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Lincoln County v. Public Employment Relations Commission

Court of Appeals of Washington, Division 3 - November 3, 2020 - 475 P.3d 252

County and workers' union both appealed from Public Employment Relations Commission (PERC) decision which found both parties to have committed unfair labor practices (ULP).

The Superior Court affirmed the PERC, and both parties appealed.

The Court of Appeals held that:

- Hearing examiner did not abuse its discretion by excluding evidence that purported to show a connection between county's resolution, that required all collective bargaining to be conducted in public, and anti-union group;
- The legislature, by exempting collective bargaining from the Open Public Meetings Act (OPMA), did not impliedly preempt resolutions such as county's; but
- Neither county nor workers' union had the authority to impose its preferred procedure on the other;
- County and workers' union both committed ULPs; and
- Status quo doctrine did not apply when parties were unable to agree on a permissive subject of bargaining.