

THE ZAPPIA LAW FIRM

A Professional Corporation

— *Labor & Employment* —
Defending Management's Rights

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RE: ZLF – A Few More SHORT Soul Crushing Summaries of Recent CA Employment Cases (Including the Judge's "Female Typist" Joke that Cost Plaintiff a \$10,000 Sexual Harassment Verdict)

Happy November Monday afternoon everyone, A few more short soul-crushing summaries of employment verdicts and rulings from ZLF to end your day:

1. **Discrimination: It's Not Just for Minorities Any More:** In case you missed it, in a 9-0 ruling, the United States Supreme Court ruled that federal anti-discrimination law applies equally to ALL individuals, and not just those in minority groups. In this case, a heterosexual female alleged that she and other heterosexuals had been passed over for promotions in favor of gay employees. The lower Sixth Circuit Court of Appeal had ruled Plaintiff had to prove specific "background circumstances" evidencing that her employer had discriminated against majority groups, a burden not imposed on minority Plaintiffs. The US Supreme Court unanimously reversed and eliminated this extra evidentiary hurdle for in majority status employment discrimination cases. (*Aames v Ohio Department of Youth Services* (605 U.S. __, June 5, 2025) (Note: While not good news for employers, it does seem a tad askew that courts had previously applied anti-discrimination law unequally.)

2. **Bad News on the Labor Front for CA Employers:** CA Labor Assembly Bill (AB) 288 expands and reaffirms worker rights and, wait for it... gives California's Public Employment Relations Board (PERB) authority in private

employment matters if the worker protections are not available under National Labor Relations Act, or the NLRB is delayed. (Note: No way to put a smiley employer face on this one.)

3. **Another Employer Burden Taking Effect Soon (Employee Notices)**: Effective 1/1/26, CA's Workplace Know Your Rights Act (SB 294) will require California employers to provide every current employee with written notice of certain workers' rights on or before February 1, 2026, and every year after. Among other things, the notice must include information about workers' compensation benefits, notice of inspections conducted by an immigration agency, the right to organize a union or engage in concerted activity in the workplace.

4. **\$8.7 Million Sexual Harassment Verdict**: An Orange County jury found severely in favor of a UCI student alleging sexual harassment by a professor. The professor alleged the relationship was platonic. Plaintiff produced over 1000 pages of intimate text messages sent to her by her professor. (Crary v. The Regents of the University of California OCSC No. 30-2021-01216976-CU-WT-CJC (6/13/25) (Note: As always, ZLF recommends employers and managers to ease up on the emails and text messages, particularly inappropriate ones to subordinate employees.)

5. **\$9.3 Million Medical Leave Retaliation Verdict**: A San Diego jury awarded an occupational therapist over \$9 million after finding she was unlawfully terminated for taking California Family Rights Act leave to care for her son. The jury awarded \$1.5 million for emotional distress damages and \$7.8 million in punitive damages as the jury found Defendant's conduct particularly egregious. The defense alleged Plaintiff had refused to work a required full-time schedule before she took her leave and found another job only 4 months later. The jury apparently vigorously believed the Plaintiff. (Buron v. Occupational Health Centers of California SDSC Case No. 37-2021-00026852-CU-WT-CTL)

Here's a good past parting shot (April 2025) to cheer you up:

6. **\$10,000,000 Sexual Harassment Verdict Reversed**: The California Court of Appeal reversed a \$10 million sexual harassment verdict based on the trial

court's evidentiary rulings, including admitting a 20-year old newspaper article about a Defendant's prior sexual assault conviction, and, because the Judge made "bizarre" racial comments and sexual jokes to Defendant's Black female attorney, including repeating a joke about female secretaries doing a better job providing sexual favors than typing. (*Odom v. Los Angeles County College District* (2025) 110 Cal.App.5th 470)

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THE ZAPPIA LAW FIRM has defended employer and management's rights in employment and labor law and litigation since 2008. Ed Zappia has represented public and private employers and management for over 30 years in a wide array of employment and labor law matters including litigation and trial of harassment, discrimination, retaliation, wrongful termination & wage/hour cases; appeals; workplace/personnel investigations; administrative hearings and arbitrations; professional trainings; police and fire law & discipline; labor negotiations and disputes; and union and employee grievances and arbitrations.

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Sincerely,

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