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AUXILIARY ORGANIZATIONS ASSOCIATION

THE NEXT ERA OF AUXILIARIES
SHAPING TOMORROW

Generations in the Workplace

How generational differences
implicate CA employment law



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AGENDA

- Who's in the workforce (and why it matters)
- Generational differences as evidence of bias
- Shifting values trigger legal obligations
- Modern work practices create modern liability
- How to stay complaint *and* sane

HOW MANY GENERATIONS ARE WE TALKING ABOUT?

- Up to five generations in one workplace
- Different communication styles, tech comfort, and expectations
- Legal reminder: Generations aren't protected—age is
- HR translation: stereotypes = Exhibit A

FIVE GENERATIONS IN THE WORKPLACE

- For maybe the first time, we have up to five generations in one workplace
- Traditionalist/Silent Generation: 1928 to 1945
- Baby Boomers: 1946 to 1964
- Generation X: 1965 to 1980
- Millennials: 1981 to 1997
- Generation Z: 1998 to 2020



GENERATIONAL COMPOSITION OF WORKFORCE

- Millennials: 36%
- Generation X: 31%
- Generation Z: 18%
- Baby Boomers: 15%
- Traditionalist/Silent Generation: 1%

WHY GENERATIONAL DIFFERENCES MATTER

- Generational differences shape expectations and behavior
- Cultural conflicts often morph into legal claims
- California law heightens employer exposure
- Proactive management reduces risk



GENERATIONAL DIFFERENCES CAN EVIDENCE BIAS

- Cultural differences often become evidence in litigation
- Stereotypes are not legal defenses
- Age (40+) is protected under both federal and California law
- California law = broader coverage, bigger verdicts

CODED LANGUAGE AND STEREOTYPES

- “Old school”
- “Not adaptable”
- “Culture fit”
- “Energy”
- Even stray remarks are circumstantial evidence

WHEN “JOKES” BECOME LAWSUITS



- “OK Boomer” – a joke online, risky at work
- Emojis and memes are discoverable
- Risks of Teams, Slack, and instant messaging
- Strict liability for supervisor comments

PERFORMANCE MANAGEMENT PITFALLS

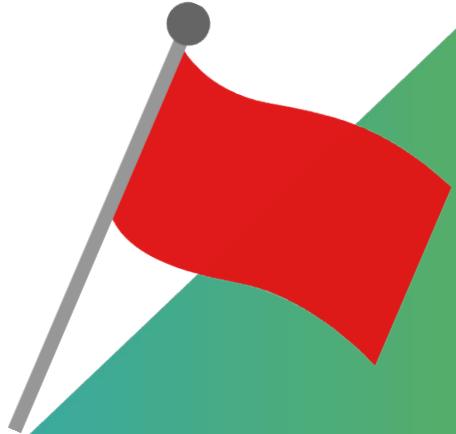
- Coaching younger workers, disciplining older ones
- Vague feedback creates bad exhibits
- Inconsistent documentation
- If it isn't written down, it didn't happen





HIRING & RECRUITING RED FLAGS

- “Digital native” or “recent grad”
- Overuse of “culture fit”
- Social media screening can give knowledge of protected categories
- Use caution when drafting job postings



LAYOFFS & RIFS

- Salary-based selections skew older
- Disparate impact analysis matters
- Documentation is your seatbelt
- “Last in, first out” is not a legal shield

WHEN SHIFTING VALUES TRIGGER LEGAL OBLIGATIONS

- Younger generations have different values
- Mental health openness
- Flexibility and leave
- DEI advocacy and retaliation

MENTAL HEALTH AS A WORKPLACE PRIORITY



- Younger workers more open about mental health
- Gen Z least likely to report good mental health
- Increased requests for flexibility and leave
- Cultural shift intersects with compliance

MENTAL HEALTH & DISABILITY LAW



- FEHA and ADA cover mental health conditions
- Anxiety, depression, PTSD can qualify
- No visible symptoms required
- Applies across all generations
- Employer intent is largely irrelevant

ACCOMMODATION & INTERACTIVE PROCESS



- Employers must engage promptly and in good faith
- Requests need not use legal terminology
- Informal requests can still trigger legal obligations
- Delays create liability

FLEXIBILITY, LEAVE, AND RETALIATION



- Overlapping federal and CA leave laws—coordinate with LOA departments early and often
- Protected activity broadly defined
- Retaliation claims more common
- Juries care about the “human” component

DIFFERENCES IN VALUES & PURPOSE

- Younger generations seek purpose-driven work
- Expect alignment with employer values
- Speaking up may be protected activity
- Retaliation claims can follow

DEI EXPECTATIONS

- Younger workers more vocal on DEI issues
- Complaints may be protected activity
- Retaliation risk is high
- Manager response matters

MODERN WORK PRACTICES CREATE MODERN LIABILITY

- Remote work
- Work-life balance
- Digital communication
- Younger generations expect different communication style

REMOTE WORK & FLEXIBILITY

- Different generational expectations
- Inconsistent approvals create discrimination risk
- CA expense reimbursement still applies
- Slack & Teams after hours = wage/hour fun
- Neutral productivity standards key



COMMUNICATION STYLES & LEGAL RISK



- Informal communication preferred by younger workers
- Slack, Teams, texts, emojis become evidence
- Tone misunderstandings escalate disputes
- All forms of written communications are discoverable

WORK-LIFE BOUNDARIES



- Clear boundaries valued by younger generations
- Resistance to after-hours contact
- Wage-and-hour implications for nonexempt staff
- Remote tools increase off-the-clock risk



FEEDBACK & MANAGEMENT STYLE



- Younger workers expect frequent feedback
- Annual reviews may feel insufficient
- Misalignment fuels performance disputes
- Consistent documentation is critical



SOCIAL MEDIA & ACTIVISM



- Younger employees more active online
- Social media is the modern “water cooler”
- Off-duty conduct protections apply
- NLRA and CA Labor Code considerations
- Discipline decisions require care



RESPECTFUL WORKPLACE STANDARDS



- Informality can cross professional lines
- FEHA harassment standards are broad
- Impact matters more than intent
- Early intervention reduces exposure



MANAGING DIFFERENCES LAWFULLY



- Focus on conduct and performance
- Apply policies consistently
- Train managers on mental health issues
- Escalate concerns early



KEY TAKEAWAYS

- Cultural differences trigger legal duties
- Stereotypes are legally radioactive
- Mental health is a compliance issue
- Communication creates evidence
- California law favors proactive employers



BEST PRACTICES THAT ACTUALLY HELP

- Focus on behavior, not birth year
- Apply policies consistently
- Train managers on what not to say
- When in doubt, escalate
- Document like you expect discovery



LITIGATION TRENDS

- Age claims paired with retaliation claims
- Internal emails are prime evidence
- Teams & Slack as evidence
- Juries dislike unfairness
- California juries identify with employees, not employers



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THANK
YOU!





QUESTIONS?

