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• First Amendment
• Discrimination and Harassment
• Retaliation
• Wage and Hour
• Labor Negotiations – MMBA
• CPRA – Peace Officer Personnel Files
• Retirement

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First Amendment

Ninth Circuit Court of Appeals addresses how First Amendment rights impact an agency's ability to discipline a law enforcement officer for a social media post.

Moser v. Las Vegas Metropolitan Police Department (9th Cir. 2021) 984 F.3d 900

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Harassment – SOL for Promotion ≺

FEHA harassment claim accrues when an employee knows or reasonably should know of the employer's unlawful refusal to promote the employee.

Pamela Pollock v. Tri-Modal Distribution Services, Inc., et al. (2021) 11 Cal.5th 918

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Discrimination – Equal Pay

District Court was wrong to dismiss university professor's U.S. Equal Pay Act claim where a reasonable jury could find that plaintiff and her competitors perform a "common core of tasks" and do substantially equal work.

Freyd v. Univ. of Oregon (9th Cir. 2021) 990 F.3d 1211

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Discrimination - Age

Former employee's statement that a co-worker said she "wanted someone younger" for a position was admissible to defeat summary judgment because:

- The decision-maker could have been influenced by this statement, and
- 2. The statement fell within the "state of mind" exception to hearsay.

Jorgensen v. Loyola Marymount Univ. (Sep. 10, 2021, B305594,__ Cal.App.5th__)

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Discrimination – Age

Employee must offer substantial evidence to establish that a reduction in work force was discriminatory in response to legitimate, nondiscriminatory reasons for termination.

Foroudi v. Aerospace Corp. (2020) 57 Cal.App.5th 992

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Discrimination and Retaliation

Terminated employee who had complained of headaches could not establish claims for interference with CFRA rights and retaliation where there was no evidence:

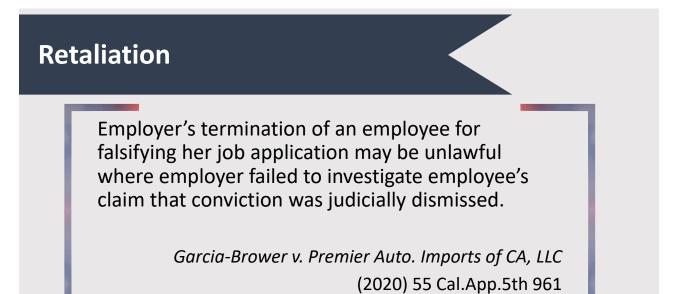
- 1. Employee requested and was denied CFRA leave, and
- Supervisors who terminated him knew about his prior complaint against his supervisor.

Choochagi v. Barracuda Networks, Inc. (2020) 60 Cal.App.5th 444

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Wage and Hour - Meal Breaks

City wastewater collection workers are not covered by Wage Order 9 because they are not employed in the "transportation industry."

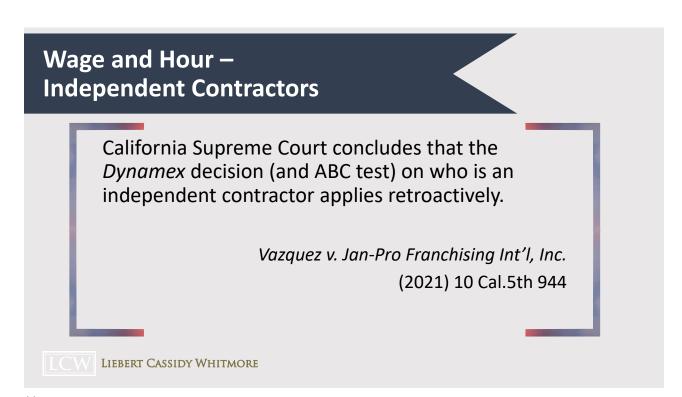
Miles v. City of Los Angeles (2020) 56 Cal.App.5th 728

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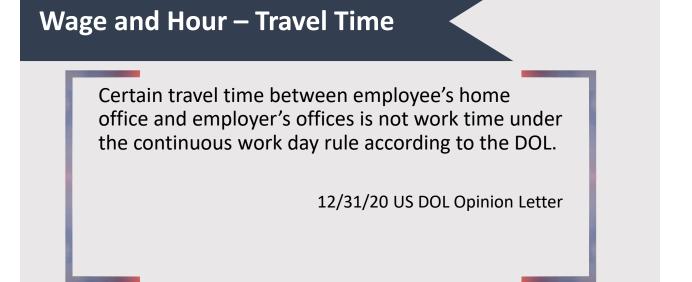




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PERB rules county impermissibly surface bargained revisions to class specifications and wage proposals based on new EMD certification requirement.

United Public Employees v. County of Sacramento, PERB Decision No. 2745-M (2020)

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Labor Negotiations and the MMBA

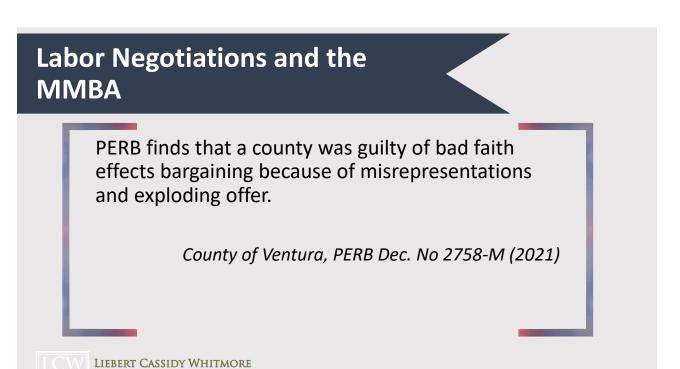
Manager interfered with union's MMBA rights by sending emails praising an employee's criticism of the union.

California Public, Professional and Medical Employees, Teamsters Local 911 v. City of San Diego, PERB Decision No. 2747-M (2020)

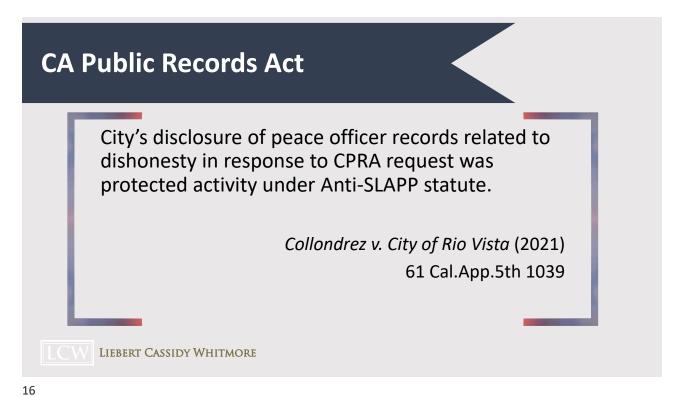
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CA Public Records Act

Records of peace officer misconduct covered by SB1421 must be disclosed in response to a CPRA request even if the records were created prior to 2019.

Ventura County Deputy Sheriffs' Association v. County of Ventura (2021) 61 Cal.App.5th 585

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Retirement

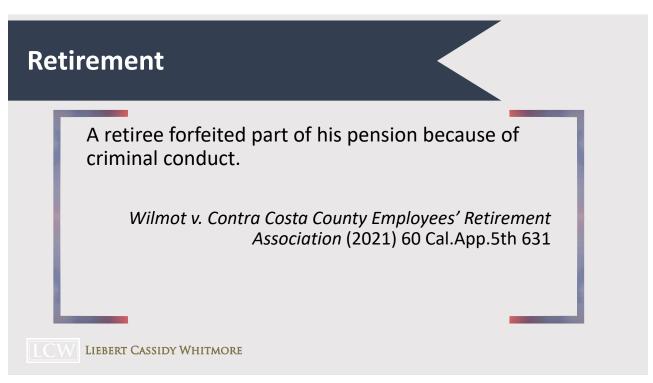
A deputy sheriff's appeal of his termination was no longer viable after he obtained a disability retirement.

Deiro v. Los Angeles Cty. Civil Serv. Comm'n (2020) 56 Cal.App.5th 925

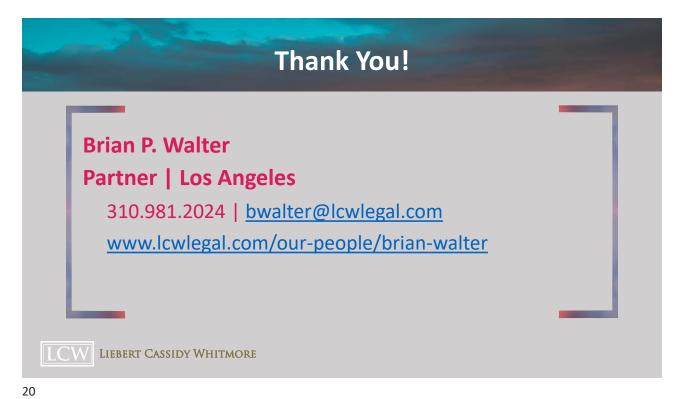
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