



→ Brian S. Fong

Partner

Four Embarcadero Center
Seventeenth Floor
San Francisco, CA 94111

T: +1.415.774.2977

F: +1.415.403.6083

bfong@sheppardmullin.com

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 measures to improve employee relations, minimize exposure to litigation risks, develop workplace policies promoting dignity and respect, as well as maintaining a safe and healthy work environment, including counseling clients on compliance with federal, state, and local regulations.

Brian provides management and employee training using a philosophy designed to help all participants in the workplace understand the benefits of adopting an collaborative mindset, and how to take concrete, practical steps towards that shared goal. Among the topics Brian regularly trains on are (1) Understanding how the unconscious cognitive shortcuts our brains takes on a daily basis shape our perceptions, attitudes, and behaviors in the workplace; (2) How to support co-workers to create a safe, healthy, and collaborative workplace using concrete actions and behaviors; and (3) How to engage co-workers in a respectful manner while discussing sensitive topics, including practical tips to engage and exit discussions.

Brian also conducts pay equity audits to ensure compliance with state and federal law, assists his clients with employee listening tours to better understand employee concerns about the workplace, 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 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

Best Lawyers: Ones to Watch, *Best Lawyers*, 2026

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 & Employment Law Blog Posts

- "Attorney General Pam Bondi's Ending Illegal DEI and DEIA Discrimination and Preferences Memo," February 10, 2025
- "A Closer Look: Unpacking California's Landmark PAGA Legislation," July 8, 2024
- "PAGA Reimagined: A New Chapter for California's Employers and Employees," June 20, 2024
- "California Passes New Law Mandating Workplace Violence Prevention Plan for Employers," October 17, 2023
- "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

Staying Ahead: Insights into California's Multifamily Employment Landscape
Webinar, 11.12.2024

California Labor & Employment Law Update and Happy Hour
San Francisco, San Diego, Los Angeles & Orange County
October 01/08/09/16, 2024

Labor & Employment Law Update and Happy Hour - San Francisco
Fall 2022
Sheppard Mullin San Francisco, 10.20.2022

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