



Washington School Law Update

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

PERC

Discrimination

Seattle Housing Authority
Decision 13779 (1/25/2024)

A PERC Examiner held that the Seattle Housing Authority (SHA) did not commit a discrimination unfair labor practice (ULP) when it allegedly interfered with an employee's connectivity and access to certain computer network systems. Tiffany Diggins worked for the SHA on a project that handled certifications for housing information. In December 2021, Diggins filed a complaint with SHA, asserting in part that she was denied access to SHA's computer systems needed to perform her job responsibilities. In July 2022, Diggins filed a ULP complaint with PERC that did not assert any facts related to network system access. After receiving a deficiency notice from PERC, Diggins amended her ULP complaint to include new allegations that SHA had interfered with her "connectivity and access" to its network systems in retaliation for filing her July 2022 ULP complaint. Following an evidentiary hearing, a PERC Examiner dismissed Diggins's complaint, holding that Diggins failed to show she was deprived of an ascertainable

right, benefit, or status, an element necessary to establish a prima facie case of discrimination. The examiner reasoned that denial of access to system networks did not result in a loss of pay or benefits, and therefore, did not constitute a denial of ascertainable right, benefit, or status. The examiner further held that there was no causal connection between the employer's alleged actions and Diggins's protected activity because Diggins had asserted issues with network connectivity long before she filed her ULP complaint in July 2022. The examiner concluded that a "[m]ere belief in a connection" between adverse action and protected activity is not sufficient to establish discrimination, and as a result, the examiner dismissed the complaint in its entirety.

PFR Announcements

2024 Public Records Disclosure Training

March 25, 9 am to 3:30 pm

Two Union Square Conference Center, Seattle

Join Liz Robertson and Olivia Hagel for a full day of hands-on training in processing public records requests and avoiding mistakes that lead to liability. This workshop will satisfy the legally-mandated training for district officials and public records officers. The workshops will be held at the Two Union Square Conference Center in downtown Seattle with attendance limited to 40 participants. The cost is \$250

per person and includes lunch. Register by sending an e-mail with your name, school district, and purchase order information to info@pfrwa.com.

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Update Editors



Liz Robertson
elizabeth@pfrwa.com



Jay Schulkin
jay@pfrwa.com

February Masthead Photo Credit



Children boarding a school bus, probably in Shoreline, 1952. Seattle Post-Intelligencer Collection, Museum of History & Industry, Seattle. All rights reserved.



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
Chase Bonwell
Cliff Foster
Olivia Hagel
Josh Halladay

Parker Howell
Rachel Miller
Buzz Porter
Liz Robertson
Mike Rorick

Jay Schulkin
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Christina Weidner
Lorraine Wilson