



PARTNER

Arlene Prater

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📍 San Diego

Arlene Prater was a founding partner of Best Best & Krieger LLP's San Diego Office in 1993. She has almost 40 years of experience representing public and private employers in all aspects of employment and labor matters. She is a leading California attorney in employment law, providing advice, training, litigation representation and investigative services to a wide range of employers. Arlene also focuses on representing higher education institutions in the many legal issues facing these entities, including Title IX matters and faculty, student and staff discipline and complaints. She also advises nonprofits on their unique legal issues. She is a member of the firm's Labor & Employment practice group, a regular speaker at legal conferences, and involved with various legal and nonprofit organizations.

Employment and Labor Work

Arlene represents employers in all aspects of employment and labor law matters throughout California. Arlene's first 11 years of employment were as deputy county counsel for the County of San Diego, representing the County and school districts in employment litigation. Her public employment law work then continued at a private San Diego firm, before she joined BB&K. She now represents both public and private employers in virtually every type of employment lawsuit involving federal and state rights and obligations of employees and employers. This includes discrimination, harassment, retaliation and wrongful termination claims, failure to accommodate disability claims, leave claims, First Amendment and privacy challenges, retirement benefit issues, collective bargaining issues, wage and hour claims and class

CORE PRACTICES

- Education Law
- Education Litigation
- Investigations
- Labor & Employment
- Labor & Employment Litigation
- Public Agency Labor & Employment
- Municipal Law
- Wage & Hour Law

actions, and many other legal claims at the administrative, state and federal court levels and on appeal.

Arlene also advises public and private employers on all aspects of personnel management, including employee discipline and grievance matters, employee handbooks and contracts, wage and hour issues, workplace safety and violence issues, drug and alcohol issues, personnel policies, and compliance with the many constantly changing state and federal employment laws, including discrimination laws, the Family Leave Acts, the Americans with Disabilities Act and the Fair Labor Standards Act.

Employment Investigations

Arlene has an extensive background in conducting investigations for employers on a wide variety of employment-related issues. She is a certified Title IX investigator through the Association of Title IX Administrators. She has experience in Title IX investigations at all stages of the proceedings. Investigations have involved potential criminal misconduct, threats, discrimination, harassment and retaliation, exercise of protected rights, misuse of public property and many other types of alleged misconduct that could lead to disciplinary action, among other consequences.

Colleges

Arlene is also a leading authority on providing advice and litigation services to private and public colleges on the wide range of issues involving governing boards, students, faculty and staff. This includes all aspects of Title IX matters, student discipline, student and faculty rights, faculty tenure and review issues, faculty grievances and discipline, ADA compliance, Family Educational Rights and Privacy Act, Clery Act, Violence Against Women Act and many other legal issues. She also litigates on behalf of colleges in judicial and administrative proceedings.

Nonprofits

Arlene provides legal services to large and small nonprofits on the unique legal issues facing them, including contracts, volunteers, ADA compliance, liability and employment. She also serves on nonprofit boards.

Arlene was a State Bar of California Labor and Employment Law Executive Committee Board Member for three years, and is now an Advisor to the Executive Committee. She regularly conducts human resources trainings for clients and is a frequent speaker at employment law seminars for attorneys and human resource professionals on a wide range of current personnel issues throughout the state.

EDUCATION & ADMISSIONS

Education

University of San Diego School of Law, J.D.

University of Wisconsin-Madison, B.A.

Bar Admissions

California

LANGUAGES

English

Accolades

- The Best Lawyers in America®, Employment Law - Management, Litigation – Labor and Employment, 2016-2024
 - *San Diego Magazine* Top Lawyers List, 2016, 2018–2020
 - *San Diego Super Lawyers*, Labor and Employment, 2007–2010, 2014–2019
 - San Diego Daily Transcript Influential Women in Business, 2017
 - *San Diego Magazine* Spotlight on Women, 2014
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Professional & Community Involvement

- Serving Seniors, Board member
 - San Diego Botanic Garden, Board member
 - San Diego County Bar Association Labor & Employment Section
 - State Bar of California Labor & Employment Law Section
 - American Arbitration Association
 - Lawyers Club
 - California Public Employers Labor Relations Association
 - Public Employer Labor Relations Association of California
 - National Public Employer Relations Association
 - International Public Management Association for Human Resources
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Thought Leadership

Presentations

- “National Origin, Racial and Religious Diversity in the Workplace: How to Protect Your Employees and Prevent Discrimination and Harassment in a COVID-19 Era,” California Public Employers Labor Relations Association Annual Training Conference, Nov. 18, 2020
- “How to Avoid Claims of Violation of Due Process When Disciplining Public Employees: Complying With Procedural and Other Requirements,” California Public Employers Labor Relations Association Annual Training Conference, Nov. 17, 2020
- “Positive Performance Improvement Plans: Effective Use of PIPs to Give Supervisors the Tools to Improve Employee Performance,” California Public Employers Labor Relations Association Annual Training Conference, Nov. 16, 2020
- “How to Avoid Claims of Violation of Due Process When Disciplining Public Employees,” Public Employer Labor Relations Association of California Annual Training Conference, Nov. 12, 2020
- “Annual Labor & Employment Update,” BBK Webinar, Dec. 10, 2020

- “Annual Labor & Employment Update,” BBK Webinar, Dec. 10, 2019
- “CALPELRASparks/Evaluation-Discipline: Performance Improvement Plans: Making Them Work,” California Public Employers Labor Relations Association Annual Training Conference, Nov. 22, 2019
- “Performance Improvement Plans I’m So HIP...Or Is That Supposed To Be PIP?” National Public Employer Labor Relations Association Annual Training Conference, Sept. 25, 2019
- “Annual Labor & Employment Update,” BBK Webinar, Dec. 13, 2018
- “Effective Use of Performance Improvement Plans: Improve an Employee’s Performance or Successfully Sever the Employment Relationship,” California Public Employers Labor Relations Association Annual Conference, Dec. 6, 2018
- “When are Personnel Issues Not Personal: Applying the Public Records Act to Employer Personnel Actions and to Employee Records,” California Public Employers Labor Relations Association Annual Conference, Dec. 6, 2018
- “Labor & Employment Law: What Changed in 2017,” BBK Webinar, Jan. 9, 2018
- “Severing the Employment of Difficult Employees Without Formal Disciplinary Proceedings,” California Public Employers Labor Relations Association's Annual Training Conference, Dec. 6, 2017
- “Annual Labor & Employment Update,” BBK Webinar, Dec. 8, 2016
- “Severance and Last Chance Agreements: How to Negotiate and Draft Agreements That Comply With the Law and Protect Your Agency,” California Public Employers Labor Relations Association's Annual Training Conference, Nov. 3, 2016
- “Severance Agreements and Last Chance Agreements – How to Negotiate and Draft Agreements That Comply with the Law and Protect Your Agency,” Public Employer Labor Relations Association of California Conference, Sept. 28, 2016
- “Labor & Employment Law Update,” Association of Legal Administrators San Diego Chapter's Annual Labor & Employment Law Update & Legal Resource Fair, Feb. 9, 2016
- “Annual Labor & Employment Update,” BBK Webinar, Dec. 10, 2015
- Panel, Lawyers Club of San Diego's Monthly Luncheon, Nov. 19, 2015
- “Advanced Issues in Discipline and Layoffs: How to Separate the ‘Protected’ Employee,” California Public Employer Labor Relations Association's 5th Annual Conference, Oct. 15, 2014