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PUBLIC EMPLOYMENT - CALIFORNIA

Chaudhry v. State

Court of Appeal, First District, California - September 28, 2026 - Cal.Rptr.3d - 123 Cal.App.5th 690 - 2026 WL 2903565 - 2026 Daily Journal D.A.R. 8721

Former correctional employee filed suit against the State of California, the California Department of Corrections and Rehabilitation (CDCR), and certain of CDCR's supervisory employees, alleging claims for whistleblower retaliation and for constructive discharge in violation of public policy.

The Superior Court granted defendants' motion for judgment on the pleadings. Employee appealed.

The Court of Appeal held that:

- Issuance of an employee counseling record was not "adverse employment action" sufficient to support claim for violation of Labor Code's whistleblower protection provision;
- Purported unlawful retaliation against employee achieved degree of permanence at end of employee's one-month suspension of employment;
- Employee sufficiently alleged actions amounting to constructive discharge;
- As matter of first impression, a plaintiff cannot sue an individual manager or supervisor for retaliation under the Labor Code's whistleblower protection provision; and
- Employee failed to sufficiently allege compliance with Whistleblower Protection Act's administrative exhaustion requirement.

Workplace criticism or discord is a common part of employment and will not, on its own, create a constructive discharge.

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