
PUBLIC EMPLOYMENT - CALIFORNIA

Bedard v. City of Los Angeles

Court of Appeal, Second District, Division 3, California - October 31, 2024 - Cal.Rptr.3d - 2024 WL 4634930

Police officer filed petition for writ of mandate seeking to set aside city disciplinary appeals board's decision to terminate her for failure to comply with condition of employment requiring her to be vaccinated against COVID-19.

The Superior Court, Los Angeles County, denied petition but awarded her back pay based on finding that city violated her due process rights by giving her insufficient time to respond to charges against her. Officer appealed.

The Court of Appeal held that:

- Substantial evidence supported trial court's finding that officer was terminated for refusal to comply with mandate and thereby violated a condition of employment;
- Board did not abuse its discretion in finding that termination was appropriate remedy; and
- Award of back pay was sufficient remedy for city's due process violation.

Substantial evidence supported trial court's finding that police officer was not terminated just because she failed to sign notice enforcing COVID-19 vaccination mandate set forth in city ordinance, but also because she refused to comply with the mandate and thereby violated a condition of her employment, thus supporting city's disciplinary action, where officer did not apply for religious or medical exemption and disciplinary action occurred just days after she sent her commanding officer and other superiors an e-mail stating she would not be vaccinated for personal reasons.

Police officer's refusal to comply with COVID-19 vaccination mandate was likely to result in harm to public service, and thus, city disciplinary appeal board did not abuse its discretion in finding that termination was appropriate remedy; officer's refusal to vaccinate against a deadly disease placed herself, her coworkers, and public with whom she interacted while on duty at significant risk of harm on a daily basis.

Award of back pay for period during which discipline was invalid was sufficient remedy for city's due process violation in failing to afford police officer the required full 30 days to respond to charges against her for failing to comply with condition of employment requiring her to be vaccinated against COVID-19, and thus, officer was not entitled to reinstatement, given that discharge was justified and what made the discipline wrongful had nothing to do with whether there was legitimate basis for terminating employment.

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