

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 150 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 the following issues:

Wage and Hour

- FLSA and State Exemptions
- Employment Status (e.g., Independent Contractor)
- Off-the-Clock Work (e.g., pre/post shift work, Security Checks, Donning/Doffing)
- Meal and Rest Break Compliance
- Damages Estimates (e.g., unpaid time, overtime, penalties, interest)
- Statistical Issues (e.g., class certification, sampling, time clock policies)

Discrimination

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

EDUCATION

Ph.D. Industrial/Organizational Psychology (Emphasis in 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

2021-Present Director
Berkeley Research Group, Emeryville, CA

PREVIOUS EMPLOYMENT

2015-2020 Associate Director
Berkeley Research Group, Emeryville, CA

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, Branding Subcommittee Chair (2018-2019)
SIOP Visibility Committee, Branding Subcommittee Member (2015-2018)
SIOP Speed Mentor, Topic: Legal Issues (2014)
SIOP Conference Submission Reviewer (2011-Present)
Southwest Academy of Management Conference Reviewer (2008)

EXPERT WITNESS DISCLOSURES

Lambert v. Fury Motors, Inc. (2021), Case No: 0:19-cv-00495, D. Minn.

Equal Employment Opportunity Commission v. Schuster Co. (2020), Civil Action No: 5:19-CV-4063, N.D. Iowa.

Guzman-Lopez v. The American Bottling Co. (2019), Case No: 2:19-cv-04358-R-GJS, C.D. Cal.

Equal Employment Opportunity Commission v. Dolgencorp LLC. (2018), Case No. 1:13-cv-04307, N.D. Ill.

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.

BOOK CHAPTERS

Hanvey, C.M., & Sady, K. (2020). Changes in the Legal Landscape. In B. Hoffman, M. Shoss, & L. Wegman (Eds.), *The Cambridge Handbook of the Changing Nature of Work* (Cambridge Handbooks in Psychology, pp. 154-172). Cambridge: Cambridge University Press.

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

Hanvey, C.M. (2020). New Wage and Hour Legislation in 2020. *The Industrial-Organizational Psychologist*, 57(4).

Arnold, E.B. & **Hanvey, C.M.** (2020). Compliance with the DOL's New Overtime Rules: The Exemption Job Analysis Update. *Journal of Compensation and Benefits*, January/February, 30-42.

Arnold, E.B. & **Hanvey, C.M.** (2019). Compliance with the DOL's New Overtime Rules: The Exemption Job Analysis. *BRG Review*, 8.

Arnold, E.B. & **Hanvey, C.M.** (2019). FLSA Exemption Update 2019. *Journal of Compensation and Benefits*, May/June, 5-16.

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.

ONLINE PUBLICATIONS

Hanvey, C.M. & Arnold, E.B. (2021, April 8). Off-the-clock work legal risk: Practical guidance for conducting self-audits. *Westlaw*.

Arnold, E.B. & **Hanvey, C.M.** (2021, April 6). Using Data to Explore Employee Status Under FLSA. *Law360 Employment Authority*.

Arnold, E.B. & **Hanvey, C.M.** (2021, March 10). Data Can Inform Wage Policies On COVID-19 Screening. *Law360 Employment Authority*.

Arnold, E.B. & **Hanvey, C.M.** (2021, January 5). Measuring “Control” Under the DOL’s Proposed Changes to Analyzing Independent Contractor Status. *Westlaw*.

Arnold, E.B. & **Hanvey, C.M.** (2020, November 11). When Covid-19, Remote Work, and Timekeeping Compliance Collide. *Talent Management and HR*.

Arnold, E.B. & **Hanvey, C.M.** (2020, October 6). Wage and Hour Compliance for Remote Workers during Covid. *BRG Insights*.

Arnold, E.B. & **Hanvey, C.M.** (2020, July 16). Mitigating the Compliance Risks of a Remote Workforce. *Talent Management and HR*.

Hanvey, C.M. (2020, April 9). A strategy for validating background checks could save employers from legal exposure. *Thinkset*.

Hanvey, C.M. (2020, April 2). Employee Exit Searches: Stay Compliant and Avoid Liability. *HR Daily Advisor*.

Arnold, E.B. & **Hanvey, C.M.**, Jelinek, K. (2020, March 27). What Changes to the FLSA Exemption Salary Threshold Mean for Retailers. *TotalRetail*.

Arnold, E.B. & **Hanvey, C.M.** (2019, August 22). Planning for Possible California Contractor Classification Changes. *Law360*.

Arnold, E.B. & **Hanvey, C.M.** (2019, April 2). Assessing Employee Exemption under DOL Overtime Regulations. *Law360*.

Arnold, E.B. & **Hanvey, C.M.** (2019, January 14). Tip Credits: Methods for Measuring Employee Work Time. *Law360*.

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*.

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. & Arnold, E.B. (2021, April). Remote Workforce Wage and Hour Compliance During COVID-19. In E. Arnold (Chair), *Mitigating Challenges to Successful Remote Work During COVID-19*. Symposium presented at the annual meeting of the Society for Industrial and Organizational Psychology (SIOP), New Orleans, LA (held virtually).

Hanvey, C.M. (2020, March). Applicability of Corporate Culture Research in Employment Litigation. In P. Morrel-Samuels (Chair), *Issues at the Intersection of Recent Case Law and Research Psychology: Discrimination, Sexual Harassment, Class Cert and Corporate Culture*. Symposium presented at the American Psychology-Law Society conference, New Orleans, LA.

Hanvey, C.M. (2019, April). Chair, *Grasping at Straw Men: Implications of Novel Title VII Allegations*. Panel Discussion presented at the annual meeting of the Society for Industrial and Organizational Psychology (SIOP), National Harbor, MD.

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.

WEBINARS

Hanvey, C.M. (2018, October). *Current and Future State of Wage & Hour Laws*. Webinar presented by intuit QuickBooks.

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

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, 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.

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