

Refusal to Allow Employee to Rescind Her Voluntary Resignation Not an Adverse Employment Action

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In its recent decision in [Featherstone v. Southern California Permanente Medical Group](#), the California Court of Appeal for the Second District held that refusing to allow an employee to rescind her voluntary resignation does not constitute an adverse employment action.

Plaintiff Ruth Featherstone alleged that during her employment with Southern California Permanente Medical Group, she suffered from a temporary disability when a prescription drug she was taking altered her mental state. In this altered mental state, she first orally resigned during a phone call with her supervisor and subsequently confirmed her resignation in an email. The employer immediately processed the termination paperwork to provide Featherstone with her final paycheck, in compliance with state law. A few days later, Featherstone asked the employer to allow her to rescind her resignation, explaining that she had been in an altered mental state when she resigned. The company declined her request. Featherstone sued on the basis that the company had acted with a discriminatory motive in refusing to allow her to rescind.

The Court affirmed summary judgment in favor of the employer on two grounds – the first having the most significance for employers; the Court held that the refusal to allow Featherstone to rescind her resignation was not an adverse employment action. The Court noted, however, that a forced resignation by coercion or duress or by misrepresentation could lead to a different result, as could a contract governing the employment relationship. The second basis for the Court's decision was that Featherstone had failed to raise a triable issue of fact as to whether the company employees who accepted and processed her resignation were aware of any alleged disability at the time of the resignation.

The Court's decision also serves as a reminder for employers that:

- An adverse employment action is evaluated by taking into consideration the particular circumstances of the employee and the workplace. Adverse actions are not limited to a clear list of specific actions – they include those that materially affect job performance or opportunity for advancement.
- In certain situations, the employer has a duty to investigate an employee's request for altering her employment – for example, if an employee indicates the need for a leave as opposed to a clear resignation.

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