



→ Brian S. Fong

Partner

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Brian S. Fong is a partner in the Labor and Employment and ESG and Sustainability Practice Groups in the firm's San Francisco office.

Areas of Practice

Brian possess a deep and comprehensive knowledge of all aspects of labor and employment law. In litigation, Brian focuses his practice on the defense of employers against all aspects of employment-related claims, including harassment, discrimination, and wage and hour disputes. Brian also advises employers of all sizes and business in proactive preventative measures to improve employee relations, minimize exposure to litigation risks, develop workplace policies regarding diversity, equity, inclusion and prevention of sexual harassment, as well as maintaining a safe and healthy work environment, including compliance with federal, state, and local COVID-19 regulations. Throughout the COVID-19 pandemic, Brian has regularly counseled clients on compliance with federal, state, and local regulations, including the ever-changing Cal/OSHA Emergency Temporary Standards. He also advises clients on protocols, procedures, and communications regarding return to office plans.

Brian provides management and employee training on diversity, equity, and inclusion using a philosophy designed to help all participants in the workplace understand the benefits of adopting an inclusive mindset, and how to take concrete, practical steps towards that shared goal. Among the topics Brian regularly trains on are:

- **Unconscious Bias:** Understanding how the unconscious cognitive shortcuts our brains takes on a daily basis shape our perceptions, attitudes, and behaviors in the workplace;
- **Allyship:** How to support co-workers to create a safe, healthy, and inclusive workplace using concrete actions and behaviors; and
- **Maintaining A Respectful Workplace:** How to engage co-workers in a respectful manner while discussing sensitive topics, including practical tips to engage and exit discussions.

Brian also conducts equity audits, assists his clients with employee listening tours to better understand employee concerns about diversity, equity, and inclusion, and regularly presents on employment-related topics including sexual harassment prevention, conducting workplace investigations, effectively dealing with leaves of absence, and social media in the workplace.

Prior to joining Sheppard Mullin, Brian was an associate with a large national firm in San Diego, where his practice focused on employment litigation and counseling, business litigation and professional liability matters, and where he founded and co-chaired a national series of webinars providing practical training to human

resources specialists, generalists, payroll managers, upper level managers, in-house counsel, insurance carriers, and executives on important legal trends to help them make well-informed employment decisions on a day-to-day basis.

Prior to the practice of law, Brian oversaw network and information systems technology for an architectural planning firm, and provided business continuity and security planning for all systems and company data.

Honors

Rising Stars® distinction in the field of Employment & Labor, General Litigation, and Professional Liability: Defense (2015-2019)

Hot List, *Lawyers of Color* (2014)

Articles

- OSHA Emergency Temporary Standard Survival Guide
12.22.2021
- Crafting An Effective Bring Your Own Device (BYOD) Policy
National Apartment Association's Units Magazine, 03.2018

Labor and Employment Law Blog Posts

- "California Reinstates COVID-19 Supplemental Paid Sick Leave," February 11, 2022
- "California Likely to Soon Implement COVID-19 Supplemental Paid Sick Leave, Retroactive to January 1, 2022, " January 31, 2022
- "OSHA Emergency Temporary Standard Survival Guide," December 22, 2021
- "San Francisco Mandates Proof of Full Vaccination for Entry Into Many Establishments," August 20, 2021
- "Cal/OSHA Finally Enacts Revised Emergency Temporary Standards," June 18, 2021
- "Cal/OSHA Approves Revised Emergency Temporary Standards," June 8, 2021
- "Significant Updates to Cal/OSHA's Emergency Temporary Standards on the Horizon," May 17, 2021
- "San Francisco Enacts a Temporary Ordinance Granting Workers Laid Off Due to COVID-19 a Right to Reinstatement," July 15, 2020
- "Ninth Circuit Holds Prior Salary Cannot Justify Wage Differences," April 10, 2018
- "*Mendoza v. Nordstrom* – Day Of Rest Rule," June 8, 2017

Retail Law Blog Posts

- "Face-Covering Considerations for Retailers in a Post-Color Tiered California," June 15, 2021

Events

Sheppard Mullin's Labor & Employment Law Spring Review
Webinar, 05.25.2021

Breakfast With Your Labor Lawyer - San Francisco
Spring 2017 Seminar Series
05.03.2017

Memberships

Member, Marin County Bar Association

Member, Asian American Bar Association of the Greater Bay Area

Member, Chinese American Lawyers of the Bay Area

Provides pro bono advice to nonprofit organizations in the Bay Area, including Bay Area Women Against Rape and Operation Dignity

Podcasts & Webinars

Labor & Employment Spring Update
05.25.2021

Practices

Appellate

ESG and Sustainability

Labor and Employment

Labor and Employment Counseling

Labor and Employment Litigation

Health and Safety Regulations/OSHA

Industries

ESG and Sustainability

Healthcare

Multifamily Housing

Education

J.D., University of San Diego, 2007, *cum laude*, Comments Editor, *San Diego Law Review*; Senior Executive Editor, *Journal of Contemporary Legal Issues*

B.A., University of California, Santa Cruz, 2000

American University in Cairo, Egypt (Study Abroad Student) 1999-2000

Admissions

California

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 District Court, Southern District of California