

# Jennifer Randlett Madden



## Jennifer Randlett Madden

### Partner

[jmadden@delfinomadden.com](mailto:jmadden@delfinomadden.com)

916.661.5810

### Practice Areas

[Employment Law](#), [Higher Education](#)



**Jennifer Randlett Madden collaborates closely with her clients to devise proactive, effective and practical strategic employment programs that foster productive workplaces and prevent claims that could result in litigation.** Jennifer recognizes when claims arise, early assessments in litigation are crucial. She engages with her clients to undertake thorough claims investigations to develop effective litigation strategies in-line with potential exposure and litigation costs.

Jennifer represents business clients in state and federal courts and before state agencies to defend against all types of employment claims including claims of discrimination, wrongful termination and sexual harassment, wage and hour claims, contract actions, disputes over non-competition and confidentiality agreements, and other business torts.

### Representative Experience

#### Higher Education Experience

- Jennifer Randlett Madden is one of the firm's Higher Education specialists.
- She works with public and private universities to provide day-to-day advice regarding employment, faculty and student issues and represents universities in related litigation.
- Jennifer works closely with high level administrators, including Provosts and Vice Presidents to revise faculty, student and staff policies and procedures to ensure federal and state law compliance. She provides advice regarding Title IX compliance including policy scope, compliant handling, investigations and student judicial proceedings.
- Jennifer also advises her clients regarding faculty governance issues and employment and faculty discipline. She successfully defends universities in employment litigation including recent claims of harassment, discrimination, retaliation, wrongful termination and breach of contract.

#### Employment Class Action Experience

- Represented private university in early successful resolution of wage and hour class action claim involving meal and rest breaks and PAGA claims.
- Represented large local beverage distributor in wage and hour class action involving meal, rest break, non-compliant paystubs, unfair business practices and PAGA claims; successfully accomplished *Pick-Up*

*Stix* settlements, reducing class significantly which lead to early settlement at mediation.

- Successfully represented Fortune 500 national health care company in a state-wide wage and hour class action litigation for unpaid overtime, missed rest and meal breaks, penalties and unfair business practices.
- In two separate cases, successfully opposed motions for class certification in both state and federal wage and hour class action litigation. Motion ruling resulted in nuisance value settlement of claims with class representative.

### **Employment & Business Litigation Experience**

- Defended and successfully resolved litigation against large employer involving allegations of constructive discharge, transgender harassment/ discrimination and retaliation.
- Defended large employer in two-week jury trial involving claims of wrongful termination, retaliation, sexual harassment, and disability discrimination. Successfully obtain a defense verdict on all claims.
- Defended large employer in two-week binding arbitration involving claims of wrongful termination and retaliation. Successfully obtained a defense award on all claims.
- Defended large local retailer in three-week jury trial in Sacramento County involving disability discrimination, accommodation, failure to engage in interactive process and punitive damages claims. Obtained defense verdict and award of costs.
- Represented local biotechnology company in a four-day binding arbitration involving claims of breach of shareholder agreement, breach of employment agreement and wrongful termination. Successfully obtained a defense award on all claims plus costs and attorneys' fees.
- Represented large retirement home business in successful resolution of wrongful termination and defamation claims in Sacramento County Superior Court.
- Represented international solar industry employer in binding arbitration involving claims of breach of contract, intentional interference with prospective economic advantage, unfair business practices and related claims. Obtain successful award on all claims including award of attorneys' fees and costs.
- Represented national financial institution in multiple litigation matters in state courts involving claims of disability discrimination, sexual harassment, wrongful termination, breach of contract, retaliation and violation of public policy.
- Successfully defended a public irrigation district General Manager in a two-week trial against claims of workplace violence.

### **Employment Counseling Experience**

- Provides advice regarding employee reductions, separations, severance agreements, leaves of absence, disability accommodations, performance issues and proactive discipline.
- Prepares executive employment agreements, employee handbooks, confidentiality and non-disclosure agreements, drug testing and other employment policies. Provide training to employees to introduce policy changes and answer questions.
- Conducts investigations into employee complaints of harassment, discrimination, and retaliation.
- Conducts supervisor sexual harassment prevention training to over 30 California employers, including executive team training in harassment prevention and classification of independent contractors.

### **Investigation Experience**

- ATIXA Civil Rights Investigator Certification Trained (including trauma informed processes)
- Conducts workplace and Title IX investigations in compliance with ever changing federal and state laws and regulations

- NACUA Investigator Trained

## **OSHA Experience**

- Represented local water district following OSHA citations. Brought appeals and successfully negotiated favorable settlement including reduction in citation designations and associated penalties.
- Represented local manufacturing company in OSHA action following employee finger amputation. Prepared appeals and advised business client regarding safety and training improvements in the workplace. Negotiated favorable settlement including withdrawal of citations and reduction of remaining citations, including significant penalty reduction.
- Represented a large retail company following employee fatality. Prepared appeals, assisted with abatement efforts and negotiated favorable resolution with OSHA District Manager prior to hearing.
- Developed Injury & Illness Prevention Program for public and private employers, including training programs and compliance. Advised employers regarding defensive practices during OSHA inspections and investigations.

## **Professional Affiliations**

### **Professional, Community and Pro Bono Involvement**

Jennifer, a Sacramento native, is active in the local community. She serves on the Board of 3Strand Global Foundation—a nonprofit committed to fighting human trafficking through education. She also serves as General Counsel and on the Executive Committee of the Sacramento Metropolitan Chamber of Commerce. From 2014-2018 she served on the Board of California Musical Theater. She previously served on the Board of Fairytale Town where she spent much time as a child.

- Women Lawyers of Sacramento, Member, 2002 – Present
- Sacramento County Bar Association, Employment Law Section, Member, 2002 – Present
- Sacramento Area Human Resource Association, Legal & Legislative Group, Member, 2002 – 2016
- California State University, Sacramento, Human Resource Laws and Regulations, 2003 – 2006, Faculty
- San Francisco Barristers, Board of Directors, Treasurer, 2000
- San Francisco Barristers, High-Tech Practice Section, Co-Founder & Chair, 1998-2000
- San Francisco Barristers Labor & Employment Law Section, Chair, 1999

## **Education**

- J.D., University of San Francisco School of Law, 1996
- B.A., University of Southern California, 1992

## **Bar Admissions**

- California, 1996

## **Court Admissions**

- United States Court of Appeals Ninth Circuit
- United States District Court Central District of California
- United States District Court Eastern District of California

- United States District Court Northern District of California
- United States Supreme Court

## **News and Publications**

### **In the News**

#### 2023

Employment Law Update 2022  
Delfino Madden  
Co-Presenter

#### 2022

New Laws for the New Year:  
Employment Law Update 2021  
Delfino Madden  
Co-Presenter

#### 2018

Classification Complications: How to navigate the maze of California's new rules on overtime and independent contractors  
Comstock's Magazine

#### 2009

You've Been WARNed: Appropriate Care for Company Layoffs  
Comstock's Magazine

### **Speaking Engagements/Events**

#### 2020

Human Resources Roundtable: Steps to Re-Entry  
Sacramento Metro Chamber  
Co-Presenter

COVID-19 and the Impact on Employees  
CalAsian Chamber  
Presenter

Sacramento Bee Facebook Live with the Metro Chamber  
Metro Chamber  
Co-Presenter

A New Landscape – Employment Law Update for 2020  
Delfino Madden  
Co-Presenter

#### 2019

A Look Ahead – Employment Law Update for 2019  
Delfino Madden  
Co-Presenter

## 2018

New Year, New Laws: Employment Law Update 2018

## 2017

Employment Law Guidance in Uncertain Times – Compliance for 2017

## 2016

A Look Forward: Employment Law Compliance for 2016

## 2015

Employment Law Update: 2014 A Year in Review

## 2014

Are You Ready for 2014? Many New Laws Will Affect California Employers

2014 Employment Law Seminar

## 2013

Keeping the Family Farm in the Family – Part 3

Presenter

Employment Law Update: Changes for 2013

Presenter

## 2012

Employment Law Update: What's Your Next Move?

Presenter

## 2011

Counting the Hours: Increasing Accountability in Wage and Hour Practices

Sacramento Area Human Resources Association, Annual Conference

Co-Presenter

## 2011

Human Resources and Employment Law Update: Where do we go from here?

Financial Executives International, Sacramento chapter

Co-presenter

Employment Law Update: A Review of Changes for 2011

Presenter

## 2010

Top 10 Ways to Avoid Disability Discrimination Claims and Improve Interactive Process Compliance

Association of California Water Agencies, Annual Conference

Co-Presenter

Employment Law Update: Current Issues and Future Trends

Presenter

## 2009

Social Networks: A Modern Employer Threat

Wilcox, Miller & Nelson, HR Executives in Transition

Co-Presenter

An Ounce of Prevention: Human Resources Role in Wage & Hour Claims  
Sacramento Area Human Resource Association, Annual Conference  
Presenter

Employment Law in Challenging Times: A Review of 2008 and Looking Forward to 2009  
Presenter

#### 2008

A Human Resources Toolbox for Managers and Supervisors  
Presenter

Responding to Agency Charges  
Sacramento Area Human Resource Association, Annual Conference  
Presenter

How to Properly Hire, Fire & Discipline Employees  
Nonprofit Resource Center  
Presenter

What Will They Think of Next: Changes in Employment Law for 2008  
Presenter

#### 2007

Navigating the Waters of California Law Regarding Minimum Wage and Overtime Exemptions  
Sacramento Area Human Resource Association, In-Depth Seminar Series  
Presenter

A Human Resources Toolbox for Managers and Supervisors  
Presenter

Make Sense of California Leave Laws: Intersection and Overlap  
Sacramento Area Human Resource Association  
Presenter

Employment Law 2007: What You Need to Know Now  
Presenter

#### 2006

Employment Law 2006: CFO's Top Ten  
Executive Forums  
Presenter

Finessing an Executive Termination  
Sacramento Area Human Resource Association  
Moderator and Presenter

Employment Law 2005: What You Need to Know Now  
Presenter

#### 2005

Sexual Harassment and Investigations  
Sacramento Area Human Resource Association

Moderator and Presenter

Wage and Hour Pitfalls

Sacramento Employer's Advisory Council

Presenter

Employment Law Issues for California Businesses

CEB Program

Presenter

Legislative Update and Wage/Hour Prevention

Yuba City Business Chapter

Presenter

2004 Legislative Update

Presenter

2004

EEO Rules and Compliance

Sacramento Area Human Resource Association

Presenter

Wage & Hour Update/New Legislation

Lorman Education Services

Presenter

Employment Law: What You Need to Know to Run a Successful Practice

Sacramento Veterinary Practice Managers

Presenter

2003 Year in Review

Woodland and Sacramento

Presenter

2003

Employers Can Require Arbitration Agreements

Presenter

Critical Issues in Employment Litigation

Continuing Education of the Bar

Presenter

The Definitive Guide to Employment Law for HR Professionals in California

Council on Education in Management

Presenter

Best Practices in FMLA Administration

Council on Education in Management

Presenter

Employment Law 2002: Year in Review

Downey Brand LLP

Presenter

2002

How to Write a Definitive Performance Appraisal  
Sacramento Area Human Resource Association Program  
Presenter

## **Publications**

2003

New Developments on the Arbitration Front  
Sacramento Area Human Resource Association Newsletter

2000

Employee Assistance Programs: What Your Clients Should Know  
California Labor & Employment Law Quarterly