

CALIFORNIA COURT OF APPEAL, SECOND APPELLATE DISTRICT,
DIVISION ONE

Krug v. Board of Trustees of the Cal. State Univ.

Krug v. Board of Trustees of the California State University, B320588 (Cal. Ct. App. Apr. 1, 2025) · No. B320588 · Decided April 1, 2025

SUMMARY

The California Court of Appeal reconsidered its prior decision after the California Supreme Court remanded the case in light of *Stone v. Alameda Health System*. The court again held that Labor Code section 2802 does not require the California State University system to reimburse faculty for necessary work-related expenses because the statutory language, structure, and history provide positive indicia that public employers are excluded. The judgment dismissing Patrick Krug’s reimbursement and related PAGA claims was affirmed.

CASE DETAILS

COURT	California Court of Appeal, Second Appellate District, Division One
WRITING FOR THE COURT	M. Kim; Bendix, Acting Presiding Justice; Weingart, Justice
JURISDICTION	California Court of Appeal, Second Appellate District, Division One
DECIDED	April 1, 2025
DOCKET	B320588
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a judgment of dismissal entered after the superior court sustained the Board’s demurrer without leave to amend in an action seeking reimbursement of work-related expenses under Labor Code section 2802. The California Supreme Court remanded the case for reconsideration in light of <i>Stone v. Alameda Health System</i> .
STANDARD OF REVIEW	De novo review of a judgment of dismissal following an order sustaining a demurrer, including de novo review of questions of statutory interpretation.
PRECEDENTIAL VALUE	published
PARTIES	Patrick Krug v. Board of Trustees of the California State University

TOPICS

employment law

statutory interpretation

appellate procedure

standard of review

legislative history

PRACTICE AREAS

employment law

statutory interpretation

appellate procedure

public employment

QUESTIONS PRESENTED

1. Whether Labor Code section 2802 requires the California State University, as a public entity, to reimburse employees for necessary work-related expenditures.
2. Whether the statutory language, structure, and legislative history of Labor Code section 2802 provide positive indicia that the Legislature intended the statute to apply to public employers.
3. Whether Krug's Private Attorneys General Act claim could proceed when the underlying section 2802 claim was not viable.

HOLDINGS

1. Labor Code section 2802 does not obligate CSU, a public entity, to reimburse employees for work-related expenses. Although the statute uses the unqualified term "employer," its statutory structure and legislative history provide positive indicia that the Legislature intended to exclude public employers, except in the limited context expressly addressed by section 2802.1 concerning employer-required training in certain hospitals.
2. The superior court properly sustained CSU's demurrer without leave to amend and entered judgment of dismissal because section 2802 did not provide Krug a viable reimbursement claim against CSU.
3. Krug's PAGA claim could not proceed because the underlying Labor Code section 2802 claim was not viable, and Krug conceded that the PAGA claim was not viable.

KEY QUOTATIONS

"In sum, although the language of section 2802 is silent on whether "employer" denotes both public and private entities, the statutory structure and legislative history provide positive indicia of legislative intent to exclude public employers from the provision's reimbursement obligations." (at 34)

"Therefore, we conclude section 2802 does not obligate CSU to reimburse employees for work-related expenses, without the need to resort to interpretive maxims." (at 35)

FACTUAL BACKGROUND

During the COVID-19 pandemic, CSU directed faculty to teach remotely. Patrick Krug, a biology professor at California State University Los Angeles, was denied access to his office and CSU-provided computer and printer, so he purchased replacement equipment and incurred other alleged business expenses, including electricity, internet, phone, office-supply, and furniture costs. CSU denied reimbursement, and Krug sued under Labor Code section 2802 on behalf of himself and similarly situated faculty.

PROCEDURAL HISTORY

Krug filed a putative class action alleging that the California State University was required under Labor Code section 2802 to reimburse faculty for necessary home-office and other work-related expenses incurred during remote instruction at the beginning of the COVID-19 pandemic. The superior court sustained CSU's demurrer without leave to amend and entered judgment of dismissal. The Court of Appeal initially affirmed, the Supreme Court granted review pending its decision in *Stone*, and then remanded for reconsideration. On reconsideration, the Court of Appeal again affirmed; Krug conceded that his PAGA claim was not viable.

DISPOSITION

affirmed

CASES CITED

- *Stone v. Alameda Health System* (2024) 16 Cal.5th 1040
- *Wells v. One2One Learning Foundation* (2006) 39 Cal.4th 1164, 1190
- *McLean v. State of California* (2016) 1 Cal.5th 615, 622, 627
- *People v. Raybon* (2021) 11 Cal.5th 1056, 1065
- *Johnson v. Arvin-Edison Water Storage District* (2009) 174 Cal.App.4th 729, 737
- *People v. Cruz* (1996) 13 Cal.4th 764, 775
- *Li v. Yellow Cab Co.* (1975) 13 Cal.3d 804, 817
- *Kinsman v. Unocal Corp.* (2005) 37 Cal.4th 659, 680
- *United States v. Hoar* (C.C.D. Mass. 1821) 26 F.Cas. 329, 330
- *Mayrhofer v. Board of Education* (1891) 89 Cal. 110, 112
- *Brinker Restaurant Corp. v. Superior Court* (2012) 53 Cal.4th 1004, 1026, 1029 fn. 11
- *Gerard v. Orange Coast Memorial Medical Center* (2018) 6 Cal.5th 443, 448
- *Elsner v. Uveges* (2004) 34 Cal.4th 915, 934 fn. 19
- *In re Lucas* (2012) 53 Cal.4th 839, 855 fn. 13
- *Conservatorship of Whitley* (2010) 50 Cal.4th 1206, 1218-1219 fn. 3
- *Joyce v. Ford Motor Co.* (2011) 198 Cal.App.4th 1478, 1492
- *McDowell v. Watson* (1997) 59 Cal.App.4th 1155, 1161-1162 fn. 3
- *In re Work Uniform Cases* (2005) 133 Cal.App.4th 328, 338
- *Weil v. Raisin City Elementary School District* (E.D. Cal. Dec. 20, 2021, No. 1:21-cv-00500-AWI-EPG), 2021 WL 6010137, at *4
- *Mendoza v. Fonseca McElroy Grinding Co., Inc.* (2021) 11 Cal.5th 1118, 1123, 1130
- *In re Acknowledgment Cases* (2015) 239 Cal.App.4th 1498
- *B.B. v. County of Los Angeles* (2020) 10 Cal.5th 1, 11
- *Flowers v. Los Angeles County Metropolitan Transportation Authority* (2015) 243 Cal.App.4th 66, 79
- *Sheppard v. North Orange County Regional Occupational Program* (2010) 191 Cal.App.4th 289
- *Guerrero v. Superior Court* (2013) 213 Cal.App.4th 912

- *Marquez v. City of Long Beach* (2019) 32 Cal.App.5th 552, 561, 569
- *Knowles v. Roberts-at-the-Beach Co.* (1953) 115 Cal.App.2d 196
- *Bowerman v. Field Asset Services, Inc.* (9th Cir. 2022) 39 F.4th 652, 665
- *Powell v. Trustees of Village of Newburgh* (N.Y. Sup. Ct. 1822) 19 Johns. 284, 289
- *Castle v. Noyes* (1856) 14 N.Y. 329, 332
- *Ramsay v. Gardner* (N.Y. Sup. Ct. 1814) 11 Johns. 439
- *Adamson v. Jarvis* (4 Bing. 66)
- *Betts v. Gibbins* (1834) 2 Ad. & E. 57, 111 Eng. Rep. R. 22
- *Taylor v. Stray* (1857) 2 C.B. (N.S.) 196, 140 Eng. Rep. 380

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/california-court-of-appeal-second-appellate-district-division-one-california-court-of-appeal-second/2025/krug-v-board-of-trustees-of-the-cal-state-univ-e8bjigq0>