



## Blake R Bertagna

Associate, Employment Law Department

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**Blake Bertagna** is an attorney in the Employment Law Department and is based in the firm's Orange County office. Mr. Bertagna defends employers in both the federal and state courts in complex employment litigation, including class action and multi-plaintiff employment discrimination lawsuits, wage and hour class and collective actions, and trade secrets and restrictive covenant matters, as well as individual cases for discrimination, harassment, retaliation, wrongful discharge, and other statutory, contract, and tort claims.

Mr. Bertagna represents major corporations in diverse fields, including the financial services, technology, insurance, sports and entertainment, retail, pharmaceutical, and health care industries. Mr. Bertagna has authored numerous articles and spoken on a range of employment topics, which have appeared in publications such as *Bloomberg BNA*, *Law360*, *Bender's Labor and Employment Bulletin*, and *Cornell HR Review*.

Mr. Bertagna is a core member of the firm's team assisting federal contractors with their obligations under Executive Order 11246 and related laws and regulations. Mr. Bertagna has a national practice advising and defending clients of all sizes and industries in matters involving pay equity and OFCCP proceedings. Mr. Bertagna has overseen the preparation of hundreds of affirmative action plans and defended OFCCP audits, including desk audits and onsite audits. In addition, Mr. Bertagna provides strategic advice and counseling to employers on diversity programs and employment compliance diagnostics.

Before joining Paul Hastings, he served as a law clerk to the Honorable Robert C. Jones of the United States District Court for the District of Nevada and the Honorable Milan D. Smith, Jr. of the United States Court of Appeals for the Ninth Circuit. Mr. Bertagna is admitted to the bars of California and the District of Columbia.

### Speaking Engagements and Publications

### Orange County

T: 1(714) 668-6208

F: 1(714) 668-6408

### Practice Areas

Workplace Retaliation and  
Whistleblower Defense  
Employment Counseling and  
Preventive Advice  
Employment Law  
Employee Mobility and Trade  
Secrets  
Litigation  
Trade Secrets  
Employment Litigation

### Admissions

California Bar  
District of Columbia Bar

### Education

Brigham Young University,  
B.A. 2002  
J. Reuben Clark Law School,  
Brigham Young University,  
J.D. 2006

## Blake R Bertagna (Continued)

§ “Labor Law,” instructor, 2019 Institute for Applied Management & Law Seminar (Aug. 2019)

§ “Me Too/Sexual Harassment & Responding to Complaints,” presenter, 2018 California Alliance of Paralegal Associations Conference (June 2018)

§ “Law School for Contractors 101, co-presenter, 2017 ILG National Conference (Aug. 2017)

§ “Developing Compliant Programs and Successfully Navigating OFCCP Compliance Evaluations,” co-presenter, 2016 Southern California Pacific Regional ILG Summit (Sept. 2016)

§ “The Burgeoning Bulletin Boards of Federal Contractors, *Law360*, co-author (Jan. 2016)

§ “A Look At The Latest In California Labor Law – Parts 1 and 2,” *Law360*, co-author (Oct. 2015)

§ “Proposed Amendments To The Federal Acquisition Regulations Pose Substantial New Burdens and Risks for Federal Contractors – Parts 1 and 2,” co-author, *Government Contracting Law Report* (Aug. 2015)

§ “Tracking The ‘Year Of Action’ For Gov’t Contractors,” *Law360* (Dec. 9, 2014)

§ “Navigating California’s Wage-and-Hour Laws Calls for Planning, Precision,” *Bloomberg BNA Daily Labor Report* (Nov. 25, 2014)

§ “‘Pay Averaging’ Post-*Armenta* – Revisiting the Prohibition against ‘Averaging’ Commissions and Piece Rates,” *Matthew Bender’s Labor and Employment Bulletin* (Nov. 2014)

§ “The ABA’s Newly Adopted Principles Assist Companies In Eliminating Supply Chain Labor Trafficking and Child Labor,” *Bloomberg BNA Daily Labor Report* (May 2, 2014)

§ “10 FAQs Clarifying (Sort Of) Obligations Under VEVRAA,” *Law360* (Mar. 24, 2014)

§ “*Genesis v. Symczyk*: A Win for Employers in the End,” *Law360* (April 25, 2013)

§ “PAGA: One Decade Later,” *The Employee Relations Journal*, Vol. 39, No. 1, pp. 44-56 (Summer 2013)

§ “For-Profit Volunteers: The Fair Labor Standards Act’s Limits on Volunteering

## Blake R Bertagna (Continued)

in the Private Sector,” *Bloomberg BNA: Daily Labor Report* (September 2012)

§ “The ‘Miscellaneous Employee’: Exploring the Boundaries of the Fair Labor Standards Act’s Administrative Exemption,” *29 Hofstra Lab. & Emp. L.J.* 485 (2012)

§ “Farms and Factories: A Modern View of the Administrative/Production Worker Dichotomy,” *26 California Labor and Employment Law Review* No. 3, at 7 (May 2012)

§ “The Value of Discretion,” *Cornell HR Review* (April 2012)

“The Internet—Disability or Distraction? An Analysis of Whether ‘Internet Addiction’ Can Qualify as a Disability under the Americans with Disabilities Act,” *25 Hofstra Lab. & Emp. L.J.* 419 (2008)

### Professional and Community Involvement

- Member, California Bar Association, Labor & Employment Law Section

### Education

- Brigham Young University J. Reuben Clark Law School, J.D., 2006 (magna cum laude)
- Brigham Young University, B.A., 2002 (History) (cum laude)

## Insights

### October 14, 2019

Coming in 2020: Seven New Laws Ratcheting Up the Regulation of Employment in California

### October 16, 2018

California Takes the Lead on #MeToo Legislation

### August 01, 2018

Prior Salary in Employment Decisions: California Changes and Attempts to Clarify Recent Salary History Ban and Fair Pay Act Legislation

### November 06, 2017

A Tale of Two Governments: Ten New Laws Impacting Employers with Operations in California

### October 07, 2016

## **Blake R Bertagna** (Continued)

New California Laws Impose Greater Burdens and Higher Risks of Liability for Employers

**September 08, 2016**

Going Out with a Roar: Final Regulations and Guidance Issued Under Fair Pay and Safe Workplaces Executive Order

**June 06, 2016**

The Seventh Circuit Holds that Class Action Waivers in Employee Arbitration Agreements Are Unenforceable

**March 07, 2016**

Understanding The DOL's Proposed Regulations On Paid Sick Leave For Federal Contractors

**October 13, 2015**

Just in Time for Halloween: Eighteen New California Laws Hold More Tricks Than Treats for Employers

**September 02, 2015**

Enlarging the Bargaining Table: The NLRB Sets Aside 30 Years of Precedent for a Broader Joint-Employer Standard

**June 04, 2015**

Proposed Amendments to the Federal Acquisition Regulations Pose Substantial New Burdens and Risks for Federal Contractors

**January 29, 2015**

OFCCP Issues Anticipated Notice of Proposed Rules Revising the Sex Discrimination Guidelines

**December 10, 2014**

Tracking The 'Year Of Action' For Gov't Contractors

**December 01, 2014**

Navigating California's Wage-and-Hour Laws Calls for Planning, Precision

**September 23, 2014**

OFCCP Issues Proposed Rules Prohibiting Discrimination Based Upon Employee Inquiries and Disclosures Regarding Compensation

## Blake R Bertagna (Continued)

**August 13, 2014**

Federal Contractor Requirements Continue to Expand – Department of Labor  
Proposes New Pay Data Collection Tool

**August 01, 2014**

"Pay Averaging" Post-*Armenta* – Revisiting the Prohibition Against "Averaging"  
Commissions and Piece Rates

**May 07, 2014**

The ABA's Newly Adopted Principles Assist Companies in Eliminating Supply  
Chain

**April 15, 2014**

The Obama Administration Advances Agenda on Wage Inequality Through  
Executive Orders and Regulations

**May 29, 2013**

Cornell HR Review - The Value of Discretion

**May 29, 2013**

Farms and Factories - A Modern Views of the Administrative-Production Worker  
Dichotomy

**April 22, 2013**

Genesis Healthcare Corp. v. Symczyk - The Collective Aspect of FLSA  
Collective Actions Has No Independent Legal Standing

**October 05, 2012**

For-Profit Volunteers: The Fair Labor Standards Acts Limits on Volunteering in  
the Private Sector