



# J. Rod Betts

*Partner*

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Rod Betts has successfully represented California employers on labor and employment law matters for over 35 years. He started his career at Gray Cary (now DLA Piper) and became a partner at that firm, and was Chair of the Employment and Labor group at Gray Cary for several years. In 2004, Rod joined his former partners from Gray Cary—Rich Paul, Fred Plevin, and Mike Sullivan—who had left Gray Cary in 1998 to found the Paul, Plevin firm.

Rod is one of the most experienced management side labor lawyers in Southern California, having represented a wide variety of public and private sector clients on union matters, including San Diego Transit Corporation; San Diego Trolley, Inc.; the Zoological Society of San Diego; the San Diego Padres; the City of San Diego; the City of Chula Vista; the City of Escondido; San Diego County Regional Airport Authority; and Bimbo Bakeries USA. Rod has handled well over 100 labor arbitrations on behalf of management, including discharge and contract interpretation cases.

Rod is also a very successful trial lawyer, having tried dozens of cases before juries, judges, and administrative law judges. His trials have involved claims of wrongful termination, employment discrimination, and wage and hour violations. Rod's employment law clients include American Specialty Health, Inc.; ResMed Corp; the San Diego Metropolitan Transit System; Bartell Hotels; Employers Resource Management; Avanir Pharmaceuticals, Inc.; and Full Steam Staffing, LLC.

Rod utilizes his years of experience in representing employers in labor and employment law matters to provide practical advice to clients on difficult issues including union matters, employment terminations, layoffs, wage and hour and prevailing wage matters, and investigations of employee misconduct.

Rod is a Fellow in the College of Labor and Employment Lawyers, a national, invitation-only group of the finest labor and employment attorneys in the United States. Rod has been repeatedly selected by his peers for inclusion in *The Best Lawyers in America*<sup>®</sup> and has been named one of California's top Labor and Employment law attorneys by *Super Lawyers* magazine. Rod was named *Best Lawyers*<sup>®</sup> San Diego Lawyer of the Year for Labor Law — Management in 2018, San Diego Lawyer of the Year for Litigation – Labor and Employment in 2015, and San Diego Lawyer of the Year for Labor Law — Management in *Best Lawyers'* 2013 edition. Rod has been recognized in the Los Angeles Times as one of Southern California's Best Lawyers, and has been recognized by the *San Diego Daily Transcript* and *San Diego Magazine* as one of the "Best Lawyers in San Diego." Rod was named by Martindale-Hubbell as a Top Lawyer for 2016 and 2017 in the Labor & Employment category as published in *San Diego Magazine*. Rod has received Martindale Hubbell's highest rating ("AV") for legal ability and ethical standards, based on the confidential opinions of members of the bar and the judiciary.

## Education

- University of Kansas Law School, J.D., 1981, Order of the Coif (top 10% of class)
- Fort Hays State University, B.S., 1978, *summa cum laude*

## Professional Experience

- Paul, Plevin, Sullivan & Connaughton LLP, Partner, January 2004 – Present
- Gray Cary Ware & Freidenrich, Partner, 1988 – 2003; Associate, 1981 – 1987

## Admissions

- All California state courts
- All United States District Courts in California
- United States Court of Appeals for the Ninth Circuit

## Professional Activities

- Member, San Diego County Bar Association, Labor and Employment Law Section
- Member, State Bar of California, Labor and Employment Law Section
- Fellow, College of Labor and Employment Lawyers

## **Representative Matters: Union Matters**

- Represented the San Diego Padres Baseball Club in negotiating a new collective bargaining agreement with SEIU United Service Workers West in regard to event staff employees and ticket sellers
- Represented the City of Escondido in labor negotiations with the Escondido Police Officers Association, Escondido Fire Fighters Association, and Escondido City Employees Association
- Represented the City of Chula Vista in wage concession negotiations with the Chula Vista Police Officers Association, the International Association of Fire Fighters Local 2180, the Chula Vista Employees Association/SEIU, and the Western Council of Engineers
- Represented the San Diego County Regional Airport Authority in its labor negotiations and wage reopeners with Teamsters Local 911
- Represented the City of San Diego in its labor negotiations with the Police Officers Association, San Diego Fire Fighters Local 145, and the Deputy City Attorney Association
- Represented the City of San Diego in the meet and confer process with the City's five labor unions regarding the Mayor's ballot proposals and implementation ordinances limiting retirement benefit increases for City workers, and managed competition
- Represented PKL Services, Inc., a civilian contractor providing maintenance on the FA-18 aircraft at Marine Corps Air Station, Miramar, in negotiating a collective bargaining agreement with the International Association of Machinists and Aerospace Workers
- For over 30 years, has handled union-related matters for San Diego Transit Corporation and San Diego Trolley, Inc., including labor arbitrations, collective bargaining, and a variety of disputes over employment terms and conditions
- Prevailed in \$30 million pension dispute against labor organization through retirement plan arbitration, district court proceedings, and proceedings before Ninth Circuit Court of Appeals
- Prevailed in trial before National Labor Relations Board in which General Counsel asserted numerous unfair labor practices arising from union organizing campaign
- Sued Carpenters Union Local 1506 for trespass and picketing on private property of hospital
- Handled over 100 union arbitrations, including discipline and contract interpretation issues

## **Representative Matters: Wage & Hour Matters**

- Unanimous jury trial defense verdict in Superior Court representative action under the California Private Attorney General Act ("PAGA") involving call center employee claiming off the clock work and missed meal and rest periods
- Obtained denial of plaintiffs' class certification motion in Superior Court wage and hour class action involving machine operators at manufacturing plant who claimed pre-shift time was compensable and meal periods were less than 30 minutes
- Tried Superior Court representative action brought under PAGA involving over 90 bus operators who claimed they did not receive legally compliant meal and rest periods
- Handled wage and hour class action involving claim that technical support employees were not paid for time spent on-call
- Handled meal and rest period class action involving over 3,000 class members
- Handled wage and hour class action involving exempt status of account executives, meal and rest periods, and expense reimbursement issues
- Defended employer in Davis-Bacon Act prevailing wage dispute with U.S. Department of Labor involving construction of solar energy plant
- Sued the California Department of Industrial Relations in prevailing wage dispute over construction of large mixed use development project in the City of Monterey Park, California
- Defended employer in prevailing wage litigation in San Diego Superior Court and administrative proceedings before the California Department of Industrial Relations regarding construction of three high school aquatic centers
- Obtained defense verdict before the California Labor Commissioner in 45 plaintiff wage and hour case in which plaintiffs alleged entitlement to overtime for monitoring their radios during meal periods and breaks
- Obtained meal and rest period exemption for client in settlement with State of California, after bringing suit against the State
- Obtained summary judgment in San Diego Superior Court in wage and hour case involving engineer of technology company who claimed to be non-exempt and eligible for overtime pay

## **Representative Matters: Wrongful Termination & Employment Discrimination**

- Obtained summary judgment in San Diego Superior Court in wrongful termination case brought by Risk Manager of corporation who claimed to be a whistleblower
- Obtained defense verdict in San Diego Superior Court jury trial brought by airline employee claiming she was fired due to whistleblowing about airport security violations, and due to her sex, age, and in retaliation for filing discrimination claims. Also obtained \$30,000 judgment on cross-complaint due to plaintiff's illegal tape recording of company managers
- Obtained defense verdict in San Diego Superior Court jury trial in case in which plaintiff alleged wrongful termination and fraudulent inducement of employment
- Obtained defense verdict in Colorado federal court jury trial on behalf of radio station in case in which on-air personality alleged breach of employment contract and violation of Colorado Wage Act
- Obtained defense verdict in San Diego Superior Court jury trial in case in which plaintiff alleged he had been terminated in violation of public policy for "blowing the whistle" on manufacturing company
- Obtained defense verdict in San Diego Superior Court jury trial in case in which 15-year employee of company alleged employment discrimination and wrongful termination
- Obtained defense verdict in binding arbitration of Santa Clara Superior Court case in which plaintiff alleged wrongful termination in violation of public policy (termination to divest her of large commissions due)