



LIEBERT CASSIDY WHITMORE

Labor and Employment Litigation Update

League of California Cities: City Attorneys' Fall
Conference | October 17, 2024

Presented By:

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Agenda

- Wage and Hour
- Discrimination, Retaliation, and Harassment
- Due Process



State and Federal Wage and Hour



California Labor Code – Public Agencies

- The California Supreme Court Clarifies That State Meal and Rest Break Laws, as Well as Labor Code Penalties under the California Private Attorneys General Act, Do Not Apply to Public Agencies
 - *Stone v. Alameda Health System* (8/15/2024) 15 Cal.5th 1040

FLSA – Compensable Time

- Time Spent Booting Up and Shutting Down Computers May be Compensable Under the FLSA
 - *Cariene Cadena v. Customer Connexx LLC* (7/10/2024)
107 F.4th 902



Discrimination, Retaliation and Harassment



Discrimination

- United States Supreme Court Holds Employee Need Only Show Some “Disadvantageous” Change to Support Discrimination in Job Transfer Under Title VII
 - *Muldrow v. City of St. Louis* (4/17/2024) 144 S. Ct. 967

Hostile Work Environment

- A Coworkers Use of a Single Racial Epithet May Suffice to Establish a Claim of Harassment Under the FEHA
 - *Twanda Bailey v. San Francisco District Attorney's Office* (7/29/2024) 16 Cal. 5th 611

Hostile Work Environment

- Courts Must Look at Conduct Occurring Outside of the Physical Work Environment, Including Social Media, as Part of a Hostile Work Environment Claim under Title VII if an Employee Can Show an Effect on the Workplace
 - *Lindsay Okonowsky v. Merrick B. Garland* (7/25/2024)
109 F.4th 1166

Retaliation

- FEHA Mixed-Motive Standard Does Not Apply to Whistleblower Retaliation Cases
 - *Ververka v. Department of Veterans Affairs* (5/6/2024)
102 Cal.App.5th 162.

Due Process



Due Process – *Skelly* Rights

- No Right to *Skelly* After Employee Voluntarily Accepted a Demotion In Lieu of Termination
 - *LaMarr v. Regents of the University of California* (4/5/2024) 101 Cal.App.5th 671

Thank You!

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