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Cy Pres Funds Allocation To

healthyworkplaces

AN INTERDISCIPLINARY CENTER

CY PRES FUNDS ALLOCATION TO **HealthyWorkplaces**

Cy Pres funds are unclaimed or leftover funds at the resolution of class-action cases. These funds result when class members cannot be located, cannot be identified, or are unable or unwilling to claim their shares of the settlement or judgment. The courts may also order that the funds not be distributed to class members if the cost of disbursement is greater than the amount of the settlement or judgment. The doctrine is rooted in the law of trusts where the courts attempt to give effect to intent of the trust by putting the funds to the next best use.¹

The state of California has passed laws that permit these funds to be allocated in ways “to further the purposes of the underlying causes of action, or to promote justice for all [citizens of the state].”² The funds must be directed toward (1) a charity that supports projects that benefit either the class or “similarly situated persons,” (2) an organization that “promote[s] the law consistent with the objectives and purposes of the underlying cause of action,” (3) a child advocacy program, or (4) a legal services organization for the indigent. Also, if the class action is a multi-state or national case brought under California law, the residual funds must be distribute to “provide substantial or commensurate benefit to California consumers.”

HealthyWorkplaces satisfies these requirements and is a perfect option for distribution of *Cy Pres* settlement proceeds. **HealthyWorkplaces** promotes change in organizations for purposes of employee health and well-being. The Center’s focus includes employee health and well-being on a variety of issues, including:

- Equality and fairness in the distribution of company resources including compensation, benefits, tools and equipment, training and development, advancement opportunities, workspace area, privacy, and recognition programs across for all employees regardless of:
 - Race
 - Color
 - National origin
 - Religion
 - Sex (including pregnancy, childbirth, and related medical conditions)
 - Disability: Physical or mental
 - Age (40 and older)
 - Genetic information
 - Marital status
 - Sexual orientation and identity

¹ “*Cy Pres*...Say what? State laws governing disbursement of residual class-action funds.” E.C. Baker & L.M. Barron. Jones Day,

² Cal. Code Civ. Proc. § 384; N.C. Gen. Stat. § 1-267.10 (2009)

- AIDS/HIV
- Medical condition
- Political activities or affiliations
- Military or veteran status
- Status as a victim of domestic violence, assault, or stalking
- Organizational policies and procedures that prohibit discrimination, harassment and unfair treatment;
- Regulatory compliance regarding wage/hour, employment, and occupational health and safety laws;
- Reduction of toxicity in materials employees are exposed to in the workplace;
- Improvement and use of ergonomic features and equipment that lower the likelihood of injury on the job;
- The design of workspaces to promote social connections, employee engagement and a sense of community;
- Nutritional food and food counseling; and
- Access to health resources (EAP) and healthcare.

The Center's activities are designed to:

- Provide scientific knowledge on **how to promote employee's physical, psycho-social, and emotional health and well-being.**
- Help employers **design workplaces and develop policies and practices that support employee health and well-being, and reduce stress, dissatisfaction, illness, injury, and disease.**
- Help employers **positively impact productivity, employee health status, healthcare costs, employee safety, absenteeism and turnover, and can enable employees to do their best work.**

Relevant Class Actions

HealthyWorkplaces would be appropriate for receipt of *Cy Pres funds* in the following types of class action lawsuits:

- Wage and hour violations (misclassification, overtime, off-the-clock work, minimum wage)
- Race, Gender, Religion, Disability, Pregnancy, Veterans, National Origin, Sexual Orientation, Gender Identity, Gender Expression and Age discrimination in hiring, termination, advancement, compensation, vacation and other employment decisions
- Toxic material spills, releases, and exposures
- Occupational health and safety violations
- Genetic information
- Reasonable accommodation claims
- Sexual harassment, hostile work environment claims
- Workers compensation claims
- Work-related accidents and injuries
- Work-related diseases and death claims
- Wrongful termination claims
- Retaliation claims
- Meal and rest breaks violations
- Leaves of absence, PTO
- Hate crimes, workplace violence
- NLRB violations
- Social network violations
- Whistleblower claims
- First Amendment rights violations
- Collective bargaining agreements
- Equal Protection Clause violations

Directors

Director: Cristina G. Banks, PhD



Dr. Banks, Director of the Interdisciplinary Center for Healthy Workplaces, Senior Lecturer in the Haas School of Business, and Founder of two successful management consulting firms, focuses on issues of job and organizational design to support employee performance, job satisfaction, personal development, and health and well-being. She has consulted to over 100 companies and is a national expert on wage/hour and employment law compliance. She has founded several non-profits and served as a Board Director for two publicly-held companies. Dr. Banks applies her considerable skills and experience to guide Center faculty and affiliates in leveraging the science underlying employee health and well-being and translating it into actionable, comprehensive interventions and practices.

Associate Director: Sheldon Zedeck, PhD



Dr. Zedeck, Associate Director of the Interdisciplinary Center for Healthy Workplaces, Professor Emeritus of Psychology and former Vice Provost of Faculty for UCB, has nearly 50 years of experience as an academic and practitioner focused on workplace issues. He has published research on a variety of topics including employment discrimination, work/life balance, performance management, and employment law compliance. He has served as an advisor to government and state agencies such as the US Department of Justice, Department of Labor, and the Department of State. He has also advised many organizations and testified in numerous legal cases in an effort to reverse adverse impact against minorities.

Advisory Board of the Center

- Henry Brady, PhD, Dean, Goldman School of Public Policy, UCB.
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- Steve Shortell, PhD, MPH, MBA, Dean Emeritus, Director, The Center for Health Care Organizational and Innovation Research (CHOIR), Blue Cross of California Distinguished Professor of Health Policy and Management, School of Public Health, and Professor of Organization Behavior, Haas School of Business, UCB.
- Jennifer Wolch, PhD, Dean, College of Environmental Design, UCB.

Core Contributors of the Center

- Sally Augustin, PhD, Design With Science.
- John Balmes, MD, Director, Center for Occupational and Environmental Health (COEH), UCSF, and Director, Berkeley Center for Environmental Health Tracking, UCB.
- Gail Brager, PhD, Professor of Architecture, College of Environmental Design, and Associate Director, Center for the Built Environment (CBE), UCB.
- Barbara Burgel, RN, PhD, FAAN, Professor of Clinical Nursing, UCSF.
- Dana Carney, PhD, Associate Professor, Haas School of Business and Department of Psychology, UCB.
- Jennifer Chatman, PhD, Paul J. Cortese Distinguished Professor of Management, Haas School of Business, and Affiliated Faculty, the Institute of Personality and Social Research, UCB.
- Galen Crazz, PhD, Professor of Architecture, College of Environmental Design, UCB.
- Janelle Downing, Postdoctoral Fellow, Health Services and Policy Analysis, UCB.
- Arthur Glacalone, PhD, Consulting Expert, Interdisciplinary Center for Healthy Workplaces, and Clinical Psychologist.
- Sylvia Guendelman, PhD, Professor of Health Policy & Management, School of Public Health, UCB.
- Steve Hargis, MCRw, Global Consulting Leader, Woods Bagot.
- Niklas Krause, MD, MPH, PhD, Director, NIOSH Southern California Education and Research Center, Professor, Jonathan and Karin Fielding School of Public Health, and Center for Occupational and Environmental Health (COEH), UCLA.
- Ken Jacobs, Labor Specialist and Chair, Labor Center, UCB.
- Leora Lawton, MA, PhD, Executive Director, Berkeley Population Center, Visiting Associate Professor of Demography and Sociology Lecturer, UCB.
- David Lindeman, PhD, Director of Health, Center for Information Technology Research in the Interest of Society (CITRIS), UCB, and Director, Center for Technology and Aging (CTA).
- Mallory Lynch, MA, CEA, Campus Ergonomist, University Health Services, UCB.

- Christina Maslach, PhD, Professor Emeritus of Psychology, College of Letters and Sciences, UCB.
- Mary Ann Mason, PhD, JD, Professor, School of Social Welfare and Co-Director, Center for Economics and Family Security, Boalt School of Law, UCB.
- Jane Mauldon, PhD, Associate Professor, Goldman School of Public Policy, UCB.
- Joel M. Moskowitz, MA, PhD, Director and Principal Investigator, Center for Family and Community Health, UCB.
- Linda Neuhauser, PhD, Clinical Professor and Co-Principal Investigator for the Health Research for Action Program, School of Public Health, UCB.
- Michael Pearn, PhD, Consulting Expert, Interdisciplinary Center for Healthy Workplaces, UCB, and President, Pearn Consulting LLC.
- Michael Reich, PhD, Director, Institute for Research on Labor and Employment (IRLE), UCB.
- David Rempel, MD/ PhD, Director, Ergonomics Graduate Training Program and Professor, Department of Bioengineering, and Center for Occupational and Environmental Health (COEH), UCB, and Professor Emeritus, Division of Occupational & Environmental Medicine, UCSF.
- Karlene Roberts, PhD, Professor Emeritus, Haas School of Business, UCB.
- Eduardo Salas, PhD, Organizational and Human Factors Psychologist, Rice University.
- Richard Scheffler PhD, Distinguished Professor of Health Economics & Public Policy, and Director, Petris Center & GCHEPR, School of Public Policy, UCB.
- Stefano Schiavon, PhD, Assistant Professor of Architecture in Sustainability, Energy and Environment, College of Environmental Design, UCB.
- David Scrimger, EH&S Construction Specialist, UCB.
- Stephen Shortell, PhD, MPH, MBA, Blue Cross of California Distinguished Professor, Health Policy and Management and Dean Emeritus, School of Public Health, UCB; Professor of Organization Behavior, Haas School of Business, UCB.
- Laura Stock, MPH, Director, Labor Occupational Health Program (LOHP), UCB.

- Isabelle Thibau, Graduate Student Researcher, Interdisciplinary Center for Healthy Workplaces, UCB.
- Gervais Tompkin, AIA, LEED AP, Workplace Sector Leader, Principal, Gensler.
- Joan Williams, JD, Director, Center for Worklife Law, UC Hastings Law School.
- Edward Yelin, PhD, Emeritus Professor of Medicine, School of Medicine, UCSF.

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