

Bond Case Briefs

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Romero v. County of Kern

Court of Appeal, Fifth District, California - December 15, 2025 - Cal.Rptr.3d - 2025 WL 3633032

Former firefighter for county fire department brought action against county, alleging his employment was terminated in retaliation for his whistleblower activities in violation of the Labor Code.

Following a hearing, the Superior Court granted county's motion for judgment on the pleadings without leave to amend on the ground firefighter failed to exhaust administrative remedies provided under county's internal rules. Firefighter appealed.

The Court of Appeal held that firefighter was not required to exhaust his administrative remedies since county's internal procedures did not provide clearly defined procedures for submitting, evaluating, or resolving a whistleblower retaliation complaint.

Former firefighter for county fire department was not required to exhaust his administrative remedies under the county's internal rules before bringing a whistleblower retaliation action against county, where county's rules provided procedures for an employee to challenge his or her dismissal from county employment, but did not incorporate clearly defined procedures for submitting, evaluating, and resolving firefighter's whistleblower retaliation complaint, and the county civil service commission was only required to decide whether the employee committed the alleged misconduct and whether the termination order should be affirmed, revoked, or modified, and was not required to accept, evaluate, or resolve a whistleblower retaliation claim.