



LIEBERT CASSIDY WHITMORE

LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE

Labor and Employment Litigation Update

10/17/2024

PRESENTED BY:

Elizabeth Tom Arce and Jennifer Rosner

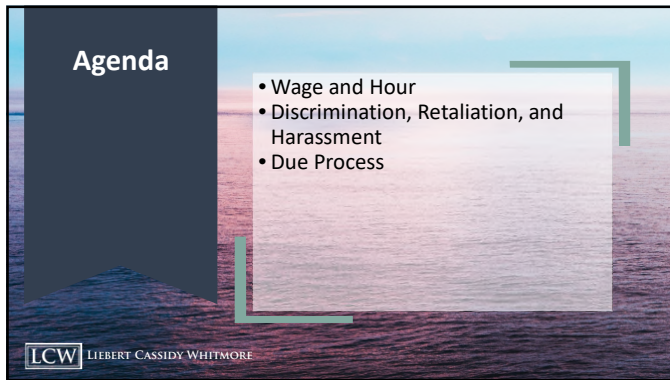
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League of California Cities: City Attorneys Fall Conference | October 17, 2024

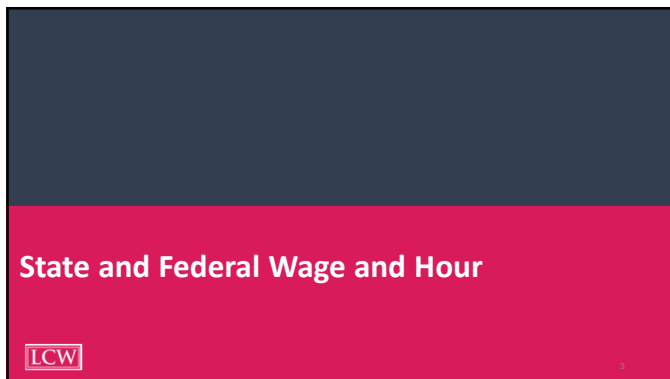
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California Labor Code – Public Agencies

- 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

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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

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Discrimination, Retaliation and Harassment

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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

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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

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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

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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.

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Due Process

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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

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Thank You!

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