

Tess Elconin



PROFESSIONAL EXPERIENCE

University of California

2016 - Present

Principal Counsel, Labor & Employment (2/22 – Present)

Labor & Employment Counsel for the University of California serving as a trusted advisor to Campus Counsel and Campus Leadership.

- Provide advice and counsel on federal and state employment law; Equity, Diversity & Inclusion and Proposition 209 compliance; Academic Personnel and compensation; Athletics employment and contracts; Research; Title IX; discrimination, harassment and retaliation; ethics and conflict of interest; leaves and accommodation; workplace violence; substance abuse; First Amendment and Academic Freedom; social media; wage and hour; talent management, rewards and compensation; performance management and discipline; and privacy.
- Supervise outside litigation of high-risk employment claims and faculty clinician cases.
- Provide labor relations advice and counsel on union interactions; drafting collective bargaining agreements; and represent the University before PERB in unfair labor practices charges and unit modifications.
- Advise on Academic Personnel process including recruitment, selection, evaluation, promotions, performance management, and Privileges & Tenure and Charges.
- Advise in the academic clinical setting for faculty, staff, and trainees.
- Negotiate and draft separation and settlement agreements.
- Partner with campus counsel, leadership and human resources to create and implement progressive discipline and remediation plans.
- Member of workings groups drafting systemwide Abusive Conduct Policy and Antidiscrimination Policy; UC SVSH Clinical Working Group; UC Legal Outside Counsel Accountability Committee; and UC Legal Allyship Committee.

Senior Counsel, Employment (6/16-2/22)

Employment Counsel for the UCLA David Geffen School of Medicine and the UCLA Health Systems providing advice and counsel and serving as a trusted advisor to executive leadership.

- Serve on the Dean's Governing Counsel; UCLA Behavioral Intervention Team (handling workplace violence and threat assessment); DGSOM Equity, Diversity and Inclusion Counsel; Cultural North Star Steering Committee; Risk Reduction and Management Committee; Incident Response Team (handling sexual violence and sexual harassment allegations in the clinical setting); Committee on Learning Environment Oversight (review and resolution of medical student concerns); Physicians Wellness Oversight Committee; UC Legal Outside Counsel Accountability Committee; UC Legal Allyship Committee and HR Advisory Counsel.
- Advise on Academic Personnel process including recruitment, selection, evaluation, promotions, performance management, and Privileges & Tenure and Charges.
- Advise in the academic clinical setting for faculty, staff, and trainees.
- Create and implement strategy for ensuring robust anti-discrimination and harassment training, reporting and resolution; and create and implement red flags training for senior leaders and managers to identify and respond to employment risks including leaves and accommodations, discrimination, harassment and retaliation.
- Provide advice and counsel on federal, state and local employment law; Equity, Diversity & Inclusion and Proposition 209 compliance; Title IX; Academic Personnel and compensation; anti-discrimination, harassment and retaliation; ethics and conflict of interest; leaves and accommodation; workplace violence;

substance abuse; First Amendment and Academic Freedom; social media; wage and hour; talent management, rewards and compensation; performance management and discipline; data security and privacy.

- Supervise outside litigation of employment claims.
- Represent employer before, and respond to complaints filed with, regulatory agencies such as the DLSE, EEOC and the DFEH.
- Analysis of employment practices, create action plans based upon findings, and implement training and policies.
- Negotiate and draft separation and settlement agreements.
- Partnering with leadership and human resources to create and implement progressive discipline and corrective action plans, drafting evaluations and disciplinary memorandums, and counseling employees.

Toyota Financial Services (TFS)

2006-2016 (Contract 2006 – 2008)

Managing Counsel, Employment

National Manager (Sr. Director), Employee Relations, Leave of Absence & Accommodation & HR Compliance

Founder and Leader of the Americas Region Employee Relations, Leave of Absence and Accommodation, and Human Resource Compliance Team responsible for creating and implementing the employee relations, compliance, and leave and accommodation strategy, as well as leadership of team of 15 handling the daily operations of all employee relations, workplace investigations, leaves, accommodation and compliance issues including the following:

- Provide advice and counsel to national and international human resources team and executive leadership regarding state and federal laws and labor and employment matters.
- Responsible for TFS Americas Region (North, Central and South America) workplace investigations and employee relations issues.
- Ethics and FCRA Administrator responsible for reviewing and approving all ethics and FCRA disclosures, creation of Ethics Policy and training, and providing employee training.
- Committee member and HR/Employment decision-maker for TFS consumer and information security as a member of the TFS Information Security & Privacy Counsel, the TFS Security Incident Response Team and the Holistic Information and Privacy Practice Group.
- Committee member and HR/Employment decision-maker for crisis management on the TFS Crisis Management Core Team.
- Subject Matter Expert for TFS' Social Media Strategy, including drafting TFS' Social Media Policy, founding member of the Toyota (all North American Affiliates) Social Media Counsel, and developed and led companywide social media training.
- One of three decision-making members of the HR Leadership Team and a direct report to the VP of HR, for all elements of human resource management, including policy decisions, rewards and recognition, engagement, performance management, executive coaching, organizational development, change management, compensation, talent acquisition, succession planning, equity and diversity, workplace violence, compliance, disability/leave-related issues and labor relations.
- Created analytics framework and analysis of employee relations metrics that enabled the use of targeted training to mitigate risk and provide leadership development.
- Created and implement multimedia training for employees and leaders regarding labor, employment and compliance topics.
- Supervised outside counsel on employment litigation matters, and negotiated and drafted separation agreements.
- Created and implemented TFS HR's Compliance function, including the implementation of a comprehensive quarterly monitoring system.

- Founding member of Toyota North American Policy Harmonization Committee responsible for drafting policies for the consolidation of all of Toyota's North American Affiliates.
- Responsible for Diversity and Inclusion oversight and analysis, and editorial review of publications and training.

Managing Counsel, Employment

Employment counsel responsible for labor and employment advice and counsel, litigation management, agency and regulator claims, and employment strategy including the following:

- Supervise outside litigation of employment-related claims.
- Responsible for Diversity & Inclusion legal and talent analysis, editorial review of Diversity & Inclusion Annual Report, and strategy and review of executive and employee training.
- Responsible for labor relations issues including assessment, training and organizing activities.
- Represent TFS before, and respond to complaints filed with, the EEOC, the DFEH, OSHA, the DOJ, the DLSE and similar state human rights regulatory agencies.
- Drafted employment handbooks, policies and training materials, and conducted training.
- Created and supervised the eDiscovery/Litigation Hold process for all company litigation.
- Created and implemented in-person and web-based FMLA/ADA, Anti-Discrimination and Ethics training programs for company leadership, employees and human resources team.

Paramount Pictures, Corp.

2003 – 2005

Senior Attorney, Employment

- Provided advice and counsel regarding compliance with the state and federal laws.
- Conducted workplace investigations.
- Supervised outside litigation of employment-related claims.
- Represented employer before, and respond to complaints filed with, the EEOC, the DFEH, OSHA, the DOJ, and the DLSE.
- Conducted companywide employment practices audits, created action plans based upon audit findings, and implemented training and new policies and procedures.
- Drafted employment handbooks, policies and training materials and conducted related training.
- Negotiated and drafted executive employment contracts, separation agreements and settlement agreements.
- Negotiated and drafted vendor agreements.
- Administered employee relations functions including partnering with management to define job expectations and individual and departmental goals, creating and implementing progressive discipline and corrective action plans, drafting evaluations and disciplinary memorandums, and counseling employees.
- Provided group training and individual coaching regarding employment law compliance and employee development.

Mediation Practice

2005 – 2014

- Conducted over 150 labor and employment mediations as a private mediator and for the EEOC, the California Second Appellate District, and the Los Angeles County Superior Court.
- Completed over 300 hours of advanced dispute resolution training.
- EEOC Mediator of the Year – 2006

Greenberg, Glusker, Fields, Claman, Machtinger & Kinsella

2001 – 2003

Sheppard, Mullin, Richter & Hampton
Burke, Williams & Sorensen

1996 – 1999

1992 – 1995

Labor and Employment Associate

- Represented public and private sector employers in all elements of labor and employment litigation, including class actions, in both state and federal court at the trial and appellate level. Conducted litigation, arbitrations and mediations.
- Represented public and private sector management clients in labor relations matters before the NLRB and Federal Courts including organizing campaigns, elections, investigating and litigating unfair labor practice charges, collective bargaining, strikes, primary and secondary picketing, and administration of collective bargaining agreements and grievances.
- Provided advice and training regarding compliance with the state and federal labor and employment laws.
- Represented public and private sector employers before, and responded to complaints filed with, the NLRB, the EEOC, OSHA, the DFEH, the DLSE and the DOJ.
- Drafted employment handbooks, policies and training materials and conducted training.
- Drafted and negotiated employment contracts, separation agreements and settlement agreements.
- Conducted workplace investigations.

California State University, Northridge
Assistant Faculty

1996 - 1999

Instructor of Human Resources Management in the School of Business Administration and Economics, Management Department.

EDUCATION, TRAINING AND CERTIFICATIONS

Loyola Law School of Los Angeles, CA

Juris Doctor Degree (Top 20%)

UCLA, Anderson School of Management, CA

Creativity and Innovation in the Organization Executive Program

California State University Northridge, CA

Bachelor of Science Degree in Business Administration – Human Resource Management

Kaizen Coach Certified (Six Sigma Green Belt Equivalent)

Lean or Continuous Improvement Methodology where employees at all levels of an organization work together proactively to achieve regular, incremental improvements to processes and culture

Crucial Conversations – Communication Skills for Challenging Conversations

Situational Leadership – Flexing Leadership Style to Most Effectively Lead Diverse Teams

PROFESSIONAL LICENSES & AFFILIATIONS

- State Bar of California
- United States District Court, Southern, Northern, Eastern and Central Districts of California
- Ninth Circuit Court of Appeal

PUBLISHED CASES

- *San Antonio Community Hospital v. Southern California District Council of Carpenters,*

115 F.3d 685 (9th Cir. 1997)

- *Obregon v. Superior Court (Cimm's Inc.)*, 67 Cal.App.4th 424 (1998)

PUBLICATIONS

- *Fair Labor Standards Act: Exempt Employees' Salary Reductions* (November 1994) California Public Employees Labor Relations Association Annual Conference
- *Sexual Harassment: Strict Liability for A Hostile Work Environment* (November 1994) California Public Employees Labor Relations Association Annual Conference
- *Americans With Disabilities Act: Creation of Positions for Disabled Employees* (November 1994) California Public Employees Labor Relations Association Annual Conference
- *Americans With Disabilities Act: EEOC Guidelines for Permissible Pre-Employment Job Questions and Examinations* (November 1994) California Public Employees Labor Relations Association Annual Conference
- *Employment At-Will: Entitlement to Name Clearing Hearings* (November 1994) California Public Employees Labor Relations Association Annual Conference