

Employee Who Refused To Return To Work After COVID Was Not Disabled

California Employment Law Update on July 23, 2025

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Allos v. Poway Unified Sch. Dist., 2025 WL 1864797 (Cal. Ct. App. 2025)

Kheloud Allos sued her former employer, the Poway Unified School District, for alleged violations of the FEHA and the Labor Code based on the district's refusal to allow her to work exclusively from home following the COVID pandemic. Allos, who worked as a senior business systems analyst, refused to return to work after the stay-at-home order was lifted in late 2020. The trial court granted summary judgment to the district based on statutory immunity conferred by Cal. Gov't Code § 855.4 as well as a determination that Allos was not disabled under the FEHA based upon a "suspected or self-diagnosed allergy to vaccines." Accordingly, the Court affirmed summary adjudication of Allos's related claims for failure to accommodate or engage in the interactive process; associational discrimination; retaliation; and violation of California Labor Code §§ 6400 and 6401, involving the obligation to furnish a "safe and healthful" place of employment.

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