



LIEBERT CASSIDY WHITMORE

Labor and Employment Litigation Update

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Disability Discrimination

- A Target employee with an undisclosed bipolar disorder was terminated after several incidents of erratic workplace behavior and later sued for disability discrimination, failure to accommodate, and failure to engage in the interactive process.
- The California Court of Appeal held that an employer's knowledge of an employee's disability is a prerequisite to liability under FEHA, and that Target was entitled to summary judgment because it neither knew nor should have known of the employee's disability.
- ***Husband v. Target Corp.*, 120 Cal. App. 5th 762 (Cal. Ct. App. 2026)**

Labor Relations

- Los Angeles County outsourced bargaining unit security work to a private contractor without meeting and conferring, arguing the parties' MOU waived the union's bargaining rights through a management rights clause addressing County reorganizations.
- California Court of Appeal held that the MOU did not contain a clear and unmistakable waiver of the union's statutory bargaining rights under the MMBA, requiring the County to meet and confer before outsourcing bargaining unit work.
- ***Los Angeles County Professional Peace Officers Assn. v. County of Los Angeles*, 119 Cal. App. 5th 1091 (2026)**

Disability Retirement

- A parole agent applied for service retirement pending disability retirement while under investigation for misconduct and before the disciplinary process concluded.
- The California Court of Appeal held that because the employee's separation from employment resulted from unfavorable circumstances and completely severed the employment relationship, he was ineligible for disability retirement.
- ***Monroe v. Public Employees' Retirement System*, 119 Cal. App. 5th 37 (2026)**

Retaliation

- An Atlanta police lieutenant alleged that his supervisors revoked his longstanding flextime schedule after he reported suspected “ticket fixing,” significantly reducing his ability to earn income from a second job and comply with child custody obligations.
- The Eleventh Circuit held that removing a meaningful workplace benefit, such as flextime, may constitute an adverse employment action sufficient to support a First Amendment retaliation claim, even when the employee’s salary, rank, and title remain unchanged.
- ***Joyner v. City of Atlanta*, 170 F.4th 1320 (11th Cir. 2026)**

Workplace Investigation

- A former employee sought production of an attorney's workplace investigation after the employer defended against discrimination claims by emphasizing the thoroughness and independence of the investigation.
- The California Court of Appeal held that an employer who affirmatively relies on the adequacy of an attorney-conducted investigation waives attorney-client privilege and work product protection as to the investigation's findings and related materials.
- ***Paknad v. Superior Court*, 119 Cal. App. 5th 1256 (2026)**

Thank You!

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