

CHESTER HANVEY, PH.D.

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SUMMARY

Chester Hanvey provides expert testimony and consulting services related to labor and employment matters. Dr. Hanvey has worked with more than 100 organizations across a range of industries including public and private sectors. He specializes in designing and conducting job analyses, conducting statistical analyses, and reviewing personnel selection systems to evaluate wage and hour compliance, appropriateness of class certification, allegations of employment discrimination, and damages. He has authored books, chapters, and scholarly articles and regularly presents his work at professional conferences on topics including wage and hour litigation, class certification, and statistical analyses. Most notably, he is the author of *Wage and Hour Law: Guide to Methods and Analysis* (2018) the co-editor of *Practitioner's Guide to Legal Issues in Organizations* (2015). Both books provide practical guidance to Human Resources practitioners and experts working in areas of employment law that are commonly litigated. His experience includes:

Wage and Hour

- Misclassification (e.g., FLSA and State Exemptions, Independent Contractor)
- Off-the-Clock Work (e.g., pre/post shift work, Security Checks, Donning/Doffing)
- Meal and Rest Breaks (e.g., missed, short or late breaks, on-duty meal breaks)
- Time Clock Policies (e.g., time shaving, rounding)
- Damages Estimates (e.g., unpaid time, overtime, penalties, interest)
- Statistical Issues (e.g., class certification, sampling)

Discrimination

- Adverse Impact Analysis
- Test Validation (Public and Private sector)
- Compensation Equity
- Physical Abilities Testing
- Disabilities (e.g., Essential Functions)

EDUCATION

Ph.D. Industrial/Organizational Psychology (Minor: Quantitative Methods),
University of Houston, 2011.

M.A. Psychology, University of Houston, 2008.

B.A. Psychology (Minor: Spanish), University of Texas at Austin, 2005.

PRESENT EMPLOYMENT

2015-Present Associate Director
Berkeley Research Group, Emeryville, CA

PREVIOUS EMPLOYMENT

2014-2015 Senior Managing Consultant
Berkeley Research Group, Emeryville, CA

2012-2014 Senior Consultant
Lamorinda Consulting, LLC., Orinda, CA

2008-2012 Consultant
Lamorinda Consulting, LLC., Orinda, CA

2008 Instructor
University of Houston, Houston, TX

2007-2008 Teaching Fellow
University of Houston, Houston, TX

2007-2008 Consultant (Independent Contractor)
Lamorinda Consulting, LLC., Orinda, CA

2006 Consultant (Independent Contractor)
Development Dimensions International, Inc. (DDI), Bridgeville, PA

PROFESSIONAL AFFILIATIONS

Society of Industrial and Organizational Psychology (SIOP), Member
American Psychological Association (APA), Member

SERVICE

SIOP Visibility Committee, Chair (2018-Present)
SIOP Visibility Committee, Member (2015-2018)
SIOP Speed Mentor, Topic: Legal Issues (2014)
SIOP Conference Submission Reviewer (2011-Present)
Southwest Academy of Management Conference Submission Reviewer (2008)

EXPERT WITNESS DISCLOSURES

Hootselle, et al. v Lombardi, et al. (2018), Case No: 12AC-CC00518, Mo. Cir. Ct., Cole County.

Cope v. Let's Eat Out, Inc. et al. (2017), Case No: 6:16-cv-03050, W.D. Mo.

Badillo v. SG Labor, Inc. (2017), Case No.: BCV-15-100192-SPC, Cal. Super. Ct., Kern County.

Soares v. State of California, et al. (2017), Case No. 2:16-CV-00128-WBS-EFB, E.D. Cal.

Berg v. Canadian Hockey League, et al. (2016), Court File No. CV-14-514423, Ontario Superior Court (Canada).

Davenport v. Charter Communications (2016), Case No. 4:12-cv-00007-AGF, E.D. Mo.

Walter et al. v. Western Hockey League, et al. (2016), Court File No. 1401-11912, Court of Queen's Bench of Alberta (Canada).

Stitt, et al. v. San Francisco Municipal Transportation Agency, et al. (2016), Case No. C-12-03704-YGR, N.D. Cal.

Johnson et al. v. The City and County of San Francisco (2015), Case No. CV 09-5503 JSW, N.D. Cal.

Clayton v. Waste Recycling Services, Inc. (2014), Case No. 3:14-cv-00262-N, N.D. Tex.

PUBLICATIONS

BOOKS

Hanvey, C.M. (2018). *Wage and Hour Law: Guide to Methods and Analysis*. New York, NY: Springer.

Hanvey, C.M., & Sady, K.G. (Eds.) (2015). *Practitioner's Guide to Legal Issues in Organizations*. New York, NY: Springer.

CHAPTERS

Hanvey, C.M., & Banks, C.G. (2015). Wage and Hour Litigation. In C.M. Hanvey and K.G. Sady (Eds.), *Practitioner's Guide to Legal Issues in Organizations*. New York, NY: Springer.

ARTICLES

- Arnold, E.B. & **Hanvey, C.M.** (2018, August 14). DOL provides the latest guidance on employee classification. *Daily Journal*.
- Arnold, E.B. & **Hanvey, C.M.** (2018, August 8). California Employer's Guide to Tracking Off-The-Clock Tasks. *Law360*.
- Hanvey, C.M.** (2018). FLSA Revisions are permanently dead, at least temporarily. *The Industrial-Organizational Psychologist*, 55(3), 12-16.
- Hanvey, C.M.**, & Arnold, E.B. (2017). FLSA Exemption Update: Focus on the Duties Test. *Journal of Compensation and Benefits*, November/December, 5-13.
- Hanvey, C.M.**, & Arnold, E.B. (2016). Are your employees overtime-eligible? *Journal of Compensation and Benefits*, November/December, 20-27.
- Banks, C.G., & **Hanvey, C.M.** (2016). Wage and Hour Litigation Developments and Trends. *The Industrial-Organizational Psychologist*, 53 (3), 80-87.
- Dubin, D.F., & **Hanvey, C.M.** (2015). Criterion-Related Validity: Strategies for Addressing Supervisor Rating Errors. *Quarterly: A publication of the Personnel Testing Council of Metropolitan Washington*, X (2), 5-8.
- Hanvey, C.M.**, & Arnold, E.B. (2012). Nature of the Work: On-Duty Meal Periods. *HR Advisor: Legal and Practical Guidance*, January/February, 20-28.
- Hanvey, C.M.** (2012). Job Analyses to Study FLSA Exemption Misclassification. *Quarterly: A publication of the Personnel Testing Council of Metropolitan Washington*, VIII (1), 6-9.

WHITE PAPERS

- Arnold, E.B. & **Hanvey, C.M.** (2017). *Suitable Seating: Totality of the Circumstances Inquiry* [white paper]. Emeryville, CA: Berkeley Research Group.
- Hanvey, C.M.**, & Arnold, E.B. (2016). *Evaluating Employee Exempt Status According to Revised FLSA Exemption Criteria* [white paper]. Washington, DC: Berkeley Research Group.

OTHER PUBLICATIONS

- Arnold, E.B., & **Hanvey, C. M.** (2016, April 29). Tools for Studying Your Employees' Duties. *Five on Friday*. [Web log post]. Seyfarth Shaw LLP.

SPEAKING ENGAGEMENTS

CONFERENCE PROCEEDINGS

Hanvey, C.M. (2018, August). Chair, *Employment Practices in the Tech Industry: Opportunities and Risks*. Symposium presented at the American Psychological Association (APA) Annual Convention, San Francisco, CA.

Hanvey, C.M. (2018, April). Panelist, *What, Essentially, is an Essential Function? ADA-Compliant Job Analysis Best Practices*. Panel Discussion presented at the annual meeting of the Society for Industrial and Organizational Psychology (SIOP), Chicago, IL.

Hanvey, C.M. (2018, April). Panelist, *Dos and Don'ts: Thriving as PhD, Masters, and Undergraduate Students*. Panel Discussion presented at the annual meeting of the Society for Industrial and Organizational Psychology (SIOP), Chicago, IL.

Hanvey, C.M. (2017, April). Chair, *Physical Abilities Testing: Lessons Learned in Test Development and Validation*. Panel Discussion presented at the annual meeting of the Society for Industrial and Organizational Psychology (SIOP), Orlando, FL.

Hanvey, C.M. (2017, April). Panelist, *Dos and Don'ts: Thriving as PhD, Masters, and Undergraduate Students 3.0*. Panel Discussion presented at the annual meeting of the Society for Industrial and Organizational Psychology (SIOP), Orlando, FL.

Hanvey, C.M. (2016, April). Panelist, *Implications of Revisions to FLSA Exemptions for Organizations and Employees*. Panel Discussion presented at the annual meeting of the Society for Industrial and Organizational Psychology (SIOP), Anaheim, CA.

Hanvey, C.M. (2016, April). Application of Bayesian Statistics to Wage and Hour Litigation. In K. Sady (Chair), *Beyond Frequentist Paradigms in Legal Scenarios: Consideration of Bayesian Approaches*. Symposium presented at the annual meeting of the Society for Industrial and Organizational Psychology (SIOP), Anaheim, CA.

Hanvey, C.M. (2016, April). Panelist, *Do's and Don'ts of Graduate School: Surviving and Thriving 2.0*. Panel Discussion presented at the annual meeting of the Society for Industrial and Organizational Psychology (SIOP), Anaheim, CA.

Hanvey, C.M. (2015, April). Panelist, *Performance Appraisal: Balancing Business Needs and Legal Defensibility*. Panel Discussion presented at the annual meeting of the Society for Industrial and Organizational Psychology (SIOP), Philadelphia, PA.

Dubin, D.F., & **Hanvey, C.M.** (2015, April). Analyzing Nested Data in Criterion-Related Validation. In K. Sady & D. Dubin (Co-Chairs), *Faces in a Crowd: Data Aggregation Issues in Legal Scenarios*. Symposium presented at the annual meeting of the Society for Industrial and Organizational Psychology (SIOP), Philadelphia, PA.

Hanvey, C.M. (2015, April). Panelist, *Do's and Don'ts of Graduate School: Surviving and Thriving*. Panel Discussion presented at the annual meeting of the Society for Industrial and Organizational Psychology (SIOP), Philadelphia, PA.

Hanvey, C.M. (2014, May). Evaluating "Statistically Significant" Within-Title Variability. In C. Hanvey (Chair), *Within-Group Variability: Methodological and Statistical Advancements in the Legal Context*. Symposium presented at the annual meeting of the Society for Industrial and Organizational Psychology (SIOP), Honolulu, HI.

Hanvey, C.M. (2014, May). Chair, *Within-Group Variability: Methodological and Statistical Advancements in the Legal Context*. Symposium presented at the annual meeting of the Society for Industrial and Organizational Psychology (SIOP), Honolulu, HI.

Hanvey, C.M., Banks, C. G. & Arnold, E. B. (2013, April). Appropriate Analyses at Different Stages of a Class Action Lawsuit. In C. Hanvey & K. Sady (Co-Chairs), *I-O in the Legal Context: Inconsistencies in Understanding and Application*. Symposium presented at the annual meeting of the Society for Industrial and Organizational Psychology (SIOP), Houston, TX.

Hanvey, C.M. & Sady, K. (2013, April). Co-Chairs, *I-O in the Legal Context: Inconsistencies in Understanding and Application*. Symposium presented at the annual meeting of the Society for Industrial and Organizational Psychology (SIOP), Houston, TX.

Hanvey, C.M., Arnold, E. B. (2012, August). Nature of the Work: On-Duty Meal Periods. In C. Hanvey (Chair), *Innovation in Job Analysis: Creative Solutions to Unique Challenges*. Symposium presented at the American Psychological Association (APA) Annual Convention, Orlando, FL.

Hanvey, C.M., (2012, August). Chair, *Innovation in Job Analysis: Creative Solutions to Unique Challenges*. Symposium presented at the American Psychological Association (APA) Annual Convention, Orlando, FL.

Hanvey, C.M. (2012, April). Chair, *Job Analysis in a Legal Environment*. Panel Discussion conducted at the annual meeting of the Society for Industrial and Organizational Psychology (SIOP), San Diego, CA.

Hanvey, C.M., Campion, J. E., Sady, K. (2009, April). *Juror Decisions in Wrongful Termination Cases: A Multi-Level Justice Perspective*. Interactive Poster presented at the annual meeting of the Society for Industrial and Organizational Psychology (SIOP), New Orleans, LA.

SEMINARS AND PRESENTATIONS

Arnold, E.B. & **Hanvey, C.M.** (2017, June). *Maintaining Compliance with Wage & Hour Law*. Presented to The Conference Board: Labor and Employment Law Council, New York, NY.

Arnold, E.B. & **Hanvey, C.M.** (2017, June). *Use of Expert Witnesses in Wage and Hour Litigation*. Webinar presented to Carothers DiSante & Freudenberg LLP.

Arnold, E.B. & **Hanvey, C.M.** (2017, May). *Operationalizing and Measuring Key Concepts in Wage and Hour*. Presentation to the Wage and Hour Defense Institute (WDHI), Columbus, OH.

Arnold, E.B. & **Hanvey, C.M.** (2017, April). *Operationalizing and Measuring Key Concepts in Wage and Hour*. Paul Hastings Lunch Presentations, San Francisco, CA.

Arnold, E.B. & **Hanvey, C.M.** (2017, February). *Fair Pay: Is Your Company at Risk?* Presentation with Miller Law Group, San Francisco, CA.

Arnold, E.B. & **Hanvey, C.M.** (2017, February). *Fair Pay: Is Your Company at Risk?* Presentation with Miller Law Group, Palo Alto, CA.