



LIEBERT CASSIDY WHITMORE

**LEAGUE OF CALIFORNIA CITIES
CITY ATTORNEYS SPRING
CONFERENCE**

**Labor and Employment
Litigation Update**

5/14/2026

PRESENTED BY:

Elizabeth Tom Arce & Danny Y. Yoo

Labor and Employment Litigation Update

League of California Cities: City Attorneys Spring Conference | May 14, 2026

Presented by: Elizabeth Tom Arce & Danny Y. Yoo

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Agenda

- Legislative Updates
- Case Updates

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SB 827 – Ethics and Fiscal and Financial Training for Local Agency Officials

- SB 827 expands application of ethics training (AB 1234) to public agency department heads or other similar administrative officers
- SB 827 requires that, by January 1, 2026, agencies must provide ethics training for officials within six months of the commencement of service
- SB 827 requires that, by July 1, 2026, agencies must post to their website instructions/contact information for purpose of requesting records related to ethics training

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SB 303 – Acknowledgment of Bias in a Bias Mitigation Training

- SB 303 provides that an employee’s assessment, testing, admission, or acknowledgment of their own personal bias that was made in good faith and solicited or required as part of a bias mitigation training does not, by itself, constitute unlawful discrimination
- Intent is to encourage, not penalize, good faith participation by employees in employer-provided bias mitigation trainings

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AB 406 – Prohibition on Discrimination Against Victims of Violence Reinstated to Labor Code

- Reinstates prior Labor Code provisions that governed employee rights to take leave or request accommodations as victims of a crime, applying those provisions on a limited, retroactive basis (violations on or before Dec. 31, 2024)
- Transfers enforcement responsibilities for the reinstated Labor Code provisions from the Division of Labor Standards Enforcement to the Civil Rights Department
- Enacted as urgency legislation — effective Oct. 1, 2025

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First Amendment

- A public works director who resigned after criticizing the mayor for the city he worked for could not prove First Amendment retaliation
- The Ninth Circuit held that most of the public works director’s speech was made as part of his official duties and was not protected, and that the city had legitimate reasons for its actions
- *Burch v. City of Chubbuck*, 146 F.4th 822 (9th Cir 2025)

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First Amendment

- Middle school assistant principal disciplined for off-duty social media posts
- The Ninth Circuit held that even if the speech was protected, the district's interest in preventing disruption and maintaining an effective school environment outweighed the assistant principal's First Amendment rights
- *Thompson v. Central Valley School District No. 365*, 163 F.4th 654 (9th Cir. 2025)

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Discrimination

- Several employees' age discrimination claim was viable despite the employees not applying formally for a promotion
- The Ninth Circuit held that failure to apply for a position does not bar a claim where the employer never posted or opened the position
- *Caldrone v. Circle K Stores Inc.*, 156 F.4th 952 (9th Cir. 2025)

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Harassment

- An employer's poor responses to an employee's complaint about a co-worker could support a claim for hostile work environment
- The Court of Appeal held that even if the underlying misconduct was not attributable to the employer, the employer's failure to act and mocking response could support liability
- *Kruitbosch v. Bakersfield Recovery Services, Inc.*, 114 Cal.App.5th 200 (2025)

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Brown Act

- Disruptive attendees during a public meeting did not justify City Council’s action under the Brown Act to reconvene the meeting in a different room
- Berkeley People’s Alliance v. City of Berkeley**, 114 Cal. App. 5th 984 (2025)

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Thank You!

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