

Michelle Barrett Falconer

Shareholder

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Focus Areas

Leaves of Absence and Disability Accommodation
Class Action
Discrimination and Harassment
Policies, Procedures and Handbooks
Labor Management Relations

Overview

Michelle Barrett Falconer regularly advises management clients on disability accommodation issues, the Family and Medical Leave Act (FMLA) and similar state laws, and other leaves of absence. In that capacity, she has helped national and global clients, as well as clients with operations based solely in California, to develop leaves of absence and disability accommodation policies, procedures, forms, as well as to create process-oriented solutions to comply with local laws. She regularly assists clients with benchmarking and best practices to achieve their diversity and inclusion objectives, as well as to facilitate effective change management surrounding such initiatives. She previously served as the National Co-Chair of Littler's Leaves of Absence and Disability Accommodation Practice Group

She also advises, represents, and trains management clients in various other areas of employment and labor law, including:

- Discrimination, harassment, and retaliation
- Wrongful termination
- Employee handbooks and related personnel policies
- Policy and various paid time off benefits changes and related strategy issues
- Class action litigation involving complex wage and hour issues
- Union representation elections and decertifications

- Collective bargaining

She has represented a variety of employers in federal and state court litigation, in employment arbitrations, before the National Labor Relations Board, and before other state and federal agencies. Her clients include many large tech industry corporations.

Michelle is also a founding member of Littler’s COVID-19 Task Force. Using her prior (pre-pandemic) advice and counsel experience to leverage “common sense” solutions, she regularly advises clients on navigating federal, state and local COVID-19 related restrictions and reopening requirements.

Prior to law school, Michelle worked as a Human Resources Representative for one of the largest privately held agribusiness firms in the United States, where she developed training programs and dual language tests for employers and evaluated internal human resources and employee relations practices. This experience helps her partner closely with HR teams to solve complex problems, which often present multidimensional issues.

Professional and Community Affiliations

- Member, American Bar Association
- Member, State Bar of California
- Member, Bar Association of San Francisco
- Member, National Hispanic Bar Association
- Member, San Francisco La Raza Lawyers Association
- Former Member, Committee to revise interrogatories for use in employment litigation cases, Labor and Employment Section, State Bar of California

Recognition

- Named, The Best Lawyers in America®, 2024-2025
- Named, Client Service All-Star, *BTI Consulting*, 2020, 2024

Education

J.D., Georgetown University Law Center, 1998

A.B., Stanford University, 1994

Bar Admissions

California

Courts

U.S. Court of Appeals, 9th Circuit
California Supreme Court
U.S. District Court, Northern District of California
U.S. District Court, Eastern District of California
U.S. District Court, Southern District of California
U.S. District Court, Central District of California

Publications & Press

California Expands Paid Sick Leave Uses for Crime Victims and Agricultural Employees, and Changes Unpaid Leave Standards for Victims

Littler Insight

September 30, 2024

Updated California Paid Sick and Safe Leave FAQs Address January 1, 2024 Changes

Littler ASAP

December 15, 2023

Governor Signs Amendments to Expand, and Better Align, Paid Sick Leave Requirements Throughout California

Littler Insight

October 5, 2023

California Court's Expansion of 'Employer' Could Have Implications for AI Regs

SHRM Online

August 28, 2023

California Supreme Court's Expansion of "Employer" under FEHA Could Have Implications for AI Regulation

Littler ASAP

August 25, 2023

Recognize These Common Myths About Job Coaches

SHRM Online

December 5, 2022

Missouri Discriminated Against Employee with Disability

SHRM Online

October 27, 2022

California Creates Bereavement Leave Requirement

Little ASAP

October 10, 2022

Calif. Joins List Of States Tackling Paid Leave Requirements

Law360

October 7, 2022

New California “Designated Person” Standards Could (Further) Complicate Leave Administration

Little Insight

October 3, 2022

California Extends COVID-19 Supplemental Paid Sick Leave Through 2022, Makes Small Amendment and Offers Grants for Smaller Employers

Little ASAP

September 30, 2022

3 Tips For Employers To Handle Holidays Inclusively

Law360 Employment Authority

September 16, 2022

Del. The Latest State To Enact Paid Family, Medical Leave Law

Law360

May 11, 2022

The Littler Annual Employer Survey 2022

Little Report

May 4, 2022

Littler Survey: Competitive Talent Market and Pandemic Uncertainty Complicate Return-to-Office Policies

Little Press Release

May 4, 2022

New DOJ Opioid Guidance Puts Employers On Notice

Law360 Employment Authority

April 7, 2022

California Issues New FAQs on COVID-19 Paid Sick Leave

SHRM Online

March 18, 2022

Updated California Supplemental Paid Sick Leave FAQs Answer Some Big Questions

Littler ASAP

March 11, 2022

California Labor Commissioner Issues 2022 COVID-19 Supplemental Paid Sick Leave Posters and FAQs, But Many Questions Remain

Littler Insight

February 18, 2022

An Employer's Guide to California's 2022 COVID-19 Paid-Sick-Learn Law

SHRM Online

February 15, 2022

California Governor Signs 2022 Supplemental Paid Sick Leave Bill

Littler Insight

February 9, 2022

4 Takeaways As EEOC Eyes Telework In The COVID Era

Law360 Employment Authority

September 9, 2021

How the Pandemic Changed Federal Paid Leave Reform Talks

Law360 Employment Authority

July 15, 2021

Rulings Illuminate Intersection Of COVID-19, Disability Law

Law360 Employment Authority

May 25, 2021

Slow rehiring of child care workers may stymie employers' return to workplace plans

Workforce Management

May 22, 2021

Will the Pregnant Workers Fairness Act Get to Biden's Desk?

Law360 Employment Authority

May 21, 2021

Employers Lean Toward Hybrid, In-Person Work Plans

Law360

May 18, 2021

Littler Survey: Employees Want Remote and Hybrid Work More Than Employers Do

Littler Press Release

May 12, 2021

The Littler Annual Employer Survey 2021

Littler Report

May 12, 2021

California's COVID-19 Paid-Sick-Leave Mandate Brings Logistical Difficulties

SHRM Online

April 23, 2021

California Enacts (Retroactive) 2021 Emergency Supplemental Paid Sick Leave Law

Littler Insight

March 22, 2021

Latest COVID-19 Relief Package Provides Tax Credits for Voluntary Paid Sick and Family Leave

Littler ASAP

March 18, 2021

San Jose Revises Emergency Paid Sick Leave Law While Other California Localities Take Steps Toward Similar Action

Littler Insight

January 7, 2021

Will California Employers Ring in the New Year with Emergency Paid Sick Leave Laws?

Littler Insight

December 21, 2020

Littler Attorneys Recognized by BTI Consulting and Lawdragon

Littler Press Release

December 15, 2020

3 Legal Land Mines Employers Should Avoid In The Pandemic

Law360

November 23, 2020

Pandemic Prompts Employers to Review Year-End Vacation Policies

SHRM Online

November 20, 2020

Employers' Top Return-to-Work Concerns

The Wall Street Journal

October 4, 2020

California Expands COVID-19 Supplemental Paid Sick Leave Requirements

Littler Insight

September 10, 2020

WPI Labor Day Report 2020

Littler WPI Report

September 8, 2020

Sonoma County, California Enacts Emergency Paid Sick Leave Ordinance

Littler Insight

August 20, 2020

Oakland, California Releases Emergency Paid Sick Leave FAQs

Littler ASAP

July 30, 2020

Employers' Top Return-to-Work Concerns

Financial Advisor IQ

June 22, 2020

GC Cheat Sheet: The Hottest Corporate News Of The Week

Law360

June 19, 2020

Managing Coronavirus-Related Leave in California

SHRM Online

June 9, 2020

As Virus Wanes, Employers Warm Up To Long-Term Telework

Law360

June 2, 2020

The Littler COVID-19 Return to Work Survey Report

Littler Report

June 2, 2020

Safety, Remote Work Accommodations and Liability Lead List of Concerns as Companies Reopen Workplaces Amid COVID-19, Littler Survey Finds

Littler Press Release

June 2, 2020

My Boss Wants Me Back at Work. How Do I Keep my Family Safe?

The Wall Street Journal

May 21, 2020

Bay Bridge Series: Oakland Enacts COVID-19 Supplemental Paid Sick Leave Ordinance

Littler Insight

May 14, 2020

Coronavirus compliance: Sick leave guidance for employers

HR Morning

May 14, 2020

The Next Normal: A Littler Insight on Returning to Work – Handling Concerns about Hesitant or “High-Risk” Employees

Littler Insight

April 30, 2020

Coronavirus (COVID-19) Employer FAQs

Littler Insight

March 24, 2020

Small businesses walk a ‘very difficult tightrope’ when providing sick leave for coronavirus

San Francisco Business Times

March 11, 2020

Coronavirus (COVID-19) Guidance for Business Preparedness

Littler Insight

March 4, 2020

4 Tips On Complying With States' Paid Family Leave Laws

Law360

September 10, 2019

California Extends Paid Family Leave Benefits to 8 Weeks

SHRM Online

July 2, 2019

California Extends Paid Family Leave Benefits from 6 to 8 Weeks

Littler ASAP

July 1, 2019

California's Working Parents Can Take School-Related Leave

SHRM Online

September 11, 2018

Bloomberg Law's VIDEO Coverage of the 2018 Littler Executive Employer Conference

Bloomberg Law

May 4, 2018

Dear Littler: Is an Extended Leave of Absence a Reasonable Accommodation Required by the ADA?

Dear Littler

January 24, 2018

How Do Pregnancy and Baby-Bonding Leave Laws Interact in California?

SHRM Online

January 5, 2018

Local and State Developments Impact San Francisco Paid Parental Leave Obligations

Littler Insight

February 13, 2017

State Laws Encourage Employers to Honor Veterans

Littler ASAP

November 8, 2016

San Francisco Amends Paid Parental Leave Law to Adapt to State Law Changes and to Clarify Requirements

Littler Insight

September 21, 2016

San Francisco Amends Paid Parental Leave Law

Bloomberg BNA Daily Labor Report

September 6, 2016

Bonding by the Bay: San Francisco Mandates Paid Parental Leave

Littler Insight

April 21, 2016

Paid Sick Time Law Developments in the State of California; Emeryville, California; Eugene, Oregon; and Bloomfield, New Jersey

Littler ASAP

June 24, 2015

Obama's Sick Leave Push Faces Uphill Battle In Congress

Law360.com

January 15, 2015

An Update on the Epidemic: California's Statewide Paid Sick Leave Law

Littler Insight

January 12, 2015

California's new sick leave law explained

SFGate

September 14, 2014

The Bermuda Triangle Has Expanded: The FMLA's Intersection With the ADA, Workers' Compensation and More

XpertHR

September 12, 2013

Lost In Translation: California's New Pregnancy Disability Leave Regulations and Their New, Contradictory Obligations

Committee News

Spring 2013

State rule changes broaden rights on pregnancy disability

Sacramento Business Journal

January 11, 2013

Lost in Translation: California's New Pregnancy Disability Leave Regulations and Their New, Contradictory Obligations

Littler Insight

January 4, 2013

A Guide to Employee Benefits Administration and Leaves of Absence

Littler Insight

November 21, 2012

The Stork Has Landed: California Employers Must Maintain and Insurers Must Provide Pregnancy Benefits

Littler Insight

October 19, 2011

RICO/IMMIGRATION or ANTITRUST/IMMIGRATION Lawsuits?

Littler Insight

September 11, 2006

California's New Legislation Providing for Paid Family and Medical Leave Raises Significant Implementation Questions and Challenges for Employers

Littler Insight

October 31, 2002

Speaking Engagements

Paid Family Feud: Navigating Dueling State – and Employer-Sponsored Leave and Wage-Replacement Programs

2022 California Virtual Regional Employer Conference

November 2, 2022

Paid Family Feud: Navigating Dueling State- and Employer-Sponsored Leave and Wage-Replacement Programs

Littler Executive Employer Conference

May 5, 2022

Can't Leave This Behind: Reviewing the Fallout from a Year of Novel Leave Issues and Strategizing for the Future

The 2021 Executive Employer Conference, Phoenix, AZ

May 12, 2021

Changes to Family Medical and Sick Leave Obligations in the Time of COVID-19

The 2020 Executive Employer Conference, Phoenix, AZ

May 7, 2020

Happy (Paper) Trails: Creating Effective FMLA and ADA Policies, Templates and Practices that Won't Go Off the (Legal) Rails

The 2019 Executive Employer Conference, Phoenix, AZ

May 9, 2019

Prescription for a Solution: Critical Issues in Paid Sick Leave Compliance

The 2018 Executive Employer Conference, Phoenix, AZ

May 3, 2018

Paid Sick Time: Compliance Solutions for Multi-Jurisdictional Requirements

May 11, 2017

Littler's 6th Annual Brewers Briefing 2016

Milwaukee, WI
September 7, 2016

Paid Sick Time: Local Legislation Creates a Big Problem for Employers

The 2016 Executive Employer® Conference, Scottsdale, AZ
May 5, 2016

Labor & Employment Law Developments: Looking Back at 2015 and Ahead to 2016 - San Francisco

San Francisco, CA
January 28, 2016

New Employment and Labor Laws for 2015

San Francisco, CA
January 20, 2015

The Changing Rules of the Road Dealing with Pregnancy Discrimination

August 13, 2014

Disability Discrimination and Reasonable Accommodation in Real Life: An Interactive Program

San Francisco, CA
June 24, 2014

Disability Discrimination and Reasonable Accommodation in Real Life: An Interactive Program

San Jose, CA
June 19, 2014

Getting it Right in the Golden State - Practical Thoughts for Complying with California's New Pregnancy Disability Leave and Disability Discrimination Regulations

March 14, 2013

FMLA Strategy Session – How Retailers Can Curb Intermittent and Reduced Schedule Leave Abuse

November 1, 2012

Leave Me Alone

San Francisco, CA
April 3, 2012