She was named Northern California Super Lawyer in 2018, 2019 and 2020. 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. Prior to 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, [Reopening California | What Employers Need to Know](#), June 16, 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
- 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
- Co-Author, [New Cal/OSHA Regulations Effective November 30th](#), November 25, 2020
- Co-Presenter, [Election Outcomes and Actions to Take](#), November 12, 2020

SPEAKING ENGAGEMENTS AND PUBLICATIONS CONT.

- 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, [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
- 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

SPEAKING ENGAGEMENTS AND PUBLICATIONS CONT.

- Author, *"Divesting from The Apartheid of the Closet: Toward an Enriched Legal Discourse of Sexual and Gender Identity"* (2007) 38 McGeorge L.Rev. 571