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VIA ONLINE FILING
Labor and Workforce Development Agency

Re: Labor Code Private Attorney General Act Notice on Behalf of Deborah Kushihashi and Similarly Aggrieved Employees

Dear Labor and Workforce Development Agency:

My firm represents Deborah Kushihashi ("Plaintiff") in her claims against Zions Bancorporation National Association ("Zions Bancorporation" or "the Company"). Pursuant to the Private Attorney General Act of 2004, Labor Code Section 2699.3 (PAGA), Plaintiff hereby provides notice of violations of the California Labor Code affecting Plaintiff and other former, current, and future similarly aggrieved employees who work for the Company in California.

Ms. Kushihashi engaged in protected activity by requesting reasonable accommodations for her disability and reporting her supervisor's repeated and unlawful refusals to accommodate her disabilities to HR. The Company retaliated against Ms. Kushihashi for her protected disclosures by downgrading her performance review, subjecting her to discriminatory surveillance, and ultimately terminating her employment.

On behalf of herself and similarly aggrieved employees, and pursuant to PAGA, Plaintiff requests that the LWDA investigate violations of Labor Code Sections 1102.5 (whistleblower/retaliation), 6400 (safe/healthful work environment), 1198.5 (personnel files) and 226 (wage statements), or provide timely notice to the undersigned if it chooses not to investigate the allegations.

I. Parties

A. Plaintiff

Ms. Kushihashi worked for Zions Bancorporation for over 26 years as Vice President & Human Resources Business Partner, from July 1998 until May 2025. She was based in the Company's Oakland, California office and was well-versed in California HR law. She regularly served as a resource to other HR professionals on complex California employment matters. Despite her exceptional performance and consistently high ratings throughout her career, she was terminated in retaliation for requesting reasonable accommodations for her disabilities and reporting discriminatory treatment by management.

B. Defendant

Zions Bancorporation National Association is a national banking association headquartered in Salt Lake City, Utah. The Company operates throughout California, including its Oakland office where Ms. Kushihashi was based. Zions Bancorporation has demonstrated a pattern of treating employees who request accommodations as troublesome rather than engaging in the good faith interactive process required by law. The Company also failed to provide a safe and healthful work environment and to provide the complete and accurate personnel files of Ms. Kushihashi.

II. Retaliation in Violation of Labor Code § 1102.5

Ms. Kushihashi engaged in protected activity by repeatedly requesting reasonable accommodations for her disability ([redacted]), and by complaining to management about the discriminatory denial and delay of those accommodations. Beginning in December 2023, Ms. Kushihashi requested to work from home due to her disabilities and provided medical documentation from multiple physicians supporting her accommodation requests. Additionally, Ms. Kushihashi complained to HR representative Jessica Frank in December 2023 about the difficulties she was experiencing with her manager, Courtney Rose-Chesy, regarding her reasonable accommodation requests. These complaints about disability discrimination and the Company's refusal to provide legally required accommodations constitute protected activity under Labor Code § 1102.5.

The Company had actual knowledge of Ms. Kushihashi's protected activity, yet treated her as an "annoying" employee rather than engaging in the good faith interactive process required by law. Supervisor Rose-Chesy repeatedly dismissed Ms. Kushihashi's legitimate accommodation requests, stating multiple times that Ms. Kushihashi's disability "was not a reason to work from home" or words to that effect. Despite medical documentation supporting the need for remote work, Ms. Rose-Chesy delayed approval of the accommodation for at least three months, forcing Ms. Kushihashi to continue driving to the office despite her medical condition and safety concerns. When Ms. Kushihashi escalated her concerns to HR Manager Jessica Frank, Ms. Frank responded coldly and stated she could not help if Ms. Rose-Chesy had repeatedly refused. Rather than addressing Ms. Kushihashi's legitimate complaints about accommodation denials and discriminatory treatment, the Company's management treated her requests as burdensome and problematic.

Following her protected complaints, Ms. Kushihashi was subjected to a pattern of escalating adverse employment actions. First, Supervisor Rose-Chesy issued a retaliatory performance downgrade in Ms. Kushihashi's February 2024 evaluation for 2023, lowering her overall rating to 3.8 from her previous 4.8 of 5 rating. Rose-Chesy downgraded Ms. Kushihashi for missing a training requirement that had been announced while Ms. Kushihashi was on medical leave, and refused multiple requests to correct the unfair rating. Second, even after the Company eventually approved Ms. Kushihashi's work-from-home accommodation three months after her request, the Company imposed approximately seven to eight months of mandatory monthly review meetings with Rose-Chesy to scrutinize whether Ms. Kushihashi still needed the accommodation. During these meetings, Ms. Kushihashi felt targeted and subjected to heightened monitoring. For example, Rose-Chesy required Ms. Kushihashi to periodically justify her continued need for the accommodation. Rose-Chesy treated the approved work-from-home arrangement not as a settled matter but as an ongoing privilege subject to revocation, while no such scrutiny was applied to non-disabled colleagues such as Jessica Frank and Lauren Hedgepath, who worked from home without any similar review processing. Third, Rose-Chesy engaged in continued micromanagement, including constant email checking on Ms. Kushihashi's work and public attempts to manufacture mistakes during staff meetings.

The Company's retaliation culminated in Ms. Kushihashi's abrupt termination on May 28, 2025. The pretextual nature of the Company's actions is evident in the temporal proximity between Ms. Kushihashi's protected activity and the adverse employment actions. Just days after Ms. Kushihashi reported Rose-Chesy's discriminatory conduct and failure to accommodate to HR Manager Jennifer Madrid, the Company abruptly terminated her. The Company provided inconsistent and pretextual reasons for the termination: verbally stating she was terminated for making "negative comments" about Rose-Chesy (which included her reports of accommodation denials and discriminatory treatment), while reporting to the unemployment office that she was terminated for "unsatisfactory work performance." This pretextual justification is directly contradicted by Ms. Kushihashi's 4.8 out of 5.0 (Significantly Exceeds Expectations), issued by Rose-Chesy herself just four months prior.

The Company's adverse actions were taken in direct response to Ms. Kushihashi's protected complaints about discrimination and accommodation denials, in violation of Labor Code § 1102.5.

On information and belief, this retaliation was not limited to Ms. Kushihashi. The Company's pattern of punishing employees who request accommodations and complain about the discrimination and other requirements, rather than correcting the violations, constitutes a systemic violation of Labor Code section 1102.5 affecting numerous aggrieved employees.

III. Failure to Provide a Safe and Healthful Workplace in Violation of Labor Code § 6400

The Company failed to provide Ms. Kushihashi with a place of employment that is safe and healthful, resulting in severe physical, mental, and emotional harm. Although Ms. Kushihashi promptly disclosed her disability in December 2023 and initiated the interactive process, the Company systematically refused to engage in good faith to provide the reasonable accommodations essential for her medical conditions. Specifically, when her treating physicians certified the need for remote work due to her disability, Supervisor Rose-Chesy repeatedly dismissed her requests and delayed approval for at least three months. This refusal to engage in the legally required interactive process created a work environment where compliance with Ms. Kushihashi's medical needs was functionally impossible.

The unsafe work environment was exacerbated by the Company's retaliatory conduct following Ms. Kushihashi's protected complaints. Rather than addressing her legitimate accommodation requests, the Company subjected her to escalating adverse actions, including a retaliatory performance downgrade, pervasive micromanagement, and months of heightened monitoring designed to scrutinize her approved accommodation. This targeted surveillance created a psychologically hostile environment that prevented Ms. Kushihashi from performing her job without fear of retaliation and unjust discipline. She also was forced to drive with a [redacted] to the office despite a doctor's note stating she needed remote work. Further, as demonstrated herein, there was no legitimate business need for Ms. Kushihashi to report to a pretty vacant office floor when she could do all her work remotely, as other employees did.

As a direct result of the Company's failure to accommodate and the sustained workplace hostility, Ms. Kushihashi experienced significant health deterioration. She was forced to continue [redacted] to cope with the hostility of her work environment.

On information and belief, the Company's practice of treating accommodation requests as burdensome, denying reasonable accommodations, and retaliating against employees who assert their rights is not limited to Ms. Kushihashi. Other employees have faced similar conditions at Zions Bancorporation, establishing this as a systemic violation affecting multiple aggrieved employees who were similarly exposed to unhealthful and hostile work environments.

IV. Failure to Produce Plaintiff's Complete and Accurate Personnel File in Violation of Labor Code §§ 226 and 1198.5

In response to Ms. Kushihashi's request for her personnel file, the Company provided a 2019 performance evaluation showing an overall rating of 3.6. This document did not belong to Ms. Kushihashi. In her over 26-year career with the Company, Ms. Kushihashi never received such a rating. It appears someone placed a fabricated performance evaluation in Ms. Kushihashi's personnel file. Additionally, the true and correct performance evaluations for the years 2019 and 2020 were not supplied per the Cal. Lab. Code 1198.5 request. The Company also refused to produce the necessary payroll records, erroneously claiming that Ms. Kushihashi maintains independent access via ADP. In reality, ADP contains only data from March 2023, rendering the Company's position without merit and its document production wholly deficient per Cal. Lab. Code 226.

The Company's failure to provide a complete and accurate personnel file violates Ms. Kushihashi's and other aggrieved individuals' California Labor Code § 1198.5 rights. Accordingly, the Company is liable for a statutory penalty for each failure to timely produce a complete and accurate personnel file.

V. Notice and Request for Investigation

In summary, Ms. Kushihashi provides notice and alleges violations of the following Labor Code sections on behalf of herself and other former, current, and future similarly aggrieved employees:

a. California Labor Code § 1102.5: Retaliation for whistleblower activities and complaints.
b. California Labor Code § 6400: Failure to provide a safe and healthful workplace.

c. California Labor Code §§ 1198.5 and 226: Failure to produce complete and accurate personnel files and wage statements.

Thank you for your attention to the above matter. Plaintiff's counsel can be reached at felicia@valerian.law for additional information.

Very truly yours,

Felicia Medina

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Cc: (Via Certified Mail)
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