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EMPLOYMENT - WASHINGTON

Sprague v. Spokane Valley Fire Department

Supreme Court of Washington - January 25, 2018 - P.3d - 2018 WL 547363

Terminated firefighter, whose termination the county civil-service commission had upheld in a decision that was not appealed, brought action against the department on a § 1983 claim for violating his First Amendment free-speech rights, on an equal-protection claim, on a Title VII claim, and on various state-law claims for allegedly firing him for including religious comments in e-mails sent through the department's computer systems and in items that he posted on the department's electronic bulletin board.

The Superior Court denied firefighter's motion for partial summary judgment that the department's e-mail policy was unconstitutional and granted the department's motion for summary judgment. Firefighter appealed. The Court of Appeals affirmed. Firefighter appealed.

The Supreme Court of Washington held that:

- Firefighter spoke as a citizen, not as a public employee, in e-mails that he sent on department's e-mail system concerning a religious fellowship and religious themes;
- Firefighter's e-mails that discussed the mental health and well-being of firefighters related to public safety and matters of public concern;
- Firefighter's e-mails that discussed leadership related to public safety and matters of public concern;
- Firefighter's communications over department's e-mail system and electronic bulletin board that discussed religious fellowship's social activities and logo design were not matters of public concern;
- Department policy that restricted use of department's e-mail system to departmental business was reasonable; but
- Department's restrictions prohibiting firefighter from using department's electronic bulletin board to post information about religious fellowship's activities were unreasonable;
- Department's application of its e-mail system's use policy to preclude firefighter from discussing otherwise permissible themes from a religious perspective was not a viewpoint-neutral application of its e-mail policy; and
- County civil-service commission's decision that upheld firefighter's termination did not collaterally estop firefighter's action.