



→ Robert K. Foster

Associate

12275 El Camino Real
Suite 100
San Diego, CA 92130

T: +1.858.876.3523
F: +1.858.523.6765
rfoster@sheppardmullin.com

Robert Foster is an associate in the Labor and Employment Practice Group in the firm's San Diego (Del Mar) office.

Areas of Practice

Bobby represents employers in various types of employment litigation, including single plaintiff, class action, and PAGA wage and hour lawsuits; discrimination, wrongful termination, harassment, and retaliation claims; and workplace safety complaints. His experience includes representing various types and sizes of employers across multiple industries, including construction, entertainment, financial services, food and beverage, healthcare, hospitality, manufacturing, multifamily housing, retail, and transportation.

Bobby provides strategic advice and counseling to employers on a wide range of federal and state employment issues, including wage and hour compliance, leave and accommodation laws, and antidiscrimination laws. He assists employers with preparing employee handbooks and other policies, employment agreements, and separation agreements.

Bobby advises employers on compliance with workplace safety regulations and prepares and reviews written safety policies and procedures. He also assists employers with responding to OSHA and Cal/OSHA investigations and appealing citations.

Bobby prosecutes and defends actions involving trade secret misappropriation, unfair competition, and enforcement of restrictive covenants and non-competes. He has experience handling commercial litigation disputes, including breach of contract, breach of fiduciary duty, fraud, tortious interference with contract, and shareholder derivative claims.

Bobby is a frequent contributor to the firm's Labor & Employment Law Blog and the California Labor and Employment ALERT, a bimonthly newsletter that provides HR professionals and attorneys with in-depth analysis of recent case law, statutes, and regulations impacting employers in California and across the United States.

During law school, Bobby served as a judicial extern to the Honorable M. Margaret McKeown of the United States Court of Appeals for the Ninth Circuit, the Honorable Gilbert Nares of the California Court of Appeal, Fourth Appellate District, Division One and the Honorable Janis L. Sammartino of the United States District Court for the Southern District of California.

Prior to law school, Bobby accumulated over ten years of practical litigation experience as a paralegal. He served as lead paralegal for IP litigation groups in matters at the federal district and appellate courts, ITC, PTAB and TTAB. He also served as lead paralegal for matters involving antitrust, federal government contracts and energy regulatory law.

Articles

- OSHA Emergency Temporary Standard Survival Guide
12.22.2021
- Protecting Social Media Contacts as Trade Secrets
Daily Journal, 10.07.2020

Labor and Employment Law Blog Posts

- "Cal/OSHA Publishes Long-Awaited Guidance and Model Workplace Violence Prevention Plan," March 20, 2024
- "Last Call for Employers to Submit OSHA Form 300A Data," February 29, 2024
- "California Passes New Law Mandating Workplace Violence Prevention Plan for Employers," October 17, 2023
- "Ring in the New Year With a Refresher on COVID-19 Regulations and Laws," December 20, 2022
- "Cal/OSHA Announces Public Hearing on Proposed COVID-19 Permanent Standard," August 19, 2022
- "Cal/OSHA Adopts Fourth Iteration of COVID-19 Emergency Temporary Standards," April 25, 2022
- "Further Updates to Cal/OSHA's COVID-19 Emergency Temporary Standards Likely Coming Soon," April 11, 2022
- "U.S. Supreme Court Stays Implementation of OSHA's COVID-19 ETS Requiring Vaccination or Weekly Testing Policy," January 14, 2022
- "California Employers Face New Obligations Under Cal/OSHA's Revised COVID-19 ETS," January 3, 2022
- "New Year Means Newly Expanded Enforcement Authority for Cal/OSHA," December 30, 2021
- "OSHA Emergency Temporary Standard Survival Guide," December 22, 2021
- "Sixth Circuit Reinstates OSHA's Emergency Temporary Standard for Private Employers Mandating COVID-19 Vaccinations or Weekly Testing," December 21, 2021
- "California Passes Law Establishing New Wage and Hour Requirements for Employers in the Garment Industry," October 19, 2021
- "OSHA Updates COVID-19 Guidance to Align With Recently Updated CDC Guidance," August 18, 2021
- "OSHA Adopts New COVID-19 National Emphasis Program to Increase Its Enforcement Efforts," March 22, 2021
- "What the Expiration of COVID-19 Paid Leave Laws Means for California Employers," January 5, 2021
- "Cal/OSHA Adopts New COVID-19 Emergency Standards Requiring Immediate Action by Employers in California," November 23, 2020

- "Enactment of AB 685 Establishes COVID-19 Exposure Notice Requirements for California Employers and Cal/OSHA Enforcement Changes," September 22, 2020
- "What Employers Need to Know About California's New COVID-19 Supplemental Paid Sick Leave Law," September 18, 2020
- "OSHA Publishes Responses to Frequently Asked Questions on Worker Safety During COVID-19 Pandemic," July 10, 2020
- "OSHA Issues New COVID-19 Guidance Answering Practical Questions on Returning to Work," June 25, 2020
- "Overview of Recent Updates for Employers in the Commercial Trucking Industry," May 28, 2020
- "Cal/OSHA Issues New COVID-19 General Industry Guidance for All California Employers," May 18, 2020
- "The Cost and Burden of Discovery for California Employers Will Likely Increase in 2020," January 27, 2020

Intellectual Property Law Blog

- "Protecting Social Media Contact Lists as Trade Secrets," March 31, 2020

Trade Secrets Law Blog

- "A Cautionary Tale on Including an Expiration Date in NDAs," September 29, 2021

Books

Employer's Guide to Workplace Violence Prevention - 7th Edition
05.2024

Employer's Guide To COVID-19 And Emerging Workplace Issues (Over 690 pages)
04.21.2020

Events

Navigating California's New Workplace Violence Prevention Law
Webinar, 05.07.2024

Returning to the Office: *The Legal Requirements and Practical Considerations Employers Must Consider in the "New Normal"*
Webinar, 06.30.2021

Memberships

Member, Law Alumni Board of Directors, University of San Diego School of Law

Member, San Diego County Bar Association

Practices

Labor and Employment

Labor and Employment Counseling
Handbooks and Personnel Policies
Health and Safety Regulations/OSHA
Wage and Hour Regulations
Labor and Employment Litigation
Discrimination, Harassment, and Retaliation
Wage and Hour Class Actions
Wrongful Termination
Trade Secrets
Intellectual Property
Litigation
Class Action Defense
Securities Litigation
Alternative Dispute Resolution

Industries

Food and Beverage
Hospitality
Multifamily Housing
Retail, Fashion & Beauty

Education

J.D., University of San Diego, 2019, *cum laude*; *Order of Barristers*; Lead Articles Editor, *San Diego Law Review*; 1st Place Overall, USD Alumni Torts Moot Court Tournament

B.A., Emory University, 2005

Clerkships

Judicial Extern to the Honorable M. Margaret McKeown of the U.S. Court of Appeals for the Ninth Circuit
Judicial Extern to the Honorable Justice Gilbert Nares, California Court of Appeal, Fourth District, Division 1
Judicial Extern to the Honorable Janis L. Sammartino of the U.S. District Court for the Southern District of California

Admissions

California

United States District Court for the Central District of California

United States District Court for the Southern District of California