



Legal and Claims Committee

Update on Pending and Recently Resolved Employment Litigation and Employment Legal Claims

Item 7a

March 12, 2024

Subject

Pending Employment Litigation and Claims

Purpose

Update the Committee

Item #7a

Update on
Pending and
Recently Resolved
Employment
Litigation and
Claims

Item #7a

April 2022
State Auditor's
Report

Litigation Data from 2003 to 2020 as Reported to State Auditor

- Activity: 26 Lawsuits filed for an average of 1.4 lawsuits per year [18 years]
 - Maximum # of filings: 2003 – 4 lawsuits filed
 - Minimal # of filings: 0 lawsuits filed in 2011, 2015, 2016
- Status/Outcomes:
 - 1 jury verdict in MWD's favor
 - 6 dismissals in response to MWD motions
 - 19 settlements

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Report

Settlement Activity from 2003-2020 as Reported to State Auditor [19 Settlements]

- Total expenditure of \$2,465,843.24 in cash payments
 - Average settlement payment: \$129,781.00
 - Board authority required for settlements in excess of \$125,000 (Admin Code § 6433)
 - 5 Board-authorized settlements from 2007-2009: \$160,000 (Settled 2007); \$165,000 (Settled 2007); \$700,00 (Settled 2007), \$500,000 (Settled 2008), \$298,150 (Settled 2009)
 - 14 settlements under GM and GC settlement authority (Admin Code § 6433)
 - Average settlement payment of \$45,906.66

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Litigation Activity from 2021 to 2024 [≈ 4 Yrs]

- Activity: 9 lawsuits filed and 4 pre-litigation demand letters lodged
 - 2021: 4 pre-litigation demand letters lodged
 - 2022: 2 lawsuits filed
 - 2023: 7 lawsuits filed
 - 2024: 0 lawsuits or demand letters
 - All 13 matters allege some form of FEHA discrimination, harassment or retaliation; and several allege LC whistleblowing and retaliation for whistleblowing
- Status:
 - 1 lawsuit and 2 pre-litigation demand letters settled within GM's and GC's settlement authority
 - Remaining matters, 8 lawsuits and 2 pre-litigation demand letters still pending

Update on pending and recently resolved litigation and claims

Matter	Mo/Yr Filed/Lodged	Causes of Action	Pending/ Dismissed /Settled	Employment Status
Plaintiff	Dec-23	Disability Discrimination, Harassment Based on Disability, Failure to Prevent, Investigate and Remedy, Failure to Accommodate, Failure to Engage in the Interactive Process, Aiding & Abetting, Retaliation, Wrongful Termination, Intentional Infliction, Negligent Infliction, Breach of Written Contract, Breach of Implied Contract, Breach of Implied Covenant of GFFD	Pending	Rejected Job Applicant

Update on pending and recently resolved litigation and claims

Matter	Mo/Yr Filed/Lodged	Causes of Action	Pending/ Dismissed /Settled	Employment Status
Plaintiff	Dec-23	Race Discrimination, Race Harassment, Gender Discrimination, Gender Harassment, Retaliation, Failure to Prevent Harassment, Discrimination and Retaliation	Pending	Active Employee
Plaintiff	Nov-23	Race Discrimination, Age Discrimination, Retaliation, Failure to Prevent Discrimination, Failure to Promote, Failure to Permit Inspection of Personnel Records	Pending	Active Employee
Plaintiff	Aug-23	Retaliation, Failure to Prevent Retaliation	Pending	Active Employee

Update on pending and recently resolved litigation and claims

Matter	Mo/Yr Filed/Lodged	Causes of Action	Pending/ Dismissed /Settled	Employment Status
Plaintiff	Aug-23	Race Discrimination, Race Harassment, Gender Discrimination, Gender Harassment, Retaliation, Failure to Prevent Harassment, Discrimination and Retaliation	Pending	Resigned
Plaintiff	Jul-23	Race, Color, National Origin Discrimination, Retaliation, Failure to Prevent Discrimination, Failure to Promote, Unfair Business Practice	Pending- Trial Date 10/22/2024	Active Employee
Plaintiff	May-23	Race Discrimination, Harassment, Gender Discrimination, Gender Harassment, Retaliation, Failure to Prevent Harassment and Retaliation	Pending- Trial Date 10/13/2025	Active Employee

Update on pending and recently resolved litigation and claims

Matter	Mo/Yr Filed/Lodged	Causes of Action	Pending/ Dismissed /Settled	Employment Status
Plaintiff	Oct-22	Race Discrimination, Race Harassment, Gender Discrimination, Gender Harassment, Retaliation, Failure to Prevent Harassment, Discrimination and Retaliation	Pending	Active Employee
Plaintiff	Mar-22	LC Whistleblower Retaliation, FEHA Retaliation	Settled November 2023 - \$125,000	Probationary Release
Complainant	Oct-21	Gender Discrimination, Gender Harassment, FEHA Retaliation, LC Whistleblower Retaliation	Settled December 2023 - \$48,750	Active Employee

Update on pending and recently resolved litigation and claims

Matter	Mo/Yr Filed/Lodged	Causes of Action	Pending/ Dismissed /Settled	Employment Status
Complainant	Oct-21	Association Discrimination, FEHA Retaliation, LC Whistleblower Retaliation	Settled November 2022 - \$45,000	Resigned
Complainant	Oct-21	Gender Discrimination, Gender Harassment, National Origin Discrimination, National Origin Harassment, Disability Discrimination, Disability Harassment, FEHA Retaliation, LC Whistleblower Retaliation	Pending	Active Employee
Complainant	Aug-21	Gender Discrimination, Gender Harassment, Pregnancy Discrimination, Pregnancy Harassment, FEHA Retaliation, LC Whistleblower Retaliation	Pending	Active Employee

