



Jerome Schreibstein

PARTNER

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RELATED SERVICES

- Employment

OFFICES

- Walnut Creek
- San Francisco

OVERVIEW

Jerome “Jerry” Schreibstein is a Partner in the Employment Practice of GRSM. Jerry focuses on providing counseling, advice and litigation defense services to public and private sector employers on a broad range of employment law issues. His advisory experience includes recruiting, hiring, compensation, wage-and-hour, leave of absence, discipline/termination procedures, employment contracts, personnel policy drafting, employee handbook development, trade secret protection, and disability accommodation and management. His litigation defense experience includes wrongful termination, discrimination, harassment and retaliation.

Jerry has assisted in the development and implementation of a variety of employment-related initiatives and policy determinations, including reductions-in-force, OFCCP desk audits, EEOC file audits, compliance reviews. He has also overseen internal investigations on discrimination/harassment claims.

Jerry is a contributing author to the Lexis/Nexis publishing group on employment law topics.

REPRESENTATIVE EXPERIENCE

Representative Experience

Examples of Mr. Schreiberstein's experience include the following.

Provided legal review in corporate, multi-departmental reorganization and reduction-in-force involving approximately 400 supervisor/manager level employees and follow-on legal compliance support in implementation.

Developed employee Drug & Alcohol testing policy

Developed California-compliant plan and policy to address substantial vacation backlog (and corresponding balance sheet item) with capped accrual policy

Developed Fitness-for-Duty examination policy.

In 19 employment-related litigations, secured nine summary judgments, one defense verdict and nine settled resolutions.

Defeated competitor motion for preliminary injunction in unfair competition, trade secret litigation involving the recruitment and hiring of high level process scientist, which legal application could have effectively terminated operations.

PUBLICATIONS

Publications

Downstream Commercial Benefit Shall Not an Employer Make: The California Supreme Court Provides a Reality Check, if Not a Paycheck, to Workers in Martinez v. Combs et al., 49 Cal. 4th 35, LexisNexis Emerging Issues Analysis, 2010 Emerging Issues 5212 (2010)

Medical Marijuana: Chronic Pain for Employers, Vita Opus (www.workcare.com) (Fall 2009)

California Supreme Court Refuses to Extend Special Duty of Care to Workers of Unlicensed Contractors: Ramirez v. Nelson et al., LexisNexis Expert Commentaries: Larson Series (October 2008)

Jerome Schreiberstein on FEHA and California Workers' Compensation, LexisNexis Expert Commentaries: Larson Series, July 2008

CA Supreme Court Settles Issue on Employer Incentive Payment Plans, LexisNexis Expert Commentaries: Larson Series, November 2007

Consulting Author, Hanna, *California Law of Employee Injuries and Workers' Compensation, Remedies Under The California Fair Employment And Housing Act* (LexisNexis 2007)

Fitness for Duty Evaluation: Walking the Medical-Legal Tightrope, Co-Author with Robert C. Blink, M.D., Journal of Chemical Health & Safety, March/April 2007

The 411 on FMLA CFRA ADA, and FEHA, Leaves of Absence for Sick and Injured Workers under California and Federal Law, San Francisco Attorney, August/September, 2002

PRESENTATIONS

Mr. Schreibstein frequently lectures on a variety of employment law topics, including leave rights and regulations, reasonable accommodation, and preventing and addressing unlawful harassment. His presentations include the following.

Curbing Leave Workarounds: Strategies to Promote Appropriate FMLA Usage, Co-Presenter, AAOHN (American Association of Occupational Health Nurses) Conference, Orlando, Florida, May 2009

The Bizarre Employee: Fit for Duty?, Co-Presenter, Disability Management Employer Coalition (DMEC) Conference, Long Beach, CA, March 2007

CREDENTIALS

Admissions

- California

Education

- J.D., *magna cum laude*, University of San Francisco School of Law, 1990
 - Comments Editor, *USF Law Review*
 - Recipient, Comment of the Year Award (1990)
 - Recipient, American Jurisprudence Awards for distinguished achievement in Legal Research and Writing (1988), Civil Procedure (1988), and Constitutional Law (1989)
 - Tutor, Legal Research & Writing
- B.A., Business and Computer Science, California State University, Sonoma, 1986

Clerkships

- The Honorable Rene J. Gonzalez., Superior Court of Anchorage, Alaska (1990-1991)