

Robert R. Roginson

Partner, Atkinson, Andelson, Loya, Ruud & Romo

Special Counsel, Association of Talent Agents

Robert Roginson is a partner in the Firm's Employer Services Practice Group. His practice includes all aspects of employment and labor law litigation and counseling for employers. Mr. Roginson has represented private and public employers in state and federal courts and administrative agencies. Mr. Roginson has defended employers in over 20 class actions involving a variety of allegations, including employee misclassification, meal and rest period violations, off-the-clock claims, and record keeping violations. He also counsels employers on California and federal wage/hour and pay practice laws, prevailing wage laws, reduction in force issues and WARN notification requirements, labor relations and union matters, tribal immunity and sovereignty issues, and retaliation and discrimination claims.

Prior to rejoining the Firm in March 2010, Mr. Roginson served as Chief Counsel for the California Division of Labor Standards Enforcement (DLSE). Appointed by Governor Arnold Schwarzenegger, Mr. Roginson represented and advised the California Labor Commissioner and her staff in all aspects of enforcement and interpretation of California's labor and wage/hour laws, licensing requirements, and retaliation statutes. He also managed and directed the Division's litigation and handled matters involving public works and prevailing wage requirements, child labor and work permit issues, the Talent Agency Act, farm labor contracting, garment manufacturing, and the Private Attorney General Act (PAGA). In his capacity as Chief Counsel, Mr. Roginson authored DLSE amicus briefs and opinion letters, including:

- DLSE amicus brief in the California Supreme Court meal period case, *BrinkerRestaurant Corp. v. Superior Court (Hohnbaum)*
- DLSE opinion letter affirming California's on-duty meal period requirements
- DLSE opinion letter allowing deductions for vacation and sick time for partial-day absences for exempt employees
- DLSE opinion letter allowing proportionate salary and work schedule reductions for exempt employees
- DLSE opinion letter authorizing debit paycards and convenience checks
- DLSE opinion letter approving summertime alternative workweek schedule

Mr. Roginson also co-wrote and edited the DLSE's Public Works Manual issued in May 2009.

Mr. Roginson focuses on bringing creative solutions to complex legal problems. He has negotiated several favorable settlements of wage/hour class and representative actions on terms favorable to the companies. Mr. Roginson also has considerable experience defending against union sponsored litigation and has represented garment manufacturers in a wage and hour class action brought by UNITE, a transportation company in a meal and rest period class action brought by the Teamsters Union, and various construction companies in prevailing

wage and apprenticeship class action lawsuits financed and driven by the building and construction craft unions.

Prior to joining Atkinson, Andelson, Loya, Ruud & Romo, Mr. Roginson worked in the industrial relations department for the Associated General Contractors of California (AGC of California), where he represented construction contractors in labor grievance and arbitration matters in addition to the negotiation of the Southern California Basic Trades Master Labor Agreements.

Representative Cases

- Defeated class certification in a class action lawsuit by workers against their construction employer for purported prevailing wage violations.
- Defeated class certification in a class action lawsuit by waiters and busboys against their restaurant employer for purported wage and hour violations.
- Negotiated an industry-wide settlement with the California Labor Commissioner on behalf of the ready mix concrete industry concerning meal periods taken by ready mix concrete truck drivers.
- Obtained a California Court of Appeal ruling that specific opinion letters by the California Labor Commissioner constituted impermissible underground regulations.
- Obtained a summary judgment ruling that a contractor was not required to pay prevailing wages on a jail improvement project and successfully defended an appeal of the decision.
- Obtained a court ruling reversing a prevailing wage coverage determination issued by the California Department of Industrial Relations (DIR).
- Obtained summary judgment against a union on behalf of two non-union contractors that such contractors have no obligation to comply with union apprenticeship requirements.

Education

Mr. Roginson attended Loyola Law School Los Angeles and received his Juris Doctorate in 1996. Mr. Roginson attended Loyola High School in Los Angeles and received his Bachelor of Arts degree in Philosophy from Georgetown University.

Bar Admissions

All California State Courts, United State Ninth Circuit Court of Appeal, United States Districts for the Southern, Central, and Northern District of California

Memberships and Affiliations

Mr. Roginson is a member of the AGC of California Legislative and Legal Advisory Committees. He served as Chair of the AGC Legal Advisory Committee in 2007.

Presentations / Speeches

Mr. Roginson is an experienced presenter and has spoken before numerous organizations, including: California Department of Industrial Relations, Society for Human Resource Management (SHRM), Professionals In Human Resources Association (PIHRA), CalPELRA, Employment Roundtable of Southern California, Association of Talent Agents, AGC of America, Harbor Trucking Association, Practising [sic] Law Institute, California Association of

Licensed Security Agencies, Guards, and Associates (Calsaga), Visual Effects Society (VES), and California Hospital Association.