

CO-MANAGING PARTNER

Aaron B. Silva

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PRACTICE AREAS

Labor and Employment

EDUCATION

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

University of California, Davis B.A., with honors, 2003

ADMISSIONS

California

LEADERSHIP

Folsom Chamber of Commerce Board of Directors, Member 2017 to present; Vice Chairperson of the Board (2024- April 2025); Chairperson of the Board (April 2025)

Commissioner on the City of Folsom Utilities Commission (Term January 2021 to Present)

Dry Creek Rancheria Band of Pomo Indians, Tribal Council Member, Past Vice Chairperson

Folsom Chamber of Commerce, Leadership Folsom, Class of 2015

Sacramento Metro Chamber, Leadership Sacramento, Class of 2013

OVERVIEW

Aaron Silva is the co-managing partner of Murphy Austin, where he leads 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/OSH 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/OSH 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/OSH Appeals Board and the California Public Employment Relations Board.

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

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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

Band of Pomo Indians, where he serves on the tribal council and as vice chairman of the judiciary committee. He is listed in the 2024 *Sacramento/Sactown Magazine's Top Lawyers List* for excellence in employment and labor law. He was named a Rising Star by *Northern California Super Lawyers* magazine 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.

EXPERIENCE

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.

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Speaking Engagements

- Speaker, “Navigating New Requirements for Workplace Violence Prevention Implementation of SB 553 (Cortese) – July 1, 2024 mandate,” Sacramento Webinar (May 15, 2024)
- Speaker, “Murphy Austin’s Annual Employment Law Update: What Employers Need to Know in 2024,” Yuba-Sutter Chamber of Commerce (January 11, 2024)
- Speaker, “2024 Murphy Austin Employment Law Update,” Sacramento Valley Association of Legal Administrators (January 10, 2024)
- Panelist, “Murphy Austin Annual Employment Law Update,” Sacramento, CA (2010-2024)
- Speaker, “What Every Employer Should Know About Leaves of Absence,” SCORE San Francisco Webinar (October 11, 2023)
- Speaker, “Employment Law Update For Businesses,” Citrus Heights Chamber of Commerce (January 12, 2021)
- 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)
- 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

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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

- "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)

HR Legalcast Podcasts

HR LEGALCAST is a monthly HR-focused employment law podcast that provides timely information about changes in the law that will impact California employers the most. This program is presented by Murphy Austin labor and employment law

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partner, Aaron B. Silva. View and listen to all the HR Legalcast episodes.

HONORS

- Listed in *Sacramento/Sactown Magazine's Top Lawyers List,* Employment and Labor (2024)
- 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)

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