

Attorney Bio



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Cerritos

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Nate J. Kowalski

Partner

Nate Kowalski is a Partner in the Cerritos office and Chair of the firm's Public Entity Labor and Employment Practice Group. He is an accomplished litigator who represents employers in both the private and public sectors. Mr. Kowalski has litigated hundreds of sensitive and complex labor and employment cases in state and federal courts and has achieved remarkable results for his clients in hearings, arbitrations, trials and appeals.

Mr. Kowalski also represents private and public sector employers in wage and hour litigation, including class actions. He has developed a unique expertise concerning the application of California's wage and hour laws to public agencies. He was the lead counsel in a groundbreaking appellate case, *Johnson v. Arvin-Edison Water Storage District* (2009) 174 Cal. App. 4th 729, which established that California's overtime and meal period requirements do not apply to the public sector. He also co-authored a chapter on wage and hour law for a treatise published by LexisNexis, *California Public Sector Employment Law*.

Education

University of Michigan (Juris Doctor & Bachelor of Arts). He was a trumpet performance major as an undergraduate and performed with various ensembles throughout college and law school.

Awards and Recognitions

In 2016, the national publication Law360 profiled Mr. Kowalski, acknowledging his success in building his practice while maintaining close relationships with and quality service to his existing clients. The article, "[Rainmaker Q&A: Atkinson Andelson's Nate Kowalski](#)," highlights Mr. Kowalski's perseverance and thoughtfulness, as well as AALRR's unique strengths.

In 2011 and 2013, the Daily Journal named Mr. Kowalski to its list of the Top 75 labor and employment lawyers in California, highlighting cases he handled on behalf of Ralphs Grocery Company (defense verdict in disability discrimination arbitration), the San Diego Superior Court (denial of writ of mandate after union challenged layoffs imposed by the Court) and the Los Angeles Superior Court (summary judgment in a sex discrimination case brought by three Court employees).

Also in 2011 and 2013, the Daily Journal named Mr. Kowalski to its list of the top municipal lawyers in California, spotlighting his representation of the Metropolitan Water District of Southern California (summary judgment in employment retaliation lawsuit), the City of San Bernardino (concerning wage reductions imposed by the City) and the City of Long Beach (concerning furloughs imposed by the City).

For the last five years, Mr. Kowalski has been selected to the Southern California Super Lawyers list. This list honors lawyers who have attracted a high degree of peer recognition and professional achievement.

Chambers USA has also named Mr. Kowalski to its list of the top labor and employment lawyers in California. Citing client feedback, Mr. Kowalski was described in the Chambers guide as "adept, forthright and analytical."

Representative Matters

Mr. Kowalski's accomplishments include the following:

- Obtained a defense verdict for a water district client after a three-week jury trial in religious discrimination and retaliation case.
- Defeated a writ of mandate in public employees' lawsuit alleging improper layoffs, and won the subsequent appeal by unanimous decision.
- Defeated class certification of multimillion-dollar wage and hour claims asserted against transit agency client.
- Obtained summary judgment in a wrongful termination lawsuit filed against water district client.
- Induced a former public employee to dismiss his complaint and comply with a restraining order after an anti-SLAPP motion was filed against him.
- Obtained summary judgment of former public employee's lawsuit alleging nine discrimination and retaliation causes of action.
- Won an appeal in which the California Court of Appeal ordered dismissal of lawsuit filed by city employees who claimed the city infringed their vested constitutional rights when it changed the pension contribution rate for their retirement plan.
- Won a binding arbitration in a disability discrimination action against a Fortune 50 client.
- Obtained summary judgment for a Fortune 50 client in a whistleblower case.
- Obtained summary judgment for a Fortune 50 client in a racial discrimination case and prevailed on appeal before the 9th Circuit Court of Appeals.

Reported Cases

- *SEIU Local 721 v. San Bernardino Superior Court* (2014) 39 PERC ¶ 35 (Court properly refused to process decertification petition as it was filed outside of the "window period" set forth in the Court's local rules)
- *Sheppard v. North Orange County ROP* (2010) 191 Cal. App. 4th 289 (application of California's minimum wage to Joint Powers Authority)
- *CHP v. Los Angeles Housing Authority* (2010) 34 PERC ¶ 36 (Housing Authority satisfied its duty to engage in effects bargaining related to layoffs)
- *Johnson v. Arvin-Edison Water Storage District* (2009) 174 Cal. App. 4th 729 (Water District not subject to wage and law claims brought under California Labor Code and Wage Orders)
- *AFSCME Local 1902 v. Metropolitan Water District of Southern California ("MWD")* (2008) 32 PERC ¶ 65 (union waived its right to bargain over employer's decision to change job descriptions)
- *AFSCME Local 1902 v. MWD* (2007) 31 PERC ¶ 141 (unfair practice charges dismissed as untimely, equitable tolling rejected)
- *Claremont POA v. City of Claremont* (2006) 39 Cal. 4th 623 (the duty to bargain and the managerial prerogative doctrine) (counsel for amicus MWD)
- *Riverside Sheriffs Association v. County of Riverside* (2004) 29 PERC ¶ 21 (County did not engage in surface bargaining)
- *Upland Police Officers Association v. City of Upland* (2003) 111 Cal App. 4th 1294 (Police Department properly conducted disciplinary investigation)
- *Morrison v. Housing Authority* (2003) 107 Cal.App.4th 860 (public meetings of government bodies)
- *AFT v. San Diego CCD* (2001) 25 PERC ¶ 32099 (use of internal mail by employee organizations)
- *Marquez v. Screen Actors Guild* (1998) 525 U.S. 33, 159 LRRM 2641 (union security provisions in collective bargaining agreements)

News/Media

- "Bill to Ban Employer's Salary History Questions Advances with Changes," *Daily Journal* (Sept. 2017)
- State to Appeal Rather than Give Judges back Pay," *Daily Journal* (Aug. 2017)
- "Rainmaker Q&A: Atkinson, Andelson's Nate Kowalski," *Law 360* (Aug. 2016)
- "Romances Make Some Corporations Nervous," *The Riverside Press-Enterprise*

- (Feb. 2014)
- "San Diego Pension Reform Initiative Unlawful, PERB Judge Says," *Daily Journal* (Feb. 2013)
- "Costa Mesa Layoffs Canceled, but Outsourcing Battle Continues," *Daily Journal* (Dec. 2012)
- "More Women Claiming Bias Over Pregnancy," *The Riverside Press-Enterprise* (April 2012)
- "Sexual Harassment Hasn't Gone Away," *The Riverside Press-Enterprise* (Jan. 2012)
- "Voters Must OK Cuts in Charter Cities: Judge," *Daily Journal* (Nov. 2011)
- "Public Employee Lawsuits Pit City Charters Against State Law," *Daily Journal* (Nov. 2011)
- "Prescription Pot Does Not Fly at Employee Screenings," *The Riverside Press-Enterprise* (Oct. 2009)

Publications and Speaking Engagements

Mr. Kowalski has published articles in the Los Angeles Daily Journal, California Labor and Employment Review, California Special District Magazine, California Public Employee Relations Journal, California Public Employers Labor Relations Association Alerts and California Lawyer. His recent articles include:

- "New California Law Expands Baby Bonding Leave to Mid-Size Employers," *CSDA e-News* (Nov. 2017)
- "The Equal Pay Act: New Statutes, New Case Law, New Uncertainties," CALPELRA (June 2017)
- "Addressing Workplace Violence in California," *Daily Journal* (Oct. 2016)
- "Banning Beards at Work Could Get a Little Hairy," *Daily Journal* (Aug. 2016)
- "Free Speech Rights Tested by Cyberbullying," *Daily Journal* (June 2016)
- "The Cat's Paw Doctrine: Declawing Summary Judgment," *Daily Journal* (May 2016)
- "Deck the Halls with Union Apparel: Legalities of Restricting Displays of Union Paraphernalia," CALPELRA (May 2016)

Mr. Kowalski also has given presentations to a number of industry and professional groups, including the Society for Human Resource Management (SHRM), the National Employment Law Institute (NELI), the International Public Management Association (IPMA) and the California Public Employers Labor Relations Association (CalPELRA).

Community Involvement

- Fullerton Pony & Little League Baseball
- Cub Scouts
- Fullerton Aquatics Sports Team
- Servite High School

Practice Areas

**Cities, Counties & Special Districts
Employment Law**

Education

University of Michigan (J.D., 1994)
University of Michigan (B.A., 1991)

Bar Admissions

1995, California

Memberships and Affiliations

U.S. Court of Appeal: 9th Circuit, D.C. Circuit
U.S. District Court: Southern, Central, Eastern and Northern Districts of California
University of Michigan Alumni Association

