
Fred W. Alvarez

Partner

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Fred Alvarez, one of the preeminent employment lawyers in the United States, combines a distinct blend of employment law experience, public service, and legal profession leadership. He has had an active individual and class action litigation practice devoted to defending employers in trial and on appeal in claims brought by private and governmental parties and by former senior executives. He has led the employment practice of two major American law firms. Fred has represented clients in a range of industries, including energy, retail, communications, financial services, and technology.

He currently focuses substantial attention on providing strategic and compliance advice, conducting sensitive internal investigations and serving in jointly- or court-appointed monitorships, as either Monitor, Independent Consultant, or Special Master of national employment class action decrees. He has testified before Congress on several occasions.

Appointed by the President and confirmed by the Senate, Fred served in two federal government sub-cabinet positions. As Assistant Secretary of Labor, he managed the Wage and Hour Division and the Office of Federal Contract Compliance Programs. He also served as a Commissioner of the U.S. Equal Employment Opportunity Commission. He began his career as a trial attorney with the National Labor Relations Board (NLRB) and was a law clerk to Chief Justice LaFel E. Oman of the New Mexico Supreme Court.

Fred earned his J.D. from Stanford Law School in 1975 and his B.A. in economics, with honors, from Stanford University in 1972.

Notable Representations

National Monitorships

- Serving as a monitor in two separate decrees calling for national restaurant chains to devise systems and processes to promote more age diversity in the selection processes for front-of-house restaurant operations.
- Serving as special master in a decree governing the compensation and promotion practices as they relate to women employees of a national retailer.
- Serving as independent consultant in a conciliation agreement calling for a national technology company to devise and operate an internal complaint process that could more effectively address complaints of harassment.
- Serving as independent consultant in a decree calling for a national insurance company to devise new promotion, compensation and retention systems for various diverse populations in its workforce.
- Served as monitor of a decree calling for a national apparel retailer to devise new systems and process to diversify its retail sales force.
- Served as monitor of a decree calling for a national financial services company to devise new recruiting, hiring, compensation, and promotion systems so that those systems would more effectively promote the advancement of women and minorities.
- Served as an independent consultant in a decree calling for a national pharmaceutical retailer to devise and operate an internal complaint process that could more effectively address complaints of discrimination.

Notable Representations

- Represented a national bank in successfully obtaining enforcement of an arbitration agreement against a former executive vice president following appeal of a trial court order denying a motion to compel arbitration on the grounds the arbitration agreement was unconscionable. The court of appeal reversed the trial court decision and directed the court to enter a new order enforcing the arbitration

agreement, after holding that the executive had consented to be bound to a valid arbitration agreement and rejecting all the trial court's findings that the agreement was both procedurally and substantively unconscionable.

- Represented a major international bank in connection with alleged age and national origin discrimination by a former executive vice president of a California subsidiary bank. The former executive vice president alleged that his termination was motivated by his age as the oldest member of the executive staff and by his national origin, which he shared with the former CEO who was also terminated at the same time. The case was successfully removed from a California state court and the federal court was convinced to compel arbitration of the matter. After four days of testimony, the arbitrator agreed with the international bank that its motivation for the termination was exclusively due to legitimate performance concerns that had developed surrounding the executive vice president. The arbitrator entered a judgment for the bank and dismissed the case in its entirety.
- Represented a global media and technology company in a successful decertification of a California-wide putative wage and hour class action affirmed by the California Court of Appeal of the First Appellate District. The Court affirmed a ruling by the Superior Court of Contra Costa decertifying a California class of communication technicians in a case alleging meal and rest period, off the clock, and wage and record-keeping violations. The Court held that company policy was in full compliance with California law and that there was no common evidence of variations from those policies. It further held that the record developed in the trial court fully supported the trial court decision to decertify a class that had been certified on a theory that the putative class could not ultimately prove.
- Represented a national hotel chain in obtaining a dismissal of a class action lawsuit alleging wage-hour violations relating to missed meal and rest periods, unpaid overtime, inaccurate wage statements, late payment of final wages, and failure to reimburse business expenses violations under the California Labor Code.
- Represented a Silicon Valley semiconductor company in a multi-plaintiff wage and hour lawsuit by former engineers alleging misclassification and other wage and hour claims. The Superior Court of Santa Clara County dismissed this case with prejudice following the granting of summary judgment on the merits of the claim.
- Represented a mother and her four children who had escaped Guatemala in 2015, fleeing gang violence and domestic violence, and requested asylum at the U.S. border. A defensive asylum application was submitted on behalf of the mother and children in January 2016 and trial went before the Immigration Judge in March 2017. The Immigration Judge granted the mother and children asylum on April 28, 2017, and the government waived all rights to appeal.

Honors & Awards

- Listed in Chambers USA 2020 among the "Senior Statespeople" in the California — Labor & Employment category
- Best Lawyers in America (2007-2022), including as the San Francisco "Lawyer of the Year" in Labor Law – Management (2022 and 2020) and in Litigation – Labor & Employment (2021), and as the Northern California "Lawyer of the Year" in Labor Law — Management (2018, 2016, 2015)
- Fellow, College of Labor and Employment Lawyers
- One of the "Most Powerful Employment Attorneys," Lawdragon/Human Resource Executive (2012-2016), "Hall of Fame Inductee" (2017), and "Leading U.S. Corporate Employment Lawyer," Lawdragon 500 (2020 and 2021)
- Lecturer in Law, Stanford Law School, Labor Law (Spring 2016 and Winter 2018)

Professional Activities

Fred is a co-founder of the American Employment Law Council and is a member of Law360's Employment Editorial Advisory Board. He was an adviser to the ALI Restatement of Employment Law and has been appointed to serve on judicial-selection committees. He is a former chair of the ABA Commission on Racial and Ethnic Diversity in the Profession, has served on the ABA Commission on Women in the Profession, and is a former president of the Bar Association of San Francisco. Fred serves on the board of directors of Equal Rights Advocates and the Latino Business Action Network. He is also a member and former chair of the board of governors of Public Advocates Inc. and recently completed a five-year term on the board of trustees of Stanford University.

Publications & Speaking Engagements

- Fred regularly appears as a speaker and is a contributor to various legal publications on labor and employment issues.

Recent publications include:

- ["California Assembly Bill Five Expects Certain Categories Of Workers From Independent Contractor Classification Overhaul"](#)
- ["Another Warning Shot on Employee Nonsolicit Agreements,"](#) San Francisco Daily Journal (February 2019)
- "Baltazar: Did Enforceability of Arbitration Agreements Turn a Corner?," Bender's California Labor & Employment Bulletin, Vol. 2018, No. 5 (May 2018)

Recent speaking engagements include:

- "Meeting the Challenge of Racial Equity and Justice in the Workplace," Annual Meeting, Labor and

Employment Relations Association (June 2021)

- “Unpacking the High Profile Sexual Harassment Case: What The Players are Actually Up to Before The Lawsuit Hits,” Annual Labor and Employment Law Section Meeting, Bar Association of San Francisco, Yosemite, CA (February 2020)
- “Equal Pay: Trends in Litigation, Emerging Legislation & Corporate Equity Initiatives,” ABA Annual Meeting, San Francisco, CA (August 2019)
- “Contrary, Controversial and Concerted Activity,” Annual Labor and Employment Law Section Meeting, Bar Association of San Francisco, Yosemite, CA (February 2018)
- “Discovery Protocols in Employment Discrimination Litigation,” Northern District of California Judicial Conference, Napa, CA (May 2017)
- “Tackling Unprofessional Conduct Towards Women,” Northern District of California Chapter of The Federal Bar Association, San Francisco, CA (March 2017)
- “Top Priorities for the New Administration and the New Congress: Navigating a Changing Landscape,” San Francisco, CA (February 2017)
- “Class Action Settlements: Strategies in Class and Collective Action,” ABA Annual Labor & Employment Conference, Chicago, IL (November 2016)
- “Recent Labor and Employment Cases in the U.S. Supreme Court,” Bar Association of San Francisco, San Francisco, CA (September 2016)
- EEOC Advanced Systemic Institute – Class Action Remedies, Washington, D.C. (June 2016)
- California Employment Law Council Summer Educational Program – Pay Equity and the New EEO-1, San Francisco, CA (June 2016)

Education

J.D., Stanford Law School (1975)

B.A., with honors Stanford University (1972)