

Disability Discrimination, Harassment and Retaliation Claims Were Properly Dismissed

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[*Doe v. Department of Corr. & Rehab.*, 2019 WL 6907515 \(Cal. Ct. App. 2019\)](#)

John Doe, who worked as a psychologist at Ironwood State Prison, alleged discrimination, harassment and retaliation based upon a disability; Doe also alleged that the employer violated FEHA in that it failed to accommodate his two alleged disabilities (asthma and dyslexia) by failing to relocate him to a “cleaner and quieter office” and provide him with computer equipment he had requested. The trial court granted summary judgment to the employer, and the Court of Appeal affirmed, holding that the discrimination and retaliation claims failed because Doe had not presented evidence that he was subjected to an adverse employment action – rejecting Doe’s assertion that criticizing his work during an “interrogation-like meeting” and engaging in other “relatively minor conduct” did not satisfy the requirements of the statute.

The Court further held as a matter of law that the employer’s rejection of Doe’s accommodation requests did not constitute an adverse employment action. Similarly, the Court held there was no evidence of conduct that rose to the level of actionable harassment: “Workplaces can be stressful and relationships between supervisors and their subordinates can often be contentious. But FEHA was not designed to make workplaces more collegial.” Finally, the Court rejected Doe’s claim that the employer had failed to engage in the interactive process or accommodate an alleged disability because the doctors’ notes that Doe submitted were not sufficient to place the employer on notice that Doe suffered from a disability.

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