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LEAGUE OF CALIFORNIA CITIES 2021 CITY ATTORNEYS' SPRING CONFERENCE

Labor and Employment Litigation Update

4/30/2021

PRESENTED BY:

Suzanne Solomon

Labor and Employment Litigation Update

League of California Cities 2021 City Attorneys' Spring Conference | April 30, 2021

Presented By: Suzanne Solomon

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Discrimination and Harassment

- District Court Improperly Entered Judgment Against Bank Employee Claiming Harassment By Bank Customer

Christian v. Umpqua Bank (9th Cir. 2020) 984 F.3d 801

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Discrimination and Harassment

- Terminated Employee Could Not Establish Claims Under The CFRA Or FEHA Because He Failed To Establish That He Requested And Was Denied Leave

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

Discrimination and Harassment

- City May Deduct Post-Termination Earnings From Award In Wrongful Termination Case

Morgado v. City & County of San Francisco (2020) 53
Cal.App.5th 1216

Equal Pay

- District Court Was Wrong to Dismiss University Professor's Federal Equal Pay Act Claim

Freyd v. University of Oregon (2021) 990 F.3d 1211



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Retaliation

- Ninth Circuit Addresses How First Amendment Rights Impact an Agency's Ability to Discipline a Police Officer for a Social Media Post

Moser v. Las Vegas Metropolitan Police Department (9th Cir. Jan. 12, 2021) 984 F.3d 900



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Wage and Hour

- U.S. DOL Opinion Letter Says Certain Travel Time Between Home Office And Employer's Offices Is Not Work Time Under The Continuous Workday Rule

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Independent Contractors

- California Supreme Court Concludes *Dynamex* Decision Applies Retroactively

Vazquez v. Jan-Pro Franchising Int'l, Inc. (2021)
10 Cal.5th 944

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Labor Relations and the MMBA

- MOU Provision Allowing Purge Of Negative Personnel Records Over One Year Old Violated The Public Policy Supporting The State's Merit System

Dep't of Human Res. v. Int'l Union of Operating Engineers
(2020) 58 Cal.App.5th 861



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Labor Relations and the MMBA

- A Manager's Emails Praising An Employee's Criticism Of Union Interfered With Union's MMBA Rights

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



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Retirement

- Sheriff's Termination Appeal Was No Longer Viable After Disability Retirement

Deiro v. Los Angeles County Civil Service Commission
(2020) 56 Cal.App.5th 925

Retirement

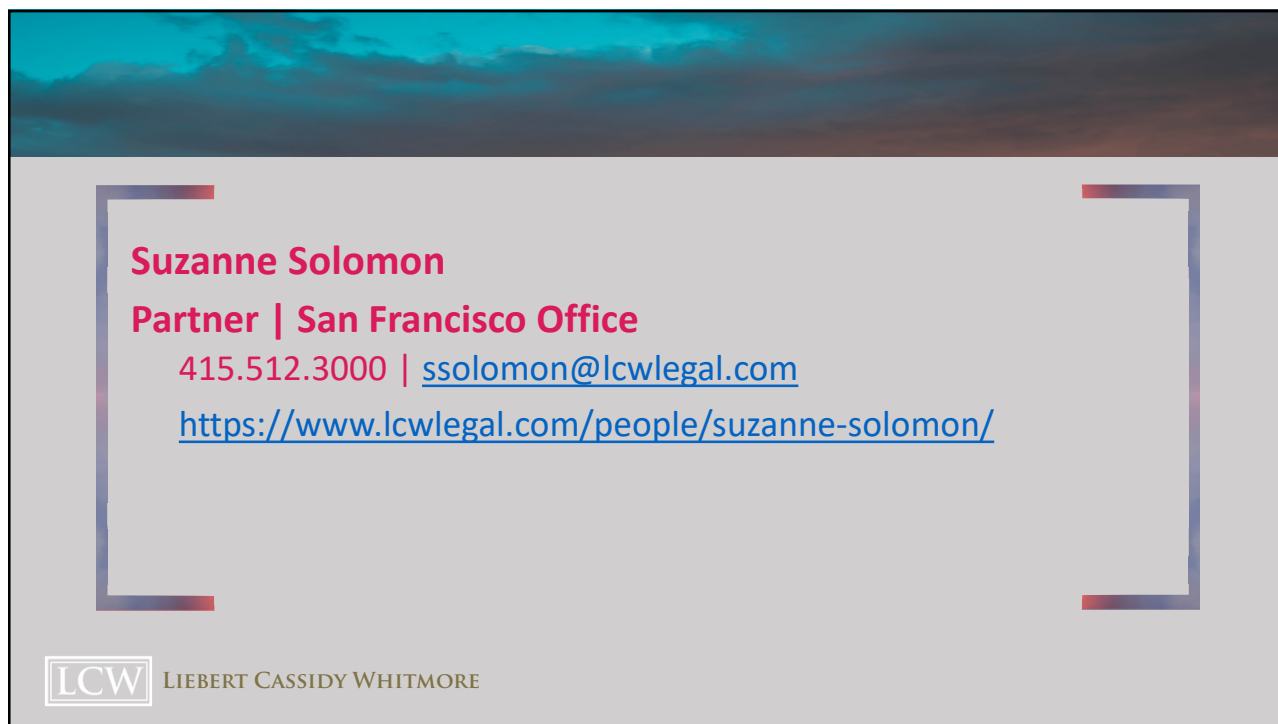
- Retiree Forfeited Part Of Pension Because Of Criminal Conduct

Wilmot v. Contra Costa County Employees' Retirement Association (2021) 60 Cal.App.5th 631


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