



Aimee N. Kircher

OF COUNSEL

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RELATED SERVICES

- Employment
- Retail & Hospitality
- Community Associations

OFFICES

- Fresno
- Walnut Creek
- San Diego
- Sacramento
- Irvine

OVERVIEW

Aimee N. Kircher is a Partner in the Fresno office and a member of the firm's Employment Law practice group. She represents business entities and management throughout California on employment matters and serves as outside general counsel for property management organizations.

Aimee's employment counseling practice focuses on risk mitigation and litigation prevention, as well as strategic human resources solutions for employers throughout California. She provides day-to-day advice and strategic counsel to executive leadership, middle management and human resources teams on hiring practices; harassment, discrimination and retaliation prevention; performance management; proper classification of employees; wage and hour compliance; leaves of absence; interactive process requirements and reasonable accommodation analysis involving protected disabilities in the workplace; strategic planning and restructuring; employment-related due diligence in asset/stock sales; corrective

action and terminations. She has extensive experience preparing employment agreements, settlement agreements and releases, employee handbooks and other employment-related policies. Aimee also performs, oversees and trains management on effective workplace investigations.

Aimee's employment litigation practice focuses on the investigation, negotiation and resolution of pre-litigation employment claims and administrative charges; and employment-related mediation/ dispute resolution. She has effectively represented clients in investigations and administrative proceedings before the Equal Employment Opportunity Commission, California Civil Rights Department (formerly California Department of Fair Employment and Housing), Workers Compensation Appeals Board, Employment Development Department, and DIR/DLSE Bureau of Field Enforcement – Public Works. She also provides, on behalf of her clients, oversight of insurance defense counsel and/or outside litigation counsel assigned to single plaintiff litigation defense, PAGA actions, and class actions.

Before venturing into the law, Aimee was the Head of Human Resources and a member of the executive leadership team of a multi-state, multi-location group of companies supplying the marketplace with environmentally responsible lumber and timbers. Prior to that, Aimee gained valuable business operations experience in store operations management for a national retailer after having been recruited to their management training program. This unique combination of legal, human resources and business operations experience has enhanced Aimee's ability to link business strategies to employment and people strategies. She has spent her career operationalizing compliance with employment laws and business goals and has a strong track record of identifying and resolving complex people, legal, and operational issues in collaboration with other stakeholders.

In each of her roles, Aimee has provided practical, persuasive, preventative advice and counseling involving all aspects of the employer-employee relationship to businesses across a wide range of industries including property management, retail, manufacturing and distribution, medical, dental, food and beverage, private education, cosmetology, public works, and professional services. She has specific experience auditing workplace practices and advising organizations with small, inexperienced or start-up human resources teams that have large human resources challenges or lack basic infrastructure.

REPRESENTATIVE EXPERIENCE

Representative Experience

- Represented corporate and individual respondents during EEOC investigation involving alleged sexual harassment against executive. Negotiated favorable settlement in early mediation.
- Represented corporate defendant in disability discrimination, harassment and retaliation pre-litigation matter where former employee sought over \$1 million in damages. Negotiated favorable settlement in early mediation.

- Represented corporate and individual co-defendants in race and disability discrimination, harassment, retaliation case filed in Fresno County Superior Court. Plaintiff additionally alleged failure to investigate, failure to enter into interactive process, failure to accommodate, and derivative wage and hour violations and sought \$1.5 million in damages. Successful dismissal of select claims due to failure to meet administrative requirements. Negotiated favorable settlement on eve of hearing on motion for summary judgment.
- Represented corporate defendant in race discrimination, harassment, retaliation, and derivative wage and hour case filed in Tehama County Superior Court. Negotiated favorable settlement during mandatory settlement conference.
- Obtained workplace violence temporary restraining order and permanent injunction against former employee of corporate client.
- Represented corporate and individual defendants in front of California DIR Public Works division involving multiple civil wage and penalty assessments totaling nearly \$1 million. Assessments alleged worker classification, overtime, travel time, subsistence, certified payroll and apprentice violations. Negotiated favorable settlement including waiver of penalties except mandatory apprentice penalties, wage settlement, and stipulated reduction in debarment term applicable only to public works jobs.
- Represented corporate defendant in Berman hearing for alleged wage and hour violations. Negotiated favorable settlement immediately following hearing.
- Represented corporate defendant against claim of misclassification where former employee sought \$560,000 in unpaid wages and penalties. Obtained full dismissal.
- Co-chaired bench trial in Fresno County Superior Court defending motel owner/operator from various wage and hour claims. Negotiated favorable settlement on day 3 of trial.
- Co-chaired bench trial in Fresno County Superior Court in the defense of general contractor in civil appeal from DIR default judgment resulting from non-appearance at Berman hearing. Former employee represented by DIR counsel. Negotiated favorable settlement during court recess.
- Represented plaintiff in Berman hearing for wage and hour violations against gas station defendant company. Obtained complete plaintiff award of \$360,000 from DIR with no effort to appeal by defendant company.
- Represented salon industry client during EDD independent contractor audit. Obtained favorable decision for client given evidence of lease space agreements.
- Represented corporate respondent against claim of pregnancy discrimination filed with the DFEH/ EEOC. Negotiated favorable settlement for nuisance value and withdrawal of claim.
- Represented corporate client in defense of Labor Code section 132a claim by former employee. Negotiated favorable settlement for nuisance value.
- Represented corporate client in front of DIR involving claims for rest period premium pay and waiting time penalties with plaintiff taking nothing for her claims.

- Represented corporate client and three individual defendants against claims for failure to pay earned wages; failure to furnish compliant wage statements; waiting time penalties; unfair competition; wrongful termination & retaliation; wrongful termination in violation of public policy; harassment, discrimination & retaliation; and various but undetermined civil penalty claims under the Private Attorney General Act. Negotiated pre-litigation settlement for nuisance value.
- Represented corporate client against frivolous, pre-litigation PAGA demand where former employee sought damages for unpaid wages and penalties. Strong, persuasive defense during settlement discussion resulted in Plaintiff's counsel withdrawal from representation and demand.
- Represented corporate client against frivolous, pre-litigation demand by independent contractor claiming that he was not properly compensated and should have been classified as an hourly employee. Strong, persuasive defense during settlement discussion resulted in Plaintiff's counsel withdrawal from representation and demand.
- Represented corporate client against demand alleging claims of unlawful harassment, discrimination, and wrongful termination; unpaid overtime, unpaid meal period premiums, unpaid rest period premiums, unpaid minimum wage, final wages not timely paid, wages not timely paid, non-compliant wage statements, failure to keep requisite payroll records, unreimbursed business expenses, violation of California Business & Professions Code section 17200, et. seq. Negotiated favorable pre-litigation settlement for nuisance value.
- Obtained numerous notifications of case closure by DFEH/EEOC – investigated and dismissed based upon insufficient evidence presented by former employees.
- Regular resolution of pre-litigation demands including but not limited to Labor Code section 132a claims for nuisance value.
- Assisted with and provided oversight of outside counsel and insurance defense counsel in the defense of wage and hour class action, PAGA claims, and single-plaintiff matters.

PRESENTATIONS

- PHR/SPHR Certification Study Group Facilitator
- HR Forms: Before, During & After the Employment Relationship: Central Valley HR Solutions, September 2019
- Effective Discipline & Documentation: Central Valley HR Solutions, January 2019
- Pre-Employment Screening, Checking & Testing: Central Valley HR Solutions, June 2018
- The Ghost of Christmas Past: How Holiday Parties and Bonuses Can Come Back and Haunt You: Central Valley HR Solutions, June 2017
- Hidden Gem for Employers: Credits, Incentives, Deductions and Reductions; Fresno State University, Institute for Family Business, 2017

- Avoiding, Answering and Resolving DFEH Discrimination Claims: Central Valley HR Solutions, November 2016
- Safety & Security Responsibilities of the HR Professional: Central Valley HR Solutions, July 2016
- Sexual Harassment and Abusive Conduct Prevention Training: Central Valley HR Solutions, April 2015
- Brand New to HR: HRACC Special Interest Group, March 2015
- Annual Employment Law Update: Central Valley HR Solutions, January 2014
- Employment Law Update: Central Valley HR Solutions, January 2014
- The Scary Truth – What You Don’t Know Can Hurt You: Employment Issues in California, Annual Subway Franchise Meeting, September 2013
- Effective Recruiting, Selection and Retention, Certificate Program in HR Management: Agricultural Personnel Management Association, August 2013
- Brinker Analysis & Discussion: Central Valley HR Solutions, June 2013
- Webinar: Harassment, Discrimination and Retaliation in the Workplace: Central Valley HR Solutions, May 2013

CREDENTIALS

Admissions

- California
- U.S. District Court, Eastern District of California

Memberships

- State Bar of California, Employment Law Section
- Fresno County Bar Association
- Society for Human Resources Management
- Association of Workplace Investigators
- Next Concept Human Resource Association
- Allied Member: California Restaurant Association
- Partner Member: California Apartment Association

Education

- J.D., John F. Kennedy University, Pleasant Hill, 2010
– Witkins Award for Academic Excellence: Torts
- B.A., Business Management, Sonoma State University, Rohnert Park, 1991
– Senior Professional in Human Resources (SPHR) Certification