

Amy Oppenheimer
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PROFESSIONAL EXPERIENCE

Workplace Harassment/Employment Discrimination Consultant - 1996 to present
Investigates and mediates complaints of discrimination, harassment and/or retaliation in the workplace. Acts as expert witness in litigation.

Founder and President of the Board, California Association of Workplace Investigators (CAOWI), now Association of Workplace Investigators (AWI) - 2009 – 2012. Member of the Board 2009 – present.

Administrative Law Judge (retired), California Unemployment Insurance Appeals Board (CUIAB) – 1992 through 2011.

Secretary of Executive Committee of Labor and Employment Section of the State Bar of California – 2013 – present (2008 – 2011 member of the advisory committee; advisor to executive committee 2011 – present).

Arbitrator: American Arb Assn - 1989 to 2004; The International Commission on Holocaust Era Insurance Claims Tribunal –2003 - 2006.

Mediator: Berkeley Dispute Resolution Services - 1989 to 2003; American Arb Assn - 1996 - 2004; Alameda County Bar Association - 1996 to 1999; Equal Employment Opportunity Commission – 2001 – 2006; United States Postal Service REDRESS program – 1998 – 2003.

Senior Consultant: Anderson-davis, Inc. Provided training to businesses on how to recognize, prevent and investigate sexual harassment. 1992 to 1996.

Partner, Levy & Oppenheimer, Oakland, California. 1984 to 1992.
Law practice that specialized in litigating sexual harassment and employment discrimination.

Judge Pro Tem: Alameda County Municipal Courts - 1989 to 1992.

Investigator: Delany, Siegel, Zorn & Associates, Investigated complaints of employment discrimination within the federal government - 1986 to 1990.

Staff Attorney: Legal Services of Northern Virginia Inc., Manassas, Virginia. 1982 to 1984

Reginald Heber Smith Fellow (REGGIE): Virginia. 1980 to 1981

EDUCATION

Juris Doctor, 1980, University of California, Davis
B.A., 1975, University of California, Berkeley, with Great Distinction; *Phi Beta Kappa*

MEMBER: California bar (active); Virginia and District of Columbia Bar (inactive)

PUBLICATIONS (partial list)

Understanding and Eliminating Bias in Investigations, CAOWI Quarterly, Vol 2 No. 1 and 2, 2011.

Investigating Workplace Harassment and Discrimination, Employee Relations Law Journal, Vol. 29, No. 4, Spring 2004.

The Do's and Don'ts of Investigating Workplace Harassment, PIHRAScope, Professionals in Human Resources Association, February 2004.

Experts May Testify on Harassment Policies and Procedures of Employer, San Francisco Daily Journal, December 11, 2003.

Using Liability Experts in Sexual harassment Cases, Sexual Harassment Litigation Reporter, Volume 9, Issue 10, October 2003.

Making the Best Use of Liability Experts in Discrimination and Harassment Litigation, Employment Litigation Reporter, Volume 18, Issue 5, October 14, 2003.

Investigating Workplace Harassment: Ten Steps to Success, You and the Law Newsletter, October 2002.

Investigating Workplace Harassment: How to Be Fair, Thorough, and Legal, by Amy Oppenheimer and Craig Pratt, Society of Human Resource Management, 2002.

"The Aftermath of Faragher and Ellerth - The Impact on Pre-trial Discovery and the Use of Liability Experts In Sexual Harassment Cases", Conference materials NELA Convention, June 2000.

"Employment Discrimination and Harassment", Chapter 40B of California Torts, Levy, Golden & Sacks, Editors, Matthew Bender & Co., September 1999.

"Liability Lesson: The Use of an Employment expert In Sexual Harassment Cases can help Jurors Understand the Reasonableness of Investigatory Processes", Los Angeles Daily Journal and San Francisco Daily Journal, May 21, 1999.

Contributed to *"Investigating Sexual Harassment: A Practical Guide to Resolving Complaints"*, published by Thompson Publishing Group, Washington D.C., 1998

"She Said, They Said – To protect themselves from liability for sexual harassment, employers should examine the numerous legal guidelines", California Law Business, Supplement to the Los Angeles Daily Journal and San Francisco Daily Journal, March 9, 1998

"Ounce of Prevention – An employer's sexual harassment policies and practices are more important than ever. Good policies, particularly those involving internal investigations, can avert problems and lawsuits, San Francisco Daily Journal, Employment Law Update, April 16, 1998.

“Working it Out: Using Mediation to Resolve Harassment Complaints”, San Francisco Daily Journal, August 9, 1995.

Contributing author to *Intent vs. Impact: How to Effectively Manage Sexual Harassment Investigations*, Published by Bureau of National Affairs Communications, 1992.

Contributed to *Sexual Harassment in the Workplace*; an interactive training and testing CD-ROM, Media Code, 1994, as an expert.

PUBLIC SPEAKING AND TRAINING (partial list)

Using Liability Experts in Employment Discrimination Cases, California Young Lawyers and the State Bar of California Labor & Employment Section, webinar, May 8, 2014

Hot Issues in Workplace Investigations: A plaintiff, Defense and Investigator’s Perspective, moderator, the State Bar of California Labor and Employment Law Section, Annual Conference, April 25, 2014

The Law & Practice of Workplace Investigations, California Young Lawyers and the Labor & Employment Section of the California State Bar, webinar, April 8, 2014

Workplace Investigations Basics, Association of Workplace Investigators, Seattle, April 1, 2014

Understanding and Eliminating Implicit Bias in the Legal Profession, Pupilage Group Inn of Court Presentation, March 12, 2014.

Nuts & Bolts of an Employment Practice for New Employment Lawyers, State Bar of California, Labor and Employment Law Section, January 24 and January 17, 2014.

Understanding and Eliminating Unconscious Bias in the Legal Profession, Webinar, Lexvid, December 6, 2013

Understanding Unconscious Biases: What They Are, How They Impact Our Decisions, And How To Eliminate Them in the HR And Legal Professions, CALPELRA Annual Conference, Monterey, California, November 21, 2013.

Investigator as Deponent – How to Nail Your Deposition Testimony, Association of Workplace Investigators, Annual Conference, October 24, 2013

Ground Zero in Workplace Investigations: Advanced Interview Techniques, ACHRO/EEO Fall 2013 Institute, October 17, 2013

The Science of Unconscious Biases and Its Impact on EEOC Investigations & Determinations, EEOC 2013 EXCEL Training Conference, August 2013, Denver

Is the Neutral Really Neutral? How Unconscious Biases Impact Mediators and Mediations Without Anyone Realizing It, EEOC 2013 Conference, Advanced Mediation Track, August 2013, Denver

Eliminating Bias in Workplace Investigations, Webinar, i-Sight, July 31, 2013

Best Practices For Workplace Investigations, Equal Employment Opportunity Commission, Monterey TAPS Plenary Speech, June 20, 2013

Workplace Investigations Basics, Association of Workplace Investigators, Los Angeles, April 25, 2013.

How to Spot a Liar AND How Not To: The Scoop on Making Credibility Determinations, NCHRA Annual Conference - HR West, April 22, 2013.

The Standard of Care for a Workplace Investigation, The Labor & Employment Law Section of The State Bar of California, April 12, 2013.

Understanding Unconscious Biases: What They Are, How They Impact Our Decisions, And How To Eliminate Them in The HR And Legal Professions, CALPELRA Annual Conference, Monterey, CA, December 2012.

Core Faculty, Association of Workplace Investigators Training Institute, San Diego June 2012, Santa Barbara February 2013, Oxnard February 2014.

Nuts & Bolts of an Employment Practice for New Employment Lawyers, State Bar of California, Labor and Employment Law Section, Los Angeles, moderator, June 7, 2012.

The "Good Enough" Investigation: How to Meet Standards While Controlling Costs, Association of Workplace Investigators, webinar, May 2012.

What are Unconscious Biases and Why Should HR Professionals Care? NCHRA Annual Conference (HR West), South San Francisco, April 2012.

Workplace Investigation Basics, Association of Workplace Investigator, Los Angeles, March 2012.

He Said, She Said, Making Credibility Determinations in Investigations, Sexual Harassment Advisors Spring Luncheon, Stanford University, February 2012.

Use of Liability Experts in Harassment Litigation, The State Bar of California 29th Labor and Employment Law Section Annual Meeting, October 2011.

Workplace Investigations on Trial: Can an Investigation Make or Break Your Case? The State Bar of California 84th Annual Meeting, September 2011.

Mock Investigation, One day training for California Association of Workplace Investigators, Los Angeles, Oakland and Sacramento, July 2011.

Third Rail Issues (EEOC Conflicts No One Wants to Touch), EEOC TAPS Seminar, June 2011.

Understanding and Eliminating Bias in Investigations, Sexual Harassment Advisors Spring Luncheon, Stanford University, May 2011.

Conducting Workplace Investigations, Two-day training, Northern California Human Resources Association, March 2011, 2012, 2013 and 2014.

What are Cognitive Biases? And How do They Impact Our Work as Employment Attorneys, Mediators, Investigators & Decision Makers? And How do we Eliminate Bias in the Legal Profession? Webinar, State Bar of California, Labor and Employment Section, February 2011.

The Basics of Investigating Workplace Complaints of Harassment, Discrimination and Retaliation, Labor and Employment Section of the State Bar of California, January 2011.

Litigating A Disability Discrimination Case – From Intake to Trial, State Bar Of California 28th Labor and Employment Law Section Annual Meeting, October 2010

The Psychology of Bias: Understanding and Eliminating Bias in Investigations, CAOWI first annual conference, Oakland, CA, November 2010.

Hot Topics in Employment Investigations, California State Bar Annual Conference, Monterey, CA, September 2010.

Mastering the Art of Employment Investigations, State Bar of California and California Association of Workplace Investigators, Los Angeles, and The Labor and Employment Section of the Bar Association of San Francisco, June 2010

Advanced Investigation Skills: Practice Makes Perfect, HR West 2010, Northern California Human Resource Association, April 2010

Avoiding Common Mistakes in Workplace Investigations, Bar Association of San Francisco, 2009.

How to Conduct Employment Investigations, California State Bar 2009 Labor and Employment Annual Meeting, Preconference Training Program.

Trial Demonstrations: Direct and Cross of Expert Witnesses, California State Bar 2009 Labor and Employment Annual Meeting.

Adding Insult to Injury – Understanding the Exposure of Workplace Bullying, PLUS 2009 Professional Risk Symposium: EPL, E&O and Fiduciary, PLUS.

Best Practices – For Neutral Investigations of Employment Complaints, State Bar 2009 Section Education Institute.

Representing Employees and Employers in Unemployment Hearings, State Bar Labor and Employment Law Section, 2009.

Hidden Bias: The Implications for Employment Discrimination Litigation, 2008 Labor and Employment Annual Meeting.

Bringing and Defending Against Attorneys' Fees Motions, 2008 Labor and Employment Annual Meeting.

Harassment Investigation Critique, EEOC Annual Technical Assistance Seminar, San Francisco 2007, Santa Clara, 2006 and 2008, Oakland 2009.

“Conducting Workplace Investigations: Practical Skills for Internal Investigators”, Annual two-day training program for human resource professionals sponsored by the Northern California Human Resource Association (NCHRA), 2003 - 2010.

Conducting Workplace Investigations: Practical Skills for Internal Investigators, Northern California Human Resource Association: 2003, 2004 and 2006.

He Said/She Said: Making Credibility Determinations in Harassment Investigations, NCHRA Annual Conference, September 2003.

The How To's of Investigating Workplace Harassment, 46th Annual PIHRA Conference & Exhibition, September 2003.

Did He Say What She Said He Said, Or Not? How Does an Investigator Decide?, Society of Human Resource Management Annual Conference, Philadelphia, June 2002,

The Aftermath of Faragher and Ellerth: Litigating Hostile Work Environment Cases, National Employment Lawyers Association Eleventh Annual Convention, Washington D.C., June 2000.

Employment Litigation: Investigations and Human Resource Experts, Presentation to the Barristers Club of San Francisco Labor & Employment Section, February 2000.

Investigating Harassment: An Interactive Training, Sonoma Developmental Center, September 1999

Mediating EEO Complaints, 40 hour training provided for City of San Francisco, August 1999

Sexual Harassment: The Role of the Investigator and the Role of the Mediator, Society For Professionals in Dispute Resolution, 1998

Panelist, Association on Employment Practices and Principles, *“Same-Sex Harassment in the Workplace After Oncale”*, 1998

Investigating Complaints of Sexual Harassment and Discrimination”, Alameda County Bar Association, 1998

Resolving Sexual Harassment Complaints”, Society For Professionals in Dispute Resolution, 1997

Sexual Orientation Discrimination in the Legal Community, American Bar Association Annual Conference, 1997

Panelist, Administrative Law Judges Association Annual Forum, 1993, 1994, 1995, 1997, 2001 and 2003.

Speaker, Administrative Law Judges Annual Training, Sexual Harassment, 1992; Family and Medical Leave Act, 1996; Gender Bias, 1997; Preventing sexual harassment, 1999.

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