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Jonathan Holtzman

Practice Areas: Government Law and Policy; Labor & Employment; Litigation

Experience

Mr. Holtzman practices in the areas of government law and policy; employment law and labor relations; and appeals. His expertise encompasses public policy advice and drafting; ballot and other legislative initiatives; affirmative litigation; government law advice and litigation; and statutory and constitutional civil litigation; and labor negotiations, fact-finding, mediation, arbitration, litigation, and advice. He has litigated extensively in areas including Constitutional issues, the Fair Labor Standards Act, Title VII and California Government Code section 12940, sexual harassment, whistleblower complaints, charter and statutory wage and benefit guarantees, retirement issues, health benefits, contracting-out questions, privacy matters, and drug testing. He also specializes in consent decrees, class actions, writs and appeals.

Related Experience

Mr. Holtzman was employed with the City and County of San Francisco in various roles from 1987-2002. He served as Director of Labor and Policy in the office of San Francisco Mayor Willie L. Brown, Jr from 2000-2002. In that capacity, he was the chief labor negotiator for the Mayor. He was also an advisor on and drafter of major policy initiatives including the city's living wage law and the reform of the civil service and criminal justice systems.

Mr. Holtzman was Chief Deputy Attorney in the City Attorney's Office from 1995-2000, supervising the office's 200 attorneys. He was also a principal architect of the city attorney's nationally recognized affirmative litigation program, which brought together groups of local government and non-profit plaintiffs to seek court-ordered reform of unfair business practices by energy producers, tobacco companies, national banks, gun manufacturers, auto insurers, and escrow companies. From 1987-1995, Mr. Holtzman headed the City and County of San Francisco's City Attorney Employment and Labor Team, responsible for conducting labor negotiations and interest arbitration with the City's 50 unions and acting as lead counsel in lawsuits, writs, class actions, and appeals involving all facets of labor and employment.

Mr. Holtzman managed the city's transition to collective bargaining and interest arbitration and drafted attendant civil service reform measures.

On behalf of three mayoral administrations and numerous boards of supervisors, he authored and negotiated more than a dozen labor-related charter amendments adopted by the voters since 1988. He also served as counsel defending San Francisco's affirmative action programs in a series of lawsuits arising under Proposition 209, including San Francisco's challenges to the proposition in both state and federal courts.

He has been extensively involved in efforts to improve government efficiency. He negotiated and drafted a 1999 ballot measure reforming the governance of the city's municipal transit system and making it a quasi-independent agency; drafted a 2002 ballot measure enhancing the authority of the San Francisco Public Utilities Commission; and a 2003 ballot measure requiring the City Controller to conduct "benchmarking" studies of City services, as well as performance audits to improve government effectiveness.

Before joining the San Francisco City Attorney's Office, Mr. Holtzman was an associate at Morrison & Foerster, litigating employment cases and class actions.

Mr. Holtzman clerked from 1981-1983 for California Supreme Court Associate Justice Otto M. Kaus.

Education

Haverford College (B.A. 1978); Stanford School of Law (J.D. 1981)

Memberships

California State Bar ; Bar Association of San Francisco

Selected Presentations and Publications

Mr. Holtzman is a frequent speaker and writer on a variety of labor and public policy topics. In the last two years, he was a primary author of two publications by the San Francisco Planning and Urban Research Association (SPUR) [add links]

Jonathan Holtzman and Jeffrey Sloan, Lets Make A Deal, Bender's California Labor & Employment Bulletin, June 1, 2005

Community Activities

Mr. Holtzman has served on the boards of many legal and community organizations, including as president of the Barrister's Club of the San

Francisco Bar Association. He is the recipient of BASF's Award of Merit. He is presently on the Board of the San Francisco Planning and Urban Research Association (SPUR).

Representative Published Decisions

Fazio v. City and County of San Francisco, 125 F.3d 1238 (9th Cir. 1977), holding that assistant district attorney is a policymaker who can be dismissed due to speech critical of DA;

Stewart v. City and County of San Francisco, 834 F.Supp. 1223 (N.D.Cal. 1993), first case to hold Department of Labor's 1954 "salary basis test" invalid as applied to public employers, eliminating large FLSA liability;

Service Employees International Union Local 102 v. County of San Diego, 60 F.3d 1346 (9th Cir. 1994), adopting San Francisco's argument that federal "salary basis test" cannot lawfully be applied to government employers;

United Farm Workers of America v. Agricultural Labor Relations Board, 41 Cal.App.4th 303, and a related case against San Francisco, holding that the California Table Grapes Council lacked authority to sue the union and the city on behalf of growers;

United Association of Journeymen v. City and County of San Francisco, 32 Cal.App.4th 751, upholding \$60 million wage freeze under San Francisco charter.