

WASHINGTON SCHOOL LAW UPDATE



PORTER FOSTER RORICK
LLP

January 2019

A brief summary of legal developments relevant to Washington public school districts from the previous calendar month.

district officials and public records officers. Information regarding cost and registration will be forthcoming.

PFR Announcements

21st Century Bargaining Skills Workshop

January 11—Tukwila
January 25—Spokane

PFR is once again partnering with the Washington School Personnel Association to present a one-day workshop on collective bargaining skills. A basic track will provide a foundation for all school administrators sitting on a management bargaining team. An advanced track will focus on expanding the skills of experienced bargainers. The workshop will be offered on both the east and west side of the state. Registration is currently available at www.wspa.net.

Public Records Disclosure Training

May 7, 9 am to 3 pm
Two Union Square Conference Center, Seattle

Join Valerie Walker and Jay Schulkin of Porter Foster Rorick for a full day of hands-on training in processing public records requests and avoiding mistakes that lead to legal liability. This workshop will satisfy the legally-mandated training for

Washington Court of Appeals

Employment Law

Gamble v. City of Seattle
No. 76876-0 (12/24/18)

The Washington Court of Appeals held that Gamble could not establish that her employer failed to reasonably accommodate her disability because she did not provide sufficient notice that she needed an accommodation. Since 1996, Gamble experienced a series of back problems that required several accommodations including a standing desk, a modified work schedule, and special cushions for her work vehicle. The City provided these accommodations. In 2013, Gamble aggravated her back problems in a car accident, and she took several months of medical leave. Gamble alleged the City failed to provide accommodations after her return to work, and that this failure violated the Washington Law Against Discrimination (WLAD). The Court disagreed, holding that Gamble failed to show that she provided sufficient notice to the City that she needed the accommodation. For example, Gamble testified that she needed a rubber mat for her work

station but that she did not ask for one. She wanted to work from home, but she did not ask for permission to do so. She alleged the City failed to allow her a modified work schedule after she agreed to return to work full time. Gamble argued the City was already on notice of her disability and that it had accommodated it in the past. But the Court held this notice was not sufficient because the employer must receive notice when existing accommodations are no longer adequate to accommodate an employee's disability. Therefore, the City did not violate the WLAD because it was not aware that Gamble's disability required further accommodation.

PERC

Interference

State-Corrections

Decision 12959 (12/31/18)

PERC dismissed a complaint alleging that an employer interfered with union activity by failing to block unsolicited emails sent to employees from the Freedom Foundation. Shortly after the *Janus* decision, the Freedom Foundation began sending unsolicited information to employees' work emails regarding how to opt out of paying union dues or fees. The employer declined the union's requests to block such emails, and the union filed a ULP complaint alleging that the employer had permitted the emails in order to encourage employees to opt out of the union. In this case, PERC held that the complaint failed to state a claim on which relief could be granted because the union failed to demonstrate that failing to block Freedom Foundation emails could be perceived as discouraging union activity; the employer neither encouraged the Freedom Foundation's emails nor treated them differently than emails from other outside parties.

Porter Foster Rorick LLP

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This information is intended for educational purposes only and not as legal advice regarding any specific set of facts. Feel free to contact any of the attorneys at Porter Foster Rorick with questions about these or other legal developments relevant to Washington public schools.

Update Editors



Jon Collins
jon@pfrwa.com



Leilani Fisher
leilani@pfrwa.com



Jay Schulkin
jay@pfrwa.com



PORTER FOSTER RORICK
LLP

601 Union Street | Suite 800
Seattle, Washington 98101

Tel (206) 622-0203 | Fax (206) 223-2003
www.pfrwa.com

Lance Andree
Lynette Baisch
Jon Collins
Tevon Edwards
Leilani Fisher
Cliff Foster

Jeff Ganson
Kathleen Haggard
Kelly Holler
Parker Howell
Lauren McElroy

Rachel Miller
Buzz Porter
Mike Rorick
Jay Schulkin
Valerie Walker
Lorraine Wilson



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