



## PRISM's Employment Practices Legal Advice Service

This document provides PRISM members with an overview of the Employment Practices Legal Advice Service, which is available to all pooled-program members and sub-members at **no additional charge**.

### 1. What is the Employment Practices Legal Advice Service?

The Employment Practices Legal Advice Service provides PRISM members with confidential legal advice and practical guidance on labor and employment law matters. Services are delivered by PRISM's in-house legal team: Katie Mola, Deputy General Counsel, and Patrick Sutton, Senior Employment Law Attorney.

This service is designed to help members address employment-related issues proactively, consistently, and in a legally defensible manner, with an emphasis on areas of heightened risk.

### 2. What assistance is available?

PRISM's attorneys advise members on a wide range of labor and employment law matters, including:

- Guidance on employee meetings, including interactive process, performance, and disciplinary discussions;
- Drafting and reviewing employment-related documentation, including interactive process and leave of absence materials;
- Advising on internal complaints, grievances, and administrative charges (e.g., EEOC, CRD);
- Reviewing and editing disciplinary actions and notices;
- Advising on performance management and evaluations;
- Guidance on compliance with personnel policies, procedures, and applicable laws;
- Assisting with the development of employee handbooks and policies using PRISM-provided templates;
- Reviewing and advising on selected higher-risk policies within existing personnel rules or employee handbooks (e.g., leaves of absence, accommodations, employee discipline, harassment prevention);
- Assisting with management of concurrent and consecutive leaves of absence, including leave designation letters, templates and forms;
- Supporting personnel decisions made throughout members' organizations on an ongoing basis.

This targeted approach allows PRISM's attorneys to focus on issues most likely to present legal exposure while providing timely, practical support to members.

### 3. Are there any scope limitations?

The advice service focuses on legal advice and document guidance related to labor and employment law. It does not function as outside counsel or provide hands-on representation. Matters outside the scope of the service include:

- Attorney attendance at interactive process meetings, grievance meetings, or Skelly hearings;
- Conducting investigations or in-person witness interviews;

- Cover-to-cover or comprehensive reviews of existing employee handbooks;
- Review of fully customized handbooks not based on PRISM templates;
- Customized live workshops or entity-specific webcasts;
- Preparing or submitting responses to EEOC, CRD, Labor Commissioner's Office, or similar administrative entities;
- Representation in litigation or administrative matters;
- Advice related to immigration law, employee benefits, tax law, or general legal matters outside labor and employment law.

Members with questions about scope are encouraged to contact PRISM's attorneys to discuss available options and appropriate resources.

#### **4. Who may access the advice service?**

The advice service is available to members participating in any pooled PRISM program, including Workers' Compensation, General Liability, Medical Malpractice, Property, Owner Controlled Insurance Programs, Dental, PRISMHealth, Vision, and Paid Family Leave. Sub-member entities participating in these programs through their JPA members also have access.

Members of Non-Pooled, Non-PRISM, or Alliant Programs are not eligible for this service.

#### **5. How does a member access the advice service?**

The advice service is available during regular business hours, Monday through Friday, from 8:30 a.m. to 4:00 p.m. Members seeking assistance should contact Katie or Patrick at (916) 850-7400, or via email at [kmola@prismrisk.gov](mailto:kmola@prismrisk.gov) or [psutton@prismrisk.gov](mailto:psutton@prismrisk.gov).

Members who have not previously worked with PRISM's legal staff will be asked to sign an engagement letter to confirm the attorney-client relationship and applicable privileges. Each participating entity designates a primary and secondary contact to facilitate effective and confidential communications.

#### **6. What are the roles of primary and secondary contacts?**

Primary and secondary contacts are individuals authorized to contact the advice service on behalf of their organization to obtain legal advice and related support. Designating two contacts helps maintain attorney-client privilege and allows member entities to manage personnel issues effectively. Employees who are not designated as authorized contacts may not access the advice service directly. However, primary and secondary contacts may work with PRISM's attorneys to determine when it is appropriate to add additional contacts.

#### **7. How do PRISM's attorneys work with members' entity counsel?**

PRISM's attorneys are an additional resource and are not intended to replace a member's in-house or outside legal counsel. Entity counsel may participate in advice service matters as desired. If it becomes reasonably foreseeable that a matter may lead to litigation, PRISM's attorneys will coordinate with the member's designated counsel and primary and secondary contacts to support appropriate pre-litigation strategies, litigation holds, and evidence preservation.

Members are reminded that all notice and reporting obligations under applicable Memoranda of Coverage (MOCs), Addendum B Standards, and JPA requirements remain in effect. Use of the advice service does not modify or replace those obligations.

## 8. What other resources are available to PRISM members?

In addition to the advice service, PRISM members have access to the following resources:

- **Periodic Webcasts:** Webcasts developed exclusively for PRISM members, on topics relevant to California public employers. All webcasts are available on PRISMtv.
- **Interactive Process Manual for California Public Agencies:** This popular resource for members provides legal and policy guidelines for initiating, conducting, and documenting the interactive process and making reasonable accommodation decisions.
- **Managing Multiple Leaves of Absence Manual for California Public Entities:** This manual provides legal and policy guidance for managing leaves of absence. It includes links to key laws, regulations, and resources, comprehensive checklists, reusable forms, template letters, and customizable forms for leave of absence requests, approvals, designations, and return to work protocols.