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Washington State Council of County and City Employees v. City of Spokane

Supreme Court of Washington, En Banc - December 8, 2022 - P.3d - 2022 WL 17491849

Union brought action seeking declaratory judgment that city ordinance requiring all collective bargaining between city and union representatives be conducted in manner that was open to the public was preempted by state law and therefore unconstitutional.

The Superior Court granted summary judgment in favor of union. City appealed and case was transferred to the Supreme Court which granted direct review.

The Supreme Court held that:

- Union's challenge presented justiciable controversy under Uniform Declaratory Judgments Act (UDJA);
- Ordinance was conflict preempted; and
- Ordinance was field preempted.

Union's challenge to city ordinance requiring all collective bargaining between city and union representatives be conducted in manner that was open to the public as preempted by state law and therefore unconstitutional presented justiciable controversy under Uniform Declaratory Judgments Act (UDJA); city's ultimate acquiescence to union's demands to conduct negotiations in private did not render challenge speculative, given mandatory language in ordinance and city's repeated assertions during preliminary negotiations that it needed to follow ordinance, which significantly slowed down negotiations, ordinance applied to all unions that negotiated with city, and judicial determination would resolve dispute.

City ordinance requiring all collective bargaining between city and union representatives be conducted in manner that was open to the public was conflict preempted by Public Employees' Collective Bargaining Act (PECBA); setting mandatory ground rules before negotiations occurred directly conflicted with negotiation process prescribed in PECBA, and possible harmful effects from opening bargaining to public observation, including inhibiting open exchange in negotiations, setting discordant tone, encouraging posturing for the record, and politicizing bargaining process, would conflict with purpose of PECBA to improve relationships between public employers and employees.

City ordinance requiring all collective bargaining between city and union representatives be conducted in manner that was open to the public was field preempted by Public Employees' Collective Bargaining Act (PECBA); uniformity in rules for collective bargaining was central to purpose of PECBA, and a patchwork system of rules by local governments was inconsistent with that intention.

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