HansonBridgett



Diane Marie O'Malley

Partner

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Firm Leadership
Labor and Employment Class Action Practice Leader

Areas of Focus

- Class Actions
- Government
- Health Care
- Labor and Employment
- Litigation and Dispute Resolution
- Senior Housing and Care
- Employment Class Actions

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Diane is a senior partner in the Labor and Employment Section. Her practice concentrates exclusively on representing employers mainly in the senior living and public transit industries. Diane has extensive experience in every aspect of the employment relationship and counsels clients on the liabilities that could arise from that relationship. Some of the areas in which she has experience in federal, state and agency forums include wrongful termination, discrimination, background checks, battery, misrepresentation, retaliation, negligent hiring, harassment, privacy, and wage disputes. She also drafts policies and procedures to protect her clients from legal exposure.

As Co-Chair of the Class Action Practice Group, Diane has developed skillfulness in state and federal courts and before the California Labor Commissioner and U.S. Department of Labor in wage-and-hour claims, including overtime, off-the-clock, meal and rest breaks, bonus calculations, business expense reimbursements, wage statement and audits.

For clients with unionized work forces, or for those clients facing union organizing campaigns, Diane brings significant knowledge in traditional labor law covering union organizing, negotiations, grievance and interest arbitrations and unfair labor practice claims.

Diane’s breadth of experience introduces both substantive and practical knowledge to each client engagement. Client advocacy impels all of Diane’s interactions and her singular purpose is to serve her clients’ best interests whether that requires avoiding

civil litigation or resolving litigation in its early stages. She has litigated cases for her clients in state and federal courts and before administrative agencies garnering complete defense victories through summary judgment motions in state courts and dismissal motions in federal courts.

Annually, Diane writes articles and provides training and seminars regarding new legal developments in federal, state and local laws. She is a frequently invited speaker at the California Assisted Living Association and LeadingAge California conferences. She also provides supervisor and board training in areas such as discipline, terminations, performance management, harassment and union organizing.

Diane contributes her time to pro bono legal work programs. She is a former Hamilton Families board of director member, a San Francisco service provider to homeless families. She and other firm attorneys continue to assist Hamilton Families with pro bono legal services. She also donates her time to the Swords to Plowshares' Pro Bono Legal Services Program.

Publications

"LWDA Proposed PAGA Regulations – Comment Period Closes March 23, 2026," Labor and Employment Legal Alert (March 2026)

"What to Expect from the 2024 CMS Minimum Staffing Rule," co-author, Seniors Housing Business (July 2024)

"Private Attorneys General Act ("PAGA") Reform – Will It Really Solve The Problem?," co-author, Labor and Employment Legal Alert (June 2024)

"California Employers Must Provide Five Days of Paid Sick Leave Starting January 1, 2024," co-author, Labor and Employment Legal Alert (October 2023)

"The Ninth Circuit Hands Business Groups A Win By Striking Down AB 51, Which Punished Employers For Mandating Arbitration of Certain Employment Claims," co-author, Labor & Employment Law Legal Alert (February 2023)

"U.S. Supreme Court Finds That Individual PAGA Claims Can Be Compelled To Arbitration," Labor & Employment Law Alert (June 2022)

"U.S. Supreme Court Permits Mandatory COVID-19 Vaccination Program To Proceed Without Religious Exemption, But EEOC Continues the Exemption In Latest Guidance," Labor & Employment Law Alert (November 2021)

"CA Supreme Court Ruling on Meal and Rest Premium Pay Will Force Employers to Take Action," Labor & Employment Law Alert (July 2021)

"Third Time's A Charm: Cal/OSHA Standards Board Passes Revisions To Its COVID-19 Emergency Temporary Standard After Two Aborted Attempts," Labor & Employment Law Alert (June 2021)

"Important Update to the COVID-19 Emergency Temporary Standards," *Labor & Employment Law Alert* (June 2021)

"Cal/OSHA Passes Revisions to its COVID-19 Emergency Temporary Standards," *Labor & Employment Law Alert* (June 2021)

"EEOC Issues May 28 Updated FAQs For Employer COVID-19 Vaccination Programs," *Labor & Employment Law Alert* (June 2021)

San Francisco Court Declines to Halt Enforcement of Cal/OSHA Emergency Temporary Standard Regulations, *Labor & Employment Law Alert* (February 2021)

"Equal Employment Opportunity Commission Issues Updated Guidance for Employer COVID-19 Vaccination Programs," co-author, *Labor & Employment Law Alert* (December 2020)

"Cal/OSHA Issues FAQ Guidance Regarding Its COVID-19 Emergency Temporary Standard," co-author, *Labor & Employment Law Alert* (December 2020)

"California's Occupational Safety and Health Standards Board Passes an Extensive COVID-19 Emergency Regulation Regarding The Spread Of COVID-19 In Workplaces," co-author, *Labor & Employment Law Alert* (November 2020)

"New California Employment Laws for 2021," co-author, *Labor & Employment Law Alert* (October 2020)

"New Bill Expands Cal/OSHA Enforcement Rules Over COVID-19 Related Illnesses For All Employers," co-author, *Labor & Employment Law Alert* (September 2020)

"California's New Supplemental COVID-19 Paid Sick Leave Law," co-author, *Labor & Employment Law Alert* (September 2020)

"New York Federal District Judge Rejects Key Aspects of the Families First Coronavirus Response Act (FFCRA)," co-author, *Labor & Employment Law Alert* (August 2020)

"Business Realities in the Age of COVID-19," co-author, *Seniors Housing Business* (June 2020)

"First Group of COVID-19 Cases Filed in California Federal and State Courts Includes Class and Individual Claims Brought On A Variety of Grounds," *Labor & Employment Law Alert* (June 2020)

"Employers Need to Check for Local COVID-19 Emergency Paid Sick Leave Ordinances," co-author, *Labor & Employment Law Alert* (April 2020)

"Protecting Employees on the Front Lines: Interim Cal/OSHA Guidance for Skilled Nursing and Long-Term Care Facilities," co-author, *Labor & Employment + Senior Housing and Care Law Alert* (April 2020)

"The CARES Act Increases Unemployment Compensation Coverage and the DOL Clarifies Exemptions to the FFCRA," co-author, *Labor & Employment Law Alert* (March 2020)

"What The California Supreme Court's Kim v. Reins International California, Inc. Decision Tells Us About Settling PAGA Claims," co-author, *Labor & Employment Alert* (March 2020)

"New California Employment Laws for 2020," *Labor & Employment Alert* (November 2019)

"Will a New 'Gig Worker' Law Drive Contractors to Extinction?," *Mcknight's Long-Term Care News* (November 2019)

"Uber, Lyft, and DoorDash Attempt a U-Turn on AB 5 via New Ballot Initiative," *Labor & Employment Alert* (November 2019)

"Successor Employers Acquiring Unionized Workforces Benefit From NLRB Decision," co-author, *Labor & Employment Law Alert* (April 2019)

"California Court Rules That 'Reporting Time Pay' Owed Even If Employees Are Not Required to Physically Report To Work," *Labor & Employment Alert* (February 2019)

"Employers Win This Round: CA Court of Appeal Upholds Employer's Rounding Policy," co-author, *Employment Class Action Alert* (June 2018)

"Good News For Employers: In the Aftermath of the SCOTUS Class Action Waiver Case, A Los Angeles County Superior Court Dismisses Class Claims and Orders Claims Brought Individually in Arbitration," *Employment Class Action Law Alert* (June 2018)

"Revisiting Alvarado: 'Work Week v. Pay Period' Question Remains," *HB Briefly* (June 2018)

"Social Media: Connections with Residents and Employees - Issues and Concerns," co-author, *LeadingAge California Engage Magazine* (May 2018)

"U.S. Supreme Court Holds That Class Action Waivers Do Not Violate The NLRA," Employee Class Actions Law Alert (May 2018)

"Alvarado v. Dart Container Corporation Clarifies Overtime Calculation When Employees Earn Flat Sum Bonuses," *Labor & Employment Law Alert* (March 2018)

"Year 2017 Employment Law Developments for CALA Members," *California Assisted Living Association Newsletter* (November 2017)

"How Can Employers Let The Air Out Of Ballooning Whistleblower Claims," *USLAW Magazine* Fall/Winter Issue (September 2017)

"Court Affirms That Healthcare Employees Working 12+ Hour Shifts Can Waive One of Their Two Meal Periods," co-author, *Labor & Employment Law Alert* (March 2017)

"California Supreme Court Confirms that Labor Code Section 226.7 and IWC Wage Order No. 4 Prohibits On-Duty and On-Call Rest Periods," co-author, *Labor & Employment Law Alert* (December 2016)

"The New SB 1234 – A State-Run Retirement Program for Private Sector Employees: The California Secure Choice Retirement Savings Program," co-author, CALA Update (December 2016)

"Reminder: Minimum Wage Increases Effective January 1, 2017," co-author, *Labor & Employment Alert* (November 2016)

"Palo Alto, Los Altos, and San Mateo Raise Minimum Wage," *Labor & Employment Law Alert* (September 2016)

"City of Berkeley Passes New Paid Sick Leave and Minimum Wage Ordinance," co-author, *Labor & Employment Law Alert* (September 2016)

"San Diego's City Council Approves The Voter Passed Minimum Wage And Paid Sick Leave Ordinance… With A Few Important Modifications," co-author, *Labor & Employment Law Alert* (July 2016)

"Los Angeles and San Diego Join The Fray With New And Expanded Sick Leave and Minimum Wage Laws," co-author, *Labor & Employment Law Alert* (June 2016)

"Employers Doing Business in the Cities of Los Angeles and San Diego Must Address New, Expanded Sick Leave and Minimum Wage Laws," co-author, *CALA Legal Update* (June 2016)

"Employer Wellness Programs Face Challenges," *The National Law Journal* (April 2016)

"SB 358: California Employers Face Tough Equal Pay Law in 2016," co-author, *Labor & Employment Law Alert* (October 2015)

"SB 327 Renders *Gerard v. Orange Coast Medical Center* Moot," co-author, *Labor & Employment Law Alert* (October 2015)

"National Labor Relations Board Expands Joint Employer Standard: A Synopsis of the Ruling and Implications for Senior Living," *ASHA Legal Notes* (September 2015)

"What Senior Living Employers Should Know About Department of Labor Audits," *California Assisted Living Association News & Views Newsletter* (February 2015)

"*Mendiola v. CPS Security Solutions* Holding that Sleep Time is Compensable Time - Does the Ruling Apply to Senior Living Providers?" *California Assisted Living Association News & Views Newsletter* (January 2015)

"Ensuring Compliance With Criminal Background Checks," co-author, *American Seniors Housing Association Special Interest Brief* (July 2014)

"Unpaid Internships," *California Assisted Living Association News & Views Newsletter* (January 2014)

"Significant Cases and Laws for California Employers in 2014," *California Assisted Living Association News & Views Newsletter* (December 2013)

"New California Labor/Employment Legislation for 2012," *California Assisted Living Association Legal Update* (November 2011)

"New Proposed Rules by the National Labor Relations Board and U.S. Department Of Labor Significantly Limit Employers' Opportunities to Communicate with Employees During Union Organizing Campaigns," *American Senior Housing Association Senior Housing Legal Notes* (Summer 2011)

"Managing Employee Use of Social Media," co-author, *California Assisted Living Association Bulletin, Legal Update* (June 2010)

"California Labor and Employment Law Developments for 2010," co-author, *Labor and Employment Law Update* (March 2010)

"New Employment Law For 2010," *California Assisted Living Association Bulletin*, *Legal Update* (January 2010)

"How to Preempt and Effectively Counteract Union Organizing Activities," *American Seniors Housing Association Special Issue Brief* (Winter 2009)

"Employment Law Roundtable," *California Lawyer* (January 2009)

"Special Employment Edition," *California Assisted Living Association Bulletin, Legal Update* (January 2009)

"California Laws and Cases Bring New Challenges to Employers in 2007," *Employment Law Bulletin* (February 2007)

"Employers Must Pay for Employee 'Donning and Doffing' and More…," *Employment Law Bulletin* (January 2006)

"Minimum Wage Increase For Employers With San Francisco Employees Effective February 23, 2004," *Employment Law Bulletin* (February 2004)

"California Employment Legislation 2004," *Employment Law Bulletin* (January 2004)

Presentations

"California's Employment Law Landscape: Pay, Leaves, and More," panelist, California's Assisted Living Association's Spring Conference & Trade Show (June 2026)

"Labor & Employment Issues," panelist, California's Assisted Living Association's Risk Reduction Symposium (February 2026)

"HR Updates," panelist, RISE Policy Summit (February 2026)

"Employment Law Update," co-speaker, CALA Fall Conference & Trade Show (November 2025)

"The More Things Change: Workforce Challenges in 2025," co-speaker, The LeadingAge California BOLD Annual Conference & Expo (May 2025)

"What Managers Need To Know About California's 2025 Employer Compliance Requirements," presenter, Sacramento Region-LeadingAgeCA Regional Networking, Education and Breakfast (March 2025)

"What Managers Need To Know About California's 2025 Employer Compliance Requirements," presenter, San Francisco-LeadingAgeCA Regional Networking, Education and Breakfast (March 2025)

"What Managers Need To Know About California's 2025 Employer Compliance Requirements," presenter, Santa Barbara Region-LeadingAgeCA Regional Networking, Education and Breakfast (March 2025)

"What Managers Need To Know About California's 2025 Employer Compliance Requirements," presenter, Pasadena Area-LeadingAgeCA Regional Networking, Education and Breakfast

(March 2025)

“What Managers Need To Know About California’s 2025 Employer Compliance Requirements,” presenter, South Coast-LeadingAgeCA Regional Networking, Education and Breakfast (March 2025)

“What Managers Need To Know About California’s 2025 Employer Compliance Requirements,” presenter, San Diego Region-LeadingAgeCA Regional Networking, Education and Breakfast (March 2025)

“HR Panel Update,” panelist, LeadingAge California Rise Policy Summit (February 2025)

“What Managers Need To Know About California’s 2025 Employer Compliance Requirements,” presenter, Inland/Claremont-LeadingAgeCA Regional Networking, Education and Breakfast (February 2025)

“PAGA Reform: What You Need to Know,” presenter, LeadingAge California Webinar (October 2024)

“PAGA Amendments: What to Expect and What Not to Expect,” co-presenter, Hanson Bridgett Webinar (July 2024)

“Employment Law Update/Emerging Issues: AI, Pronouns/Religious Discrimination,” The LeadingAge California BOLD Annual Conference & Expo (May 2024)

“Class, Collective and PAGA - The Latest,” Hanson Bridgett 2024 Labor & Employment Seminar (January 2024)

“Trends In Wage & Hour Litigation (And More),” co-presenter, Hanson Bridgett 2023 Labor & Employment Seminar (January 2023)

“Work at Home; Care at Home,” co-presenter, LeadingAge Annual Conference (May 2022)

“Return to Workplace Issues,” California Lawyers Association 2021 Annual Meeting (September 2021)

Reopening Your Workplace Part I - Navigating Vaccination & Accommodation Issues,” “Reopening You Workplace Part II - Tax and Wage & Hour Issues for Remote Workers; CAL/OSHA Compliance,” and “Wage & Hour Issues for Remote Workers,” 2021 Labor & Employment Mid-Year Update (June 2021)

“New COVID Laws and Regulations,” 2021 Annual Labor & Employment Webinar (January 2021)

“Keeping Up With Current California Employment Law,” LeadingAge CA Virtual Annual Conference (October 2020)

“Reopening Your Workplace: Safety, Testing, Privacy and Pay,” Municipal Management Association of Northern California Virtual Annual Conference (October 2020)

“Cal/OSHA Reporting for RCFEs (and all employers),” co-presenter, California Assisted Living Association Webinar (October 2020)

“COVID-19 Related Lawsuits,” Hanson Bridgett Labor & Employment Mid-Year Briefing (June 2020)

“Reopening Your Workplace: Safety, Testing, Privacy and Pay,” Hanson Bridgett Labor & Employment Mid-Year Briefing (June 2020)

“2020 Employment Case Updates,” Hanson Bridgett Labor & Employment Mid-Year Briefing (June 2020)

“New and Pending Federal and CA State Laws 2020,” Hanson Bridgett Labor & Employment Mid-Year Briefing (June 2020)

“Multiple Jobs, Alternative Work Schedules, Leaves & More,” CALA’s Virtual Summer Symposium (June 2020)

“2020 California Employment Laws,” LeadingAge CA RISE Summit (February 2020)

“Wage and Hour & Class Action Update,” co-presenter, Hanson Bridgett 2020 Labor & Employment Seminar (January 2020)

“Keeping Pace with Rapidly Changing Employment Laws & Trends,” CALA Annual Fall Conference (November 2019)

“Keeping Pace with Rapidly Changing Employment Laws & Trends,” CALA Annual Spring Conference (June 2019)

“Wage & Hour Class Actions and Compliance: Addressing Emerging Issues in 2019 LIVE Webcast,” presenter, The Knowledge Group (January 2019)

“Current Employment Issues,” presenter, CAHF - Orange County Chapter (September 2018)

“High Times: How Do Recent Laws Regarding Recreational Marijuana Impact the Workplace?” Hanson Bridgett Labor & Employment Seminar (January 2018)

“New Year, New Focus on Recruiting Issues: Lessons from 2017 on Discrimination, Harassment, and Retaliation,” Hanson Bridgett Labor & Employment Seminar (January 2018)

“How to Interpret and Comply with New DFEH Regulations Regarding Transgender Employees: Emerging Issues and Practical Tips,” Hanson Bridgett Labor & Employment Seminar (January 2018)

“Proactive Strategies for Coping with Workplace Class Action Claims Before Litigation,” Hanson Bridgett Labor & Employment Seminar (January 2018)

“Pregnancy-Based Leave, Accommodation, And Other State And Federal Compliance Obligations Explained,” co-presenter, CALPELRA 2017 Conference (December 2017)

“Wage and Hour Update 2017,” LeadingAge LA Region Education Summit (April 2017)

“New Laws Since January 2016,” Hanson Bridgett Labor & Employment Mid-Year Briefing (July 2016)

“2016 Labor and Employment Developments,”2016 CALA Spring Conference (June 2016)

“California Labor Law – Are You Prepared?” 2016 LeadingAge California Policy and Leadership Summit (February 2016)

“Federal and California Wage and Hour Developments,” co-speaker, Hanson Bridgett Labor & Employment Seminar (January 2016)

“Human Resources Best Practice Exchange,” LeadingAge CA (January 2016)

“Confronting Racism in Dementia Care,” California Assisted Living Association (October 2015)

“50 Legal Tips in 50 Minutes – Presented in Non-Legalese,” SHINE Senior Care HR Innovation, Networks & Engagement Summit (October 2015)

“ADA and the Interactive Process,” Aegis Living General Manager/Health Services Director Regional Meeting (April 2015)

“Wage and Hour Case Update: 2014 Cases and Developments,” Hanson Bridgett Labor & Employment Seminar (January 2015)

“Top Workplace Trends and Challenges,” 2014 CALA Fall Conference (October 2014)

“Ask the Attorney —What Legal Questions Are Bothering You?,” co-presenter, and “Mobile Devices, Texting, and Social Media at Retirement Communities,” co-presenter, LeadingAge

California Annual Conference & Exposition (May 2014)

“Cutting-Edge HR Issues,” LeadingAge California - Policy and Leadership Summit (March 2014)

“March 2014 – Department of Labor Proposed & Final Rules,” Hanson Bridgett’s Labor & Employment Seminar (January 2014)

“Human Resources Faculty,” LeadingAge Human Resources Group Webinar (January 2014)

“Social Media - Employer Do’s and Don’ts,” LeadingAge, CA (May 2012)

“Union/Non-Union: What You Need to Know About Recent NLRB Activity,” Aging Services of California (December 2011)

“Achieving Exceptional Employee Performance in a Down Economy,” California Assisted Living Association (June 2010)

“Wage and Hour Class Action Lawsuits Against Assisted Living Communities,” co-presenter, California Assisted Living Association Webinar (April 2010)

“What to Expect from Union Organizing in 2009—Card Checks & More,” California Assisted Living Association Spring Conference (June 2009)

Labor and Employment Law Update (March 2009)

California Lawyer Employment & Labor Law Roundtable (December 2008)

“Vital Compliance Strategies for Managing Complex Employment Law Challenges Facing Public Sector Employers,” Southern California Employment Law & HR Forum (November 2008)

“Public Sector Employment Law: Strategies for Managing Unique HR and Compliance Challenges Facing Government Entities,” Northern California Employment Law & HR Forum (September 2008)

“Unionization: What’s at Risk?” CALA Spring Conference (June 2008)

“Good Human Resource Management Can Prevent Unionization,” co-presenter, Northern California Assisted Living Association Seminar (March 2008)

“Good Human Resource Management Can Prevent Unionization,” Southern California Assisted Living Association Seminar (February 2008)

“Handling Employee Terminations,” co-presenter, California Law Update (December 2007)

“Watch those Speedbumps! Quirky California laws often surprise lawyers involved in California-based transactions,” American Bar Association (August 2007)

“What You Should be Doing Before a Union Attempts to Organize Your Workforce,” co-presenter (May 2007)

“Parental Rights in the California Workplace,” Employer Resource Institute (October 2006)

Press

“Amazon Aims to Head Off Suit by New York Over Worker Issues,” *Wall Street Journal* (February 2021)

“Coronavirus: Oregon posts workplace outbreaks weekly, California has no such plan,” *The Mercury News* (November 2020)

“Working From Home? Here Are Answers to Questions About Taxes, Expenses and Lunch,” *San Francisco Chronicle* (April 2020)

“Uber, Lyft Marshal Forces as Fight Heats Up Over California Law on Gig Workers,” *The Wall Street Journal* (December 2019)

“California Hospital Workers Can Waive Required Meal Period,” *Healthcare Risk Management* (June 2017)

“3 ‘Ban the Box’ Mishaps Employers Should Steer Clear Of,” *Law360* (June 2017)

“Cities and counties need to prepare for new overtime rules,” *American City & County Magazine* (June 2016)

Honors & Awards

San Francisco Boys Choir 2024 Honoree

Chambers and Partners USA, Health Care

Professional Affiliations

Member, Advisory Board, The Center for Labor and Employment Law, St. John’s University School of Law

Bar Association of San Francisco, Labor and Employment Section

Globalaw Labour Business Initiative

Professional Licenses

Accredited Attorney with the U.S. Department of Veterans Affairs

Education

J.D., St. John's University School of Law ()

M.A., State University of New York at Albany ()

B.A., Molloy College for Women ()

Admissions and Courts

California

New York

Supreme Court of the United States

U.S. Court of Appeals for the Ninth Circuit

U.S. Court of Appeals for the Third Circuit

U.S. Court of Appeals for the Second Circuit

U.S. District Court for the Northern District of California

U.S. District Court for the Eastern District of California

U.S. District Court for the Central District of California

U.S. District Court for the Southern District of New York