

Bond Case Briefs

Municipal Finance Law Since 1971

LABOR - WASHINGTON

City of Vancouver v. State Public Employment Relations Com'n

Court of Appeals of Washington, Division 2 - March 25, 2014 - P.3d - 2014 WL 1226499

City sought review of Public Employment Relations Commission decision finding that city committed an unfair labor practice by discriminating against police officers' guild president out of animus over his union activities. The Clark Superior Court certified the appeal.

The Court of Appeals held that:

- Commission was authorized by statute to impose liability on individuals for unfair labor practices;
- Commission did not impose individual liability on police chief for unfair labor practices;
- Commission's error in applying an improper burden of proof in determining the city's liability was harmless;
- Fact that police chief did not have notice of assistant police chief's antiunion animus in making recommendations for officers for motorcycle unit did not preclude a finding of unfair labor practices;
- Officer's loss of benefits conferred by selection to the motorcycle unit constituted an adverse employment action for purposes of claim of unfair labor practices;
- Commission did not engage in rule making with its order finding city liable for unfair labor practice;
- Substantial evidence supported examiner's finding that assistant police chief's statement that he wanted someone for motorcycle unit position who shared police chief's "vision" betrayed his animus towards police officer; and
- Substantial evidence supported examiner's finding that police chief relied on a tainted recommendation from assistant police chief.