

## Aaron B. Silva

Partner

916-446-2300 x3027

[asilva@murphyaustin.com](mailto:asilva@murphyaustin.com)

Practice Area(s): Labor and Employment, Employee Benefits and Executive Compensation

### Overview

Aaron Silva is a partner with the Labor and Employment Practice Team. He has an extensive background defending employers before state and federal courts and several administrative boards including the National Labor Relations Board, the California Division of Labor Standards Enforcement, the California Workers' Compensation Appeals Board, the California Unemployment Insurance Appeals Board and Cal/OSHA Appeals Board.

In his litigation practice, Aaron represents clients at court and administrative hearings, defends depositions, and serves as lead author for many of the Department's principal matters, including dispositive motions and appeal briefs. In addition, he is one of just a few California attorneys with expertise in occupational safety and health law, having formally served in the Cal/OSHA Appeals Board legal department. Aaron's prior experience with the California Public Employment Relations Board is also a valuable asset when assisting businesses faced with union organizing campaigns, unfair labor practice charges, and federal injunctions sought by the General Counsel of the NLRB.

In his counseling practice, Aaron advises companies in all areas of employment law including employment classification, employee termination, leave decisions, union matters and drafting effective and enforceable employment policies. He frequently speaks on labor and employment issues for businesses, employers, and human resources groups. He also performs management training in the areas of avoiding discrimination and other public policy violations as well as required sexual harassment training for supervisors and managers.

Aaron was awarded his J.D. from the University of California, Davis School of Law. Prior to joining Murphy Austin Adams Schoenfeld LLP in 2007, he worked for both the Cal/OSHA Appeals Board and the California Public Employment Relations Board.



### Memberships

- State Bar of California, Employment Law Section
- American Bar Association
- Sacramento County Bar Association, Labor and Employment Section
- Sacramento Area Human Resource Association (2011-13)
- Rotary Club of Folsom
- Folsom Chamber

### Bar Admissions

- State Bar of California

### Education

University of California, Davis  
School of Law  
J.D., 2006

University of California, Davis

Aaron is a member of the Rotary Club of Folsom and serves on the Folsom Chamber of Commerce's Board of Directors. He is also a member of the Dry Creek Rancheria Band of Pomo Indians, where he serves on the tribal council and as vice chairman of the judiciary committee. He was named a *Rising Star* by *Northern California Super Lawyers* magazine in 2013 through 2021 editions and was named to the *Sacramento Business Journal* [40 Under 40 2016 List](#) which honors individuals under 40 for their outstanding professional accomplishments and community involvement. Aaron is also an alumni of the Leadership Sacramento and Leadership Folsom programs.

B.A., *with honors*, 2003

## Representative Matters

- Successfully litigated ADA case after adversary refused to comply with settlement agreement;
- Successfully resolved through summary adjudication, numerous claims related to leaves of absence, discrimination, and breach of agreements;
- Served as assistant trial counsel in cases involving complicated issues related to FEHA/Title VII and trade secrets;
- Represented a client before the NLRB and federal court after national union targeted independent bargaining unit for merger without notice to employees;
- Successfully challenged OSHA citations before the Cal/OSHA Appeals Board;
- Obtained injunction on behalf of an employer who sought to protect the workplace from a violent former employee;
- Represented clients accused of violating wage and hour laws, including the state's prevailing wage law and Davis-Bacon Act;
- Represented employers in claims against former employees and other businesses for unfair competition, trade secret misappropriation, and related business torts;
- Regularly draft, review, and revise employee handbooks and policy manuals, employment agreements, negotiated severance packages for corporate executives, independent contractor agreements, alcohol and drug testing policies, workplace search policies, and pre-employment inquiry policies and procedures;
- Regularly represent clients accused of violating federal and state laws prohibiting discrimination and harassment based on race, sex, religion, age, disability or engaging in protected activity like testifying or complaining about perceived illegal conduct; and
- Defend employers in class action lawsuits in addition to formulating

litigation strategies designed to prevent class certification.

## Awards

- Listed as a Rising Star in *Northern California Super Lawyers*, Employment and Labor (2013-2021)
- Named a *Sacramento Business Journal* “40 Under 40” Honoree (2016)
- Named a *Sacramento Business Journal* “40 Under 40” Finalist (2013 and 2015)

## Leadership

- Commissioner on the City of Folsom Utilities Commission, Term January 2021 to December 2024
- Folsom Chamber of Commerce Board of Directors, Member, 2017 to present
- Dry Creek Rancheria Judicial Committee, Vice Chairman
- Folsom Chamber of Commerce, Leadership Folsom, Class of 2015
- Sacramento Metro Chamber, Leadership Sacramento, Class of 2013

## Speaking Engagements

- Guest Speaker, “Legal Considerations for Employers & Employees,” Folsom Chamber of Commerce’s [Compass Series](#) Audio Podcasts (March 30, 2020)
- Speaker, “What Employers Need to Know in 2020” Yuba-Sutter Chamber of Commerce (January 16, 2020)
- Panelist, “Murphy Austin Annual Employment Law Update,” Sacramento, CA (2010-2020)
- Presenter, “Making Business Work with the Greater Folsom Partnership,” Employment Law Update, Folsom Chamber of Commerce, Folsom, CA (April 2019)
- Speaker, “Business Connection Breakfast: Labor Law Update,” Yuba-Sutter Chamber of Commerce, Yuba City, CA (December 2018)
- Co-Presenter, “[Business Law Updates for CPAs and Financial Professionals](#),” Sacramento (January 2018)
- Co-Presenter, “Minefields of Employment Law,” Workshop for The Impact Foundry's WHAT IF Conference (October 2017)
- Speaker, “Business Connection Breakfast: Labor Law Update,” Yuba-Sutter Chamber of Commerce, Yuba City, CA (February 2017)
- Speaker, “Business Toolbox Workshop + Lunch: New HR Laws and

- How they Affect Your Business," Folsom Chamber, Folsom, CA (February 2017)
- Speaker, "Prevailing Wage" North State BIA (BIA), Sacramento, CA (February 2017)
  - Speaker, "Avoiding Litigation: Some Basics for Ag Business Owners," El Dorado County Farm Bureau, Placerville, CA (April 2016)
  - Speaker, "Employment Law Updates 2016," Yuba-Sutter Chamber of Commerce, Yuba City, CA (February 2016)
  - Speaker, "Employment Law Updates 2016," North State BIA (BIA), Sacramento, CA (January 2016)
  - Speaker, "Construction Law Updates for 2016," CFMA, Sacramento, CA (January 2016)
  - Speaker, "2016 Workplace Update," Sacramento Valley Association of Legal Administrators (SVALA), Sacramento, CA (January 2016)
  - Speaker, "HR Managers Information Sharing & Education Forum," North State Building Industry Association, Roseville, CA (September 2015)
  - Speaker, "Avoiding Litigation: Some Basics for Ag Business Owners," Yolo County Farm Bureau, Woodland, CA (June 2015)
  - Speaker, "Avoiding Litigation: Some Basics for Small Business Owners," Yuba Sutter Chamber of Commerce, Yuba City, CA (February 2015)
  - Speaker, "What California Employers Need to Know in 2014," Yuba Sutter Chamber of Commerce, Yuba City, CA (March 2014)
  - Co-presenter, "Taking a Closer Look: Pre-Employment Hiring Practices," SAHRA Webinar (June 2012)
  - Speaker, "2012 California Employment Law Update," Folsom Chamber of Commerce," Folsom, CA (June 2012)
  - Speaker, "HR Fundamentals," SAHRA, University of Phoenix, Gateway Oaks Campus, Sacramento, CA (March 2011)
  - Speaker, "Wage and Hour Issues in the New Workplace," Association of Corporate Counsel, Sacramento, CA (June 2010)

## Publications

### [HR LEGALCAST PODCASTS](#)

- [Three Things We Know About Mandatory Vaccinations](#) (September 2021)

- [Unmasking California's Confusing Mask Rules](#) (August 2021)
- [Two takeaways from California Supreme Court's Decision on Break Penalties](#) (July 2021)
- [Unwrapping Cal/OSHA's New Workplace Rules in a Post-Vaccination World](#) (June 2021)
- [Three Things Reopening Employers Should Know For June 15th](#) (May 2021)
- [Five Takeaways About Vaccine Policies](#) (April 2021)
- [Five Takeaways From California's New COVID Leave Law](#) (March 2021)
- [Three Takeaways from the New Pre-Employment Regulations](#) (February 2021)
- [Four Takeaways From Cal/OSHA COVID-19 Emergency Regulations](#) (January 2021)
- [The Top Ten New Laws California Employers Should Know in 2021, Part 2 of 2](#) (December 2020)
- [The Top Ten New Laws California Employers Should Know in 2021, Part 1 of 2](#) (November 2020)
- [Four Takeaways from California's New COVID Notification Law](#) (October 2020)
- [Four New COVID Laws Employers Need to Know Now](#) (September 2020)
- [Five COVID-19 Wage and Hour Issues Employers Should Know Now](#) (August 2020)
- [Five Steps Employers Can Take In Response to a COVID-19 Diagnosis](#) (July 2020)
- [Four Things Employers Need to Know about COVID-19 for July](#) (June 2020)
- [Three Things Employers Should Know About Reopening For June](#) (May 2020)
- [Four Early Issues Employers Should Consider Before Reopening From a COVID-19 Shutdown](#) (April 2020)
- [Four Things Employer Should Know About COVID-19 Heading Into April](#) (March 2020)
- [Three Takeaways about Employee Pay for Required Searches](#) (February 2020)
- [Four Changes Employers May Need To Make To Their Handbooks for 2020](#) (January 2020)

- [The Top Ten New Laws California Employers Should Know in 2020, Part 2 of 2](#) (December 2019)
- [The Top Ten New Laws California Employers Should Know in 2020, Part 1 of 2](#) (November 2019)
- [Four Takeaways From AB5](#) (October 2019)
- [Three Things Employers Should Know About Split Shifts](#) (August 2019)
- [De Minimis Doctrine Update](#) (July 2019)
- [At-Will Employment Status](#) (June 2019)
- [Five Rules for Implementing an Alternative Workweek Schedule](#) (May 2019)
- [Five Forms of Safety Training Employers Need to Provide](#) (April 2019)
- [Reporting Time Pay Requirements](#) (March 2019)
- [Four Tips To Manage Overtime Costs](#) (February 2019)
- [Four Tips To Help Employers Calculate Overtime Rates](#) (January 2019)
- [The Top Ten New Laws California Employers Should Know in 2019, Part 2 of 2](#) (December 2018)
- [The Top Ten New Laws California Employers Should Know in 2019, Part 1 of 2](#) (November 2018)
- [Uninsurable Workers' Compensation Claims](#) (October 2018)
- [Five Things Employers Should Know About Employee Bonuses](#) (September 2018)
- [Tips to Manage Employee Records](#) (August 2018)
- [When Off-the-Clock Work is Compensable](#) (July 2018)
- [Seven Factors for Determining Status of Interns](#) (June 2018)
- [Three Factors for CA's ABC Independent Contractor Test](#) (May 2018)
- [Four Tips To Deal With Jury Duty Requests](#) (April 2018)
- [Five Tips For Making Employment Applications Legal and Helpful](#) (March 2018)
- [Four Ways to Deal with Marijuana in the Workplace](#) (February 2018)
- [Employee Resignations](#) (January 2018)
- [The Top Ten New Laws California Employers Should Know in 2018, Part 2 of 2](#) (December 2017)
- [The Top Ten New Laws California Employers Should Know in 2018, Part 1 of 2](#) (November 2017)
- [Avoiding Workplace Privacy Claims](#) (October 2017)

- [New Transgender Regulations](#) (September 2017)
- [New Criminal Background Rules](#) (August 2017)
- [Injury and Illness Prevention Programs](#) (July 2017)
- [Wage and Hour Laws](#) (June 2017)
- [Employee Benefits](#) (May 2017)
- [Performance Evaluations](#) (April 2017)
- [Employee Discipline](#) (March 2017)
- [Waiting Time Penalties](#) (February 2017)
- [Rest Breaks](#) (January 2017)
- [The Top Ten HR Legal Changes, Part 2 of 2](#) (December 2016)
- [The Top Ten HR Legal Changes](#) (November 2016)
- [New Sexual Harassment Regulations](#) (October 2016)
- [Drug Testing in the Workplace](#) (September 2016)
- [Pregnancy Leave Laws](#) (August 2016)
- [New Federal Wage and Hour Regulations](#) (July 2016)
- [Transgender Rights in the Workplace](#) (June 2016)
- [Classifying Workers as Independent Contractors](#) (May 2016)
- [Meal and Rest Breaks](#) (April 2016)
- [Interview Questions](#) (March 2016)
- [Terminations](#) (February 2016)
- [The Company Handbook](#) (January 2016)

## ARTICLES

- ["Three COVID-19-Related Laws to Know,"](#) Comstock's Magazine (February 2021)  
Social Media and Pre-Employment Hiring Practices, Sacramento Area Human Resources Association *Shouts Out News* (July 2012)
- What California Employers Need to Know About the Brinker Decision (April 2012)
- Sample Policy: Expectations of a Right to Privacy (July 2010)