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COUNSEL TO GREAT COMPANIES

Updates in Labor & Employment Law

Summer 2015

June 25, 2015 - Bellevue, Washington

Presented by:

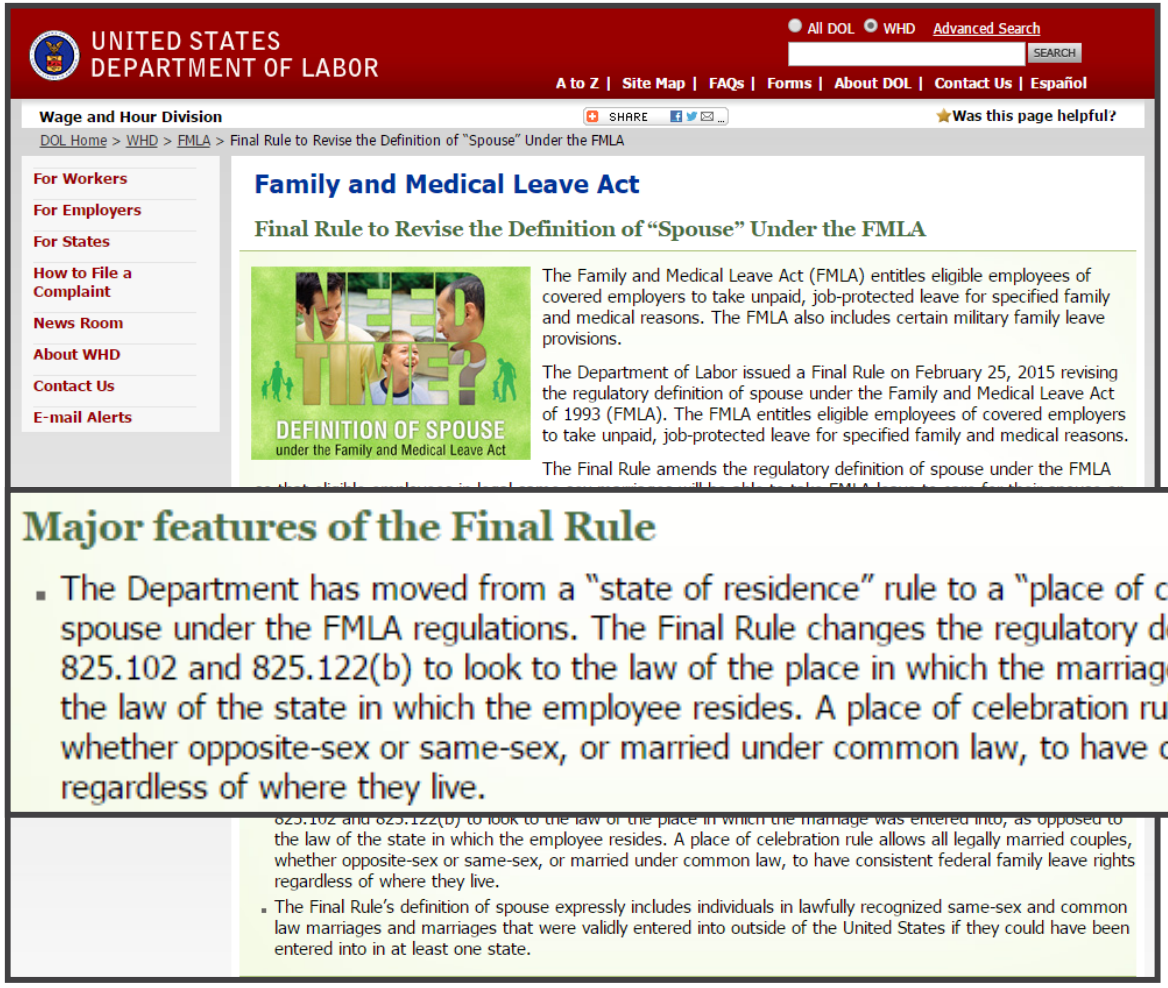
Linda Walton, Partner

Ben Stafford, Counsel

Agenda

- Department of Labor Rule Revises “Spouse” Definition for FMLA
- Proposed Department of Labor Rule on FLSA Exemptions
- Seattle Minimum Wage Update
- Supreme Court Decisions
  - *Integrity Staffing Solutions v. Busk*
  - *EEOC v. Abercrombie & Fitch Stores, Inc.*
  - *Young v. United Parcel Service*
  - *Mach Mining LLC v. EEOC*
- Ninth Circuit Decisions
- Washington Court Decisions

New Department of Labor Rule: Revises Definition of "Spouse" Under FMLA



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New Department of Labor Rule: Revises Definition of "Spouse" Under FMLA


UNITED STATES DEPARTMENT OF LABOR

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Wage and Hour Division

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Family and Medical Leave Act

Final Rule to Revise the Definition of "Spouse" Under the FM

The Family and Medical Leave Act (FMLA) en
covered employers to take unpaid, job-protec
and medical reasons. The FMLA also includes
provisions.

The Department of Labor issued a Final Rule
the regulatory definition of spouse under the
of 1993 (FMLA). The FMLA entitles eligible er
to take unpaid, job-protected leave for specif

The Final Rule amends the regulatory definiti
so that eligible employees in legal same-sex marriages will be able to take FMLA le
family member, regardless of where they live. This will ensure that the FMLA will g
marriages the same ability as all spouses to fully exercise their FMLA rights.

The effective date for the final rule is March 27, 2015.

On March 26, 2015, the United States District Court for the Northern District of Te
Civil Action No. 7:15-cv-00056 (N.D. Tex.), granted a request made by the states
and Nebraska for a preliminary injunction with respect to the Department's Final Ru
definition of spouse under the Family and Medical Leave Act (FMLA). The Governm
the Government is complying with the injunction and the Government's understand
injunction in a March 31 filing. A hearing date has been set for April 10th.

Case 7:15-cv-00056-O Document 18 Filed 03/26/15 Page 1 of 24 PageID 287

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

STATE OF TEXAS,	§	
STATE OF ARKANSAS,	§	
STATE OF LOUISIANA,	§	
and STATE OF NEBRASKA,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	**Civil Action No. 7:15-cv-00056-O**
	§	
UNITED STATES OF AMERICA,	§	
UNITED STATES DEPARTMENT	§	
OF LABOR,	§	
and THOMAS E. PEREZ, in his	§	
Official Capacity as SECRETARY	§	
OF LABOR,	§	
	§	
Defendants.	§	

MEMORANDUM OPINION AND ORDER

Before the Court are Plaintiff State of Texas's Complaint for Declaratory and Injunctive Relief and Application for Temporary Restraining Order and Preliminary Injunction/Stay of Administrative Proceedings (ECF No. 1), filed March 18, 2015; Defendants' Opposition to

The effective date for the final rule is March 27, 2015.

On March 26, 2015, the United States District Court for the Northern District of Texas, in *Texas v. United States*, Civil Action No. 7:15-cv-00056 (N.D. Tex.), granted a request made by the states of Texas, Arkansas, Louisiana, and Nebraska for a preliminary injunction with respect to the Department's Final Rule revising the regulatory definition of spouse under the Family and Medical Leave Act (FMLA). The Government informed the Court of how the Government is complying with the injunction and the Government's understanding of the scope of the injunction in a March 31 filing. A hearing date has been set for April 10th.

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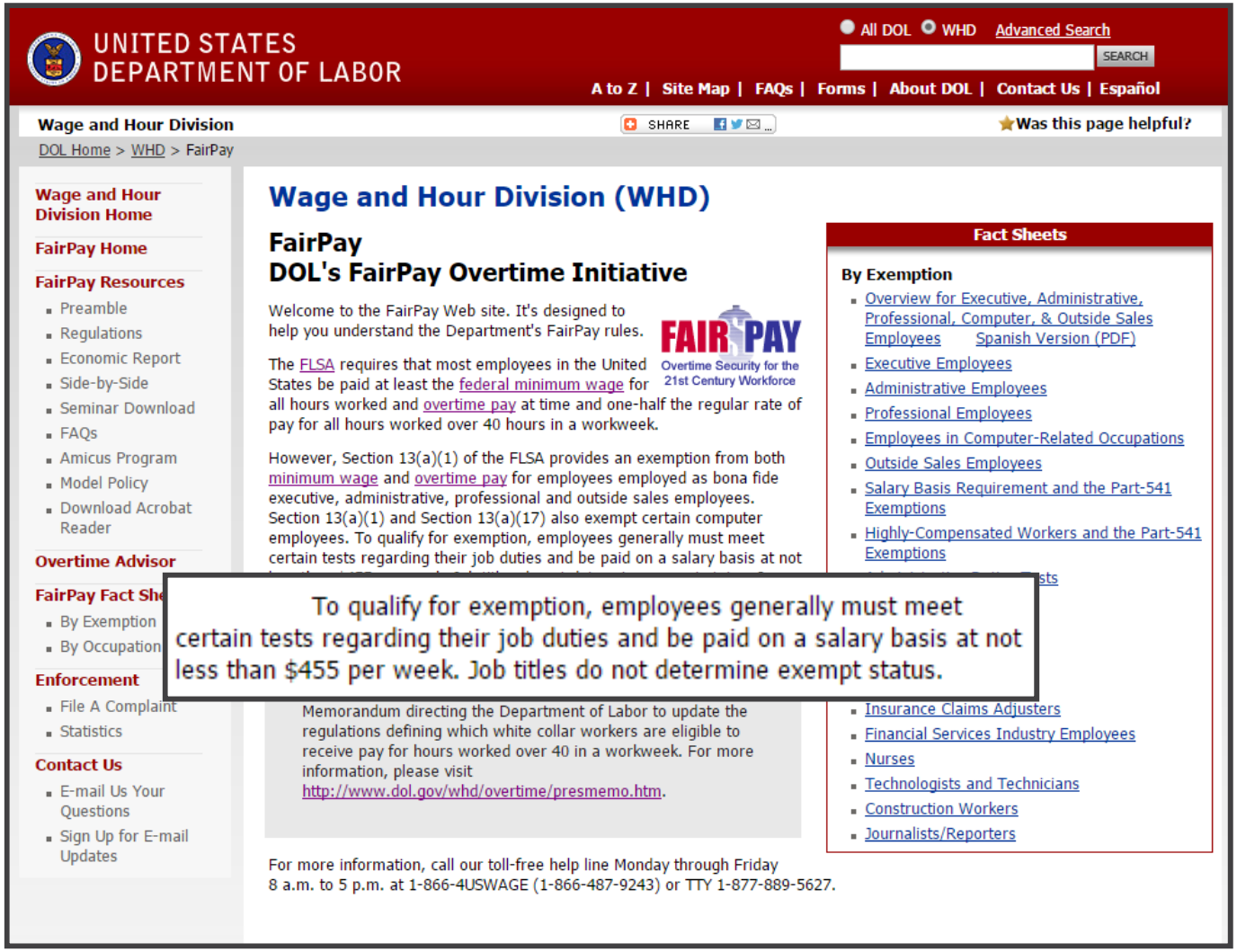
Forthcoming Department of Labor Rule: Revised Regulations on Exempt Status



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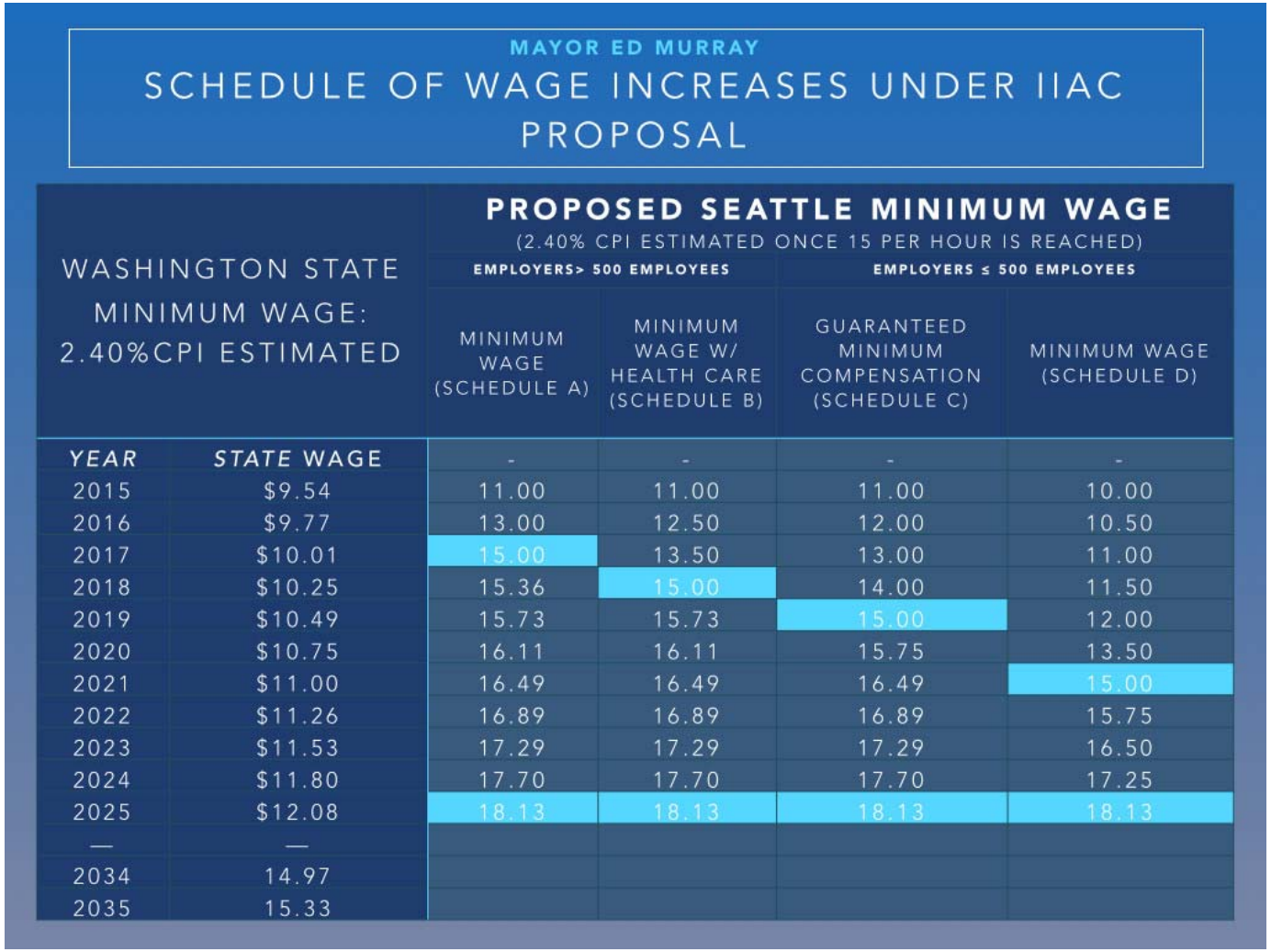
Seattle Minimum Wage Update



MAYOR ED MURRAY

SCHEDULE OF WAGE INCREASES UNDER IIAC PROPOSAL

WASHINGTON STATE MINIMUM WAGE: 2.40%CPI ESTIMATED		PROPOSED SEATTLE MINIMUM WAGE (2.40% CPI ESTIMATED ONCE 15 PER HOUR IS REACHED)			
		EMPLOYERS> 500 EMPLOYEES		EMPLOYERS ≤ 500 EMPLOYEES	
		MINIMUM WAGE (SCHEDULE A)	MINIMUM WAGE W/ HEALTH CARE (SCHEDULE B)	GUARANTEED MINIMUM COMPENSATION (SCHEDULE C)	MINIMUM WAGE (SCHEDULE D)
YEAR	STATE WAGE	-	-	-	-
2015	$9.54	11.00	11.00	11.00	10.00
2016	$9.77	13.00	12.50	12.00	10.50
2017	$10.01	15.00	13.50	13.00	11.00
2018	$10.25	15.36	15.00	14.00	11.50
2019	$10.49	15.73	15.73	15.00	12.00
2020	$10.75	16.11	16.11	15.75	13.50
2021	$11.00	16.49	16.49	16.49	15.00
2022	$11.26	16.89	16.89	16.89	15.75
2023	$11.53	17.29	17.29	17.29	16.50
2024	$11.80	17.70	17.70	17.70	17.25
2025	$12.08	18.13	18.13	18.13	18.13
—	—				
2034	14.97				
2035	15.33				

Supreme Court:
Integrity Staffing Solutions, Inc. v. Busk

(Slip Opinion) OCTOBER TERM, 2014 1

Syllabus

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SUPREME COURT OF THE UNITED STATES

Syllabus

INTEGRITY STAFFING SOLUTIONS, INC. *v.* BUSK ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 13–433. Argued October 8, 2014—Decided December 9, 2014

Petitioner Integrity Staffing Solutions, Inc., required its hourly warehouse workers, who retrieved products from warehouse shelves and packaged them for delivery to Amazon.com customers, to undergo a security screening before leaving the warehouse each day. Respondents, former employees, sued the company alleging, as relevant here, that they were entitled to compensation under the Fair Labor Standards Act of 1938 (FLSA) for the roughly 25 minutes each day that they spent waiting to undergo and undergoing those screenings. They also alleged that the company could have reduced that time to a *de minimis* amount by adding screeners or staggering shift terminations and that the screenings were conducted to prevent employee theft and, thus, for the sole benefit of the employers and their customers.

The District Court dismissed the complaint for failure to state a claim, holding that the screenings were not integral and indispensable to the employees' principal activities but were instead postliminary and noncompensable. The U. S. Court of Appeals for the Ninth Circuit reversed in relevant part, asserting that postshift activities that would ordinarily be classified as noncompensable postliminary activities are compensable as integral and indispensable to an employee's principal activities if the postshift activities are necessary to the principal work and performed for the employer's benefit.

Held: The time that respondents spent waiting to undergo and undergoing security screenings is not compensable under the FLSA. Pp. 3–9.

(a) Congress passed the Portal-to-Portal Act to respond to an economic emergency created by the broad judicial interpretation given to the FLSA's undefined terms "work" and "workweek." See 29 U. S. C.

SUPREME COURT OF THE UNITED STATES

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Supreme Court:
Integrity Staffing Solutions, Inc. v. Busk

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SUPREME COURT OF THE UNITED STATES

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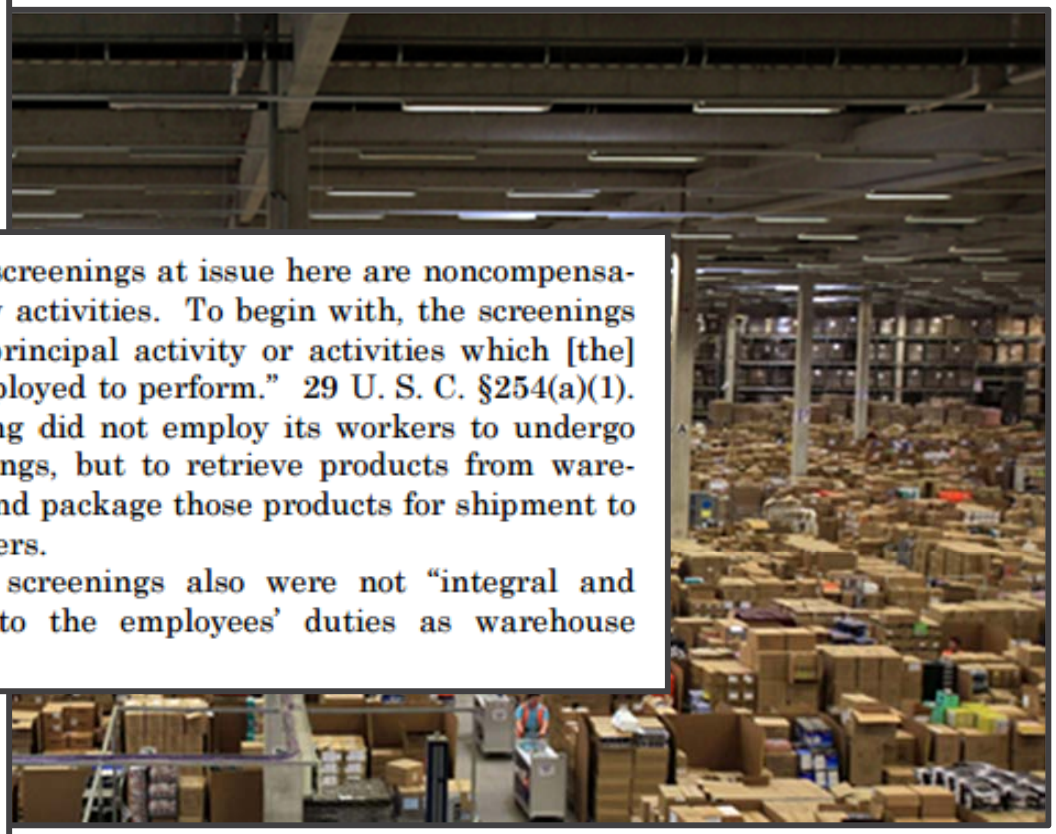
SUPREME COURT OF THE UNITED STATES



The security screenings at issue here are noncompensable postliminary activities. To begin with, the screenings were not the "principal activity or activities which [the] employee is employed to perform." 29 U. S. C. §254(a)(1). Integrity Staffing did not employ its workers to undergo security screenings, but to retrieve products from warehouse shelves and package those products for shipment to Amazon customers.

The security screenings also were not "integral and indispensable" to the employees' duties as warehouse workers.

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Supreme Court:
EEOC v. Abercrombie & Fitch Stores, Inc.

(Slip Opinion) OCTOBER TERM, 2014 1

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SUPREME COURT OF THE UNITED STATES

Syllabus

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
v. ABERCROMBIE & FITCH STORES, INC.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

No. 14–86. Argued February 25, 2015—Decided June 1, 2015

Respondent (Abercrombie) refused to hire Samantha Elauf, a practicing Muslim, because the headscarf that she wore pursuant to her religious obligations conflicted with Abercrombie's employee dress policy. The Equal Employment Opportunity Commission (EEOC) filed suit on Elauf's behalf, alleging a violation of Title VII of the Civil Rights Act of 1964, which, *inter alia*, prohibits a prospective employer from refusing to hire an applicant because of the applicant's religious practice when the practice could be accommodated without undue hardship. The EEOC prevailed in the District Court, but the Tenth Circuit reversed, awarding Abercrombie summary judgment on the ground that failure-to-accommodate liability attaches only when the applicant provides the employer with actual knowledge of his need for an accommodation.

Held: To prevail in a disparate-treatment claim, an applicant need show only that his need for an accommodation was a motivating factor in the employer's decision, not that the employer had knowledge of his need. Title VII's disparate-treatment provision requires Elauf to show that Abercrombie (1) "fail[ed] . . . to hire" her (2) "because of" (3) "[her] religion" (including a religious practice). 42 U. S. C. §2000e–2(a)(1). And its "because of" standard is understood to mean that the protected characteristic cannot be a "motivating factor" in an employment decision. §2000e–2(m). Thus, rather than imposing a knowledge standard, §2000e–2(a)(1) prohibits certain *motives*, regardless of the state of the actor's knowledge: An employer may not make an applicant's religious practice, confirmed or otherwise, a factor in employment decisions. Title VII contains no knowledge requirement. Furthermore, Title VII's definition of religion clearly in-

SUPREME COURT OF THE UNITED STATES

PERKINSCOIE

Supreme Court:
EEOC v. Abercrombie & Fitch Stores, Inc.

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SUPREME COURT OF THE UNITED STATES

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SUPREME COURT
OF THE UNITED STATES

> Thus, the rule for disparate-treatment claims based on a failure to accommodate a religious practice is straightforward: An employer may not make an applicant's religious practice, confirmed or otherwise, a factor in employment decisions.

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Supreme Court:
Young v. United Parcel Service

(Slip Opinion) OCTOBER TERM, 2014 1

Syllabus

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SUPREME COURT OF THE UNITED STATES

Syllabus

YOUNG *v.* UNITED PARCEL SERVICE, INC.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

No. 12–1226. Argued December 3, 2014—Decided March 25, 2015

The Pregnancy Discrimination Act added new language to the definitions subsection of Title VII of the Civil Rights Act of 1964. The first clause of the Pregnancy Discrimination Act specifies that Title VII's prohibition against sex discrimination applies to discrimination "because of or on the basis of pregnancy, childbirth, or related medical conditions." 42 U. S. C §2000e(k). The Act's second clause says that employers must treat "women affected by pregnancy . . . the same for all employment-related purposes . . . as other persons not so affected but similar in their ability or inability to work." *Ibid.* This case asks the Court to determine how the latter provision applies in the context of an employer's policy that accommodates many, but not all, workers with nonpregnancy-related disabilities.

Petitioner Young was a part-time driver for respondent United Parcel Service (UPS). When she became pregnant, her doctor advised her that she should not lift more than 20 pounds. UPS, however, required drivers like Young to be able to lift up to 70 pounds. UPS told Young that she could not work while under a lifting restriction. Young subsequently filed this federal lawsuit, claiming that UPS acted unlawfully in refusing to accommodate her pregnancy-related lifting restriction. She brought only a disparate-treatment claim of discrimination, which a plaintiff can prove either by direct evidence that a workplace policy, practice, or decision relies expressly on a protected characteristic, or by using the burden-shifting framework set forth in *McDonnell Douglas Corp.* v. *Green*, 411 U. S. 792. Under that framework, the plaintiff has "the initial burden" of "establishing a prima facie case" of discrimination. *Id.*, at 802. If she carries her burden, the employer must have an opportunity "to articulate some legitimate, non-discriminatory reason[s] for" the difference in treat-

SUPREME COURT OF THE UNITED STATES

PERKINSCOIE

Supreme Court:
Young v. United Parcel Service

(Slip Opinion) OCTOBER TERM, 2014 1

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SUPREME COURT OF THE UNITED STATES

Syllabus

YOUNG *v.* UNITED PARCEL SERVICE, INC.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

No. 12–1226. Argued December 3, 2014—Decided March 25, 2015

> In our view, an individual pregnant worker who seeks to show disparate treatment through indirect evidence may do so through application of the *McDonnell Douglas* framework.

an employment-related purposes . . . as other persons not so affected but similar in their ability or inability to work." *Ibid.* This case asks the Court to determine how the latter provision applies in the context of an employer's policy that accommodates many, but not all, workers with nonpregnancy-related disabilities.

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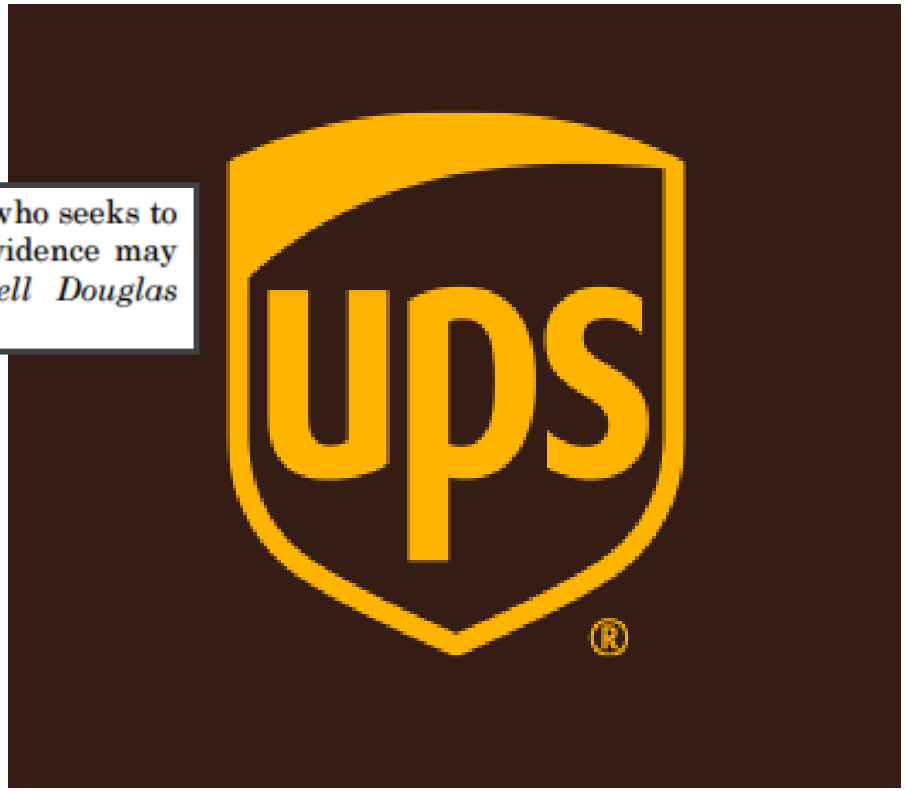
SUPREME COURT OF THE UNITED STATES



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Supreme Court:
Young v. United Parcel Service

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SUPREME COURT OF THE UNITED STATES

Syllabus

YOUNG *v.* UNITED PARCEL SERVICE, INC.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

No. 12–1226. Argued December 3, 2014—Decided March 25, 2015

We note that statutory changes made after the time of Young's pregnancy may limit the future significance of our interpretation of the Act. In 2008, Congress expanded the definition of "disability" under the ADA to make clear that "physical or mental impairment[s] that substantially limi[t]" an individual's ability to lift, stand, or bend are ADA-covered disabilities. ADA Amendments Act of 2008, 122 Stat. 3555, codified at 42 U. S. C. §§12102(1)–(2). As interpreted by the EEOC, the new statutory definition requires employers to accommodate employees whose temporary lifting restrictions originate off the job. See 29 CFR pt. 1630, App., §1630.2(j)(1)(ix). We express no view on these statutory and regulatory changes.

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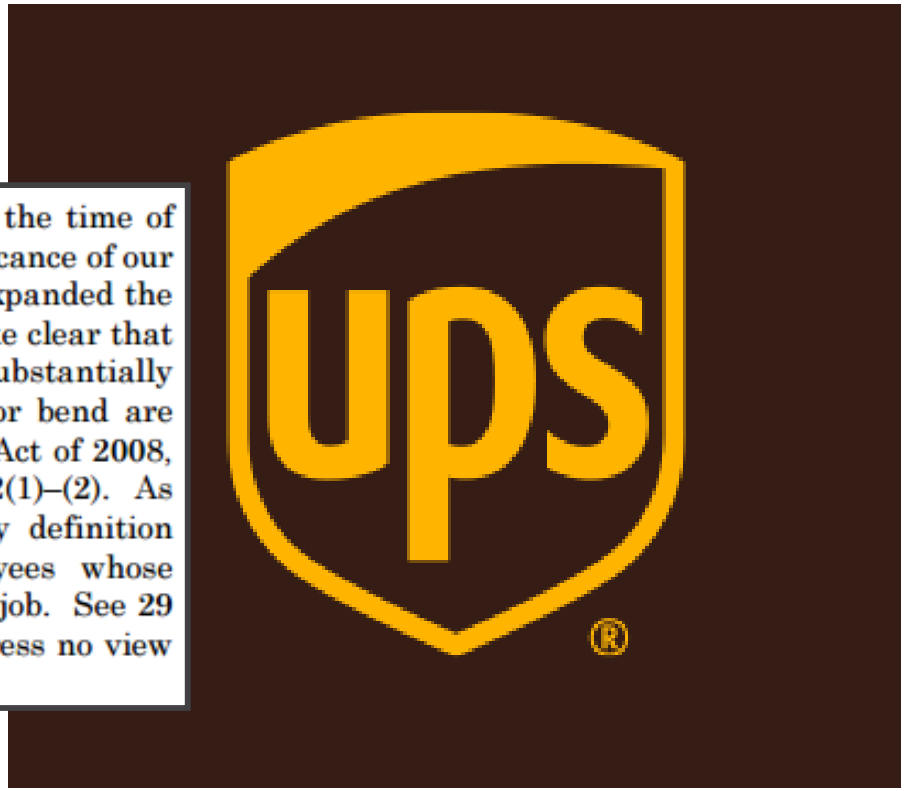
SUPREME COURT OF THE UNITED STATES



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Supreme Court:
Mach Mining LLC v. EEOC

(Slip Opinion) OCTOBER TERM, 2014 1

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SUPREME COURT OF THE UNITED STATES

Syllabus

MACH MINING, LLC *v.* EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

No. 13–1019. Argued January 13, 2015—Decided April 29, 2015

Before suing an employer for employment discrimination under Title VII of the Civil Rights Act of 1964, the Equal Employment Opportunity Commission (EEOC or Commission) must first "endeavor to eliminate [the] alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion." 42 U. S. C. §2000e–5(b). Once the Commission determines that conciliation has failed, it may file suit in federal court. §2000e–5(f)(1). However, "[n]othing said or done during" conciliation may be "used as evidence in a subsequent proceeding without written consent of the persons concerned." §2000e–5(b).

After investigating a sex discrimination charge against petitioner Mach Mining, LLC, respondent EEOC determined that reasonable cause existed to believe that the company had engaged in unlawful hiring practices. The Commission sent a letter inviting Mach Mining and the complainant to participate in informal conciliation proceedings and notifying them that a representative would be contacting them to begin the process. About a year later, the Commission sent Mach Mining another letter stating that it had determined that conciliation efforts had been unsuccessful. The Commission then sued Mach Mining in federal court. In its answer, Mach Mining alleged that the Commission had not attempted to conciliate in good faith. The Commission countered that its conciliation efforts were not subject to judicial review and that, regardless, the two letters it sent to Mach Mining provided adequate proof that it had fulfilled its statutory duty. The District Court agreed that it could review the adequacy of the Commission's efforts, but granted the Commission leave to immediately appeal. The Seventh Circuit reversed, holding that the

SUPREME COURT OF THE UNITED STATES

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Supreme Court:
Mach Mining LLC v. EEOC

(Slip Opinion) OCTOBER TERM, 2014 1

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SUPREME COURT OF THE UNITED STATES

Syllabus

MACH MINING, LLC *v.* EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

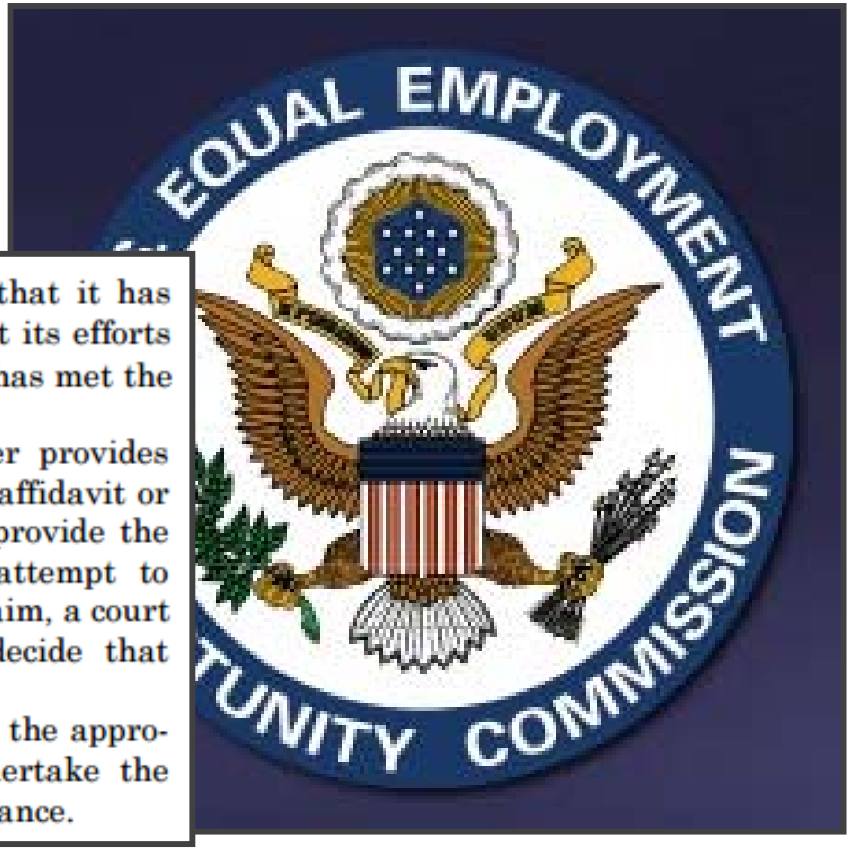
No. 13–1019. Argued January 13, 2015—Decided April 29, 2015

A sworn affidavit from the EEOC stating that it has performed the obligations noted above but that its efforts have failed will usually suffice to show that it has met the conciliation requirement.

If, however, the employer provides credible evidence of its own, in the form of an affidavit or otherwise, indicating that the EEOC did not provide the requisite information about the charge or attempt to engage in a discussion about conciliating the claim, a court must conduct the factfinding necessary to decide that limited dispute.

Should the court find in favor of the employer, the appropriate remedy is to order the EEOC to undertake the mandated efforts to obtain voluntary compliance.

SUPREME COURT OF THE UNITED STATES



PERKINSCOIE

Ninth Circuit:
Plaintiff Must Allege More Than Failure to Pay Under FLSA

UNITED STATES COURTS
for the NINTH CIRCUIT

COURT OF APPEALS | DISTRICT & BANKRUPTCY COURTS | JUDICI & CO

FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

GREG LANDERS, individually and on behalf of others similarly situated, *Plaintiff-Appellant*, v. QUALITY COMMUNICATIONS, INC.; BRADY E. WELLS; ROBERT J. HUBER, *Defendants-Appellees*.	No. 12-15890 D.C. No. 2:11-cv-01928-JCM-RJJ OPINION

Appeal from the United States District Court
for the District of Nevada
James C. Mahan, District Judge, Presiding

Argued and Submitted
November 8, 2013—San Francisco, California

Filed November 12, 2014

Before: Andrew J. Kleinfeld, Johnnie B. Rawlinson, and Ronald Lee Gilman*, Circuit Judges.

Opinion by Judge Rawlinson

* The Honorable Ronald Lee Gilman, Senior Circuit Judge for the United States Court of Appeals for the Sixth Circuit, sitting by designation.

PERKINSCOIE

Ninth Circuit:
Plaintiff Must Allege More Than Failure to Pay Under FLSA

UNITED STATES COURTS
for the NINTH CIRCUIT

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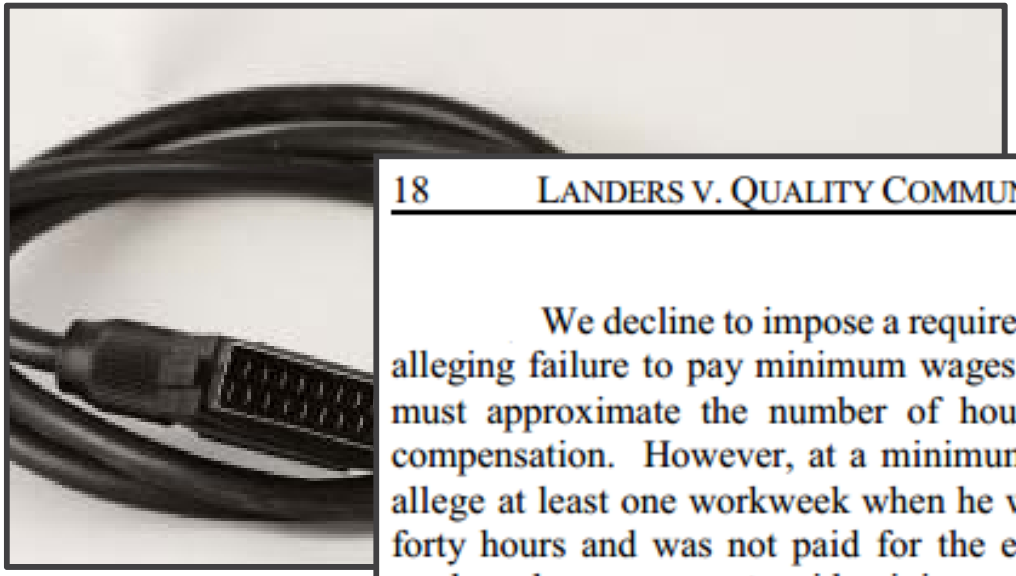

FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

GREG LANDERS, individually and on behalf of others similarly situated, *Plaintiff-Appellant*, v. QUALITY COMMUNICATIONS, INC.; BRADY E. WELLS; ROBERT J. HUBER, *Defendants-Appellees*.	No. 12-15890 D.C. No. 2:11-cv-01928-JCM-RJJ OPINION

nited States District Court
strict of Nevada
District Judge, Presiding

and Submitted
–San Francisco, California

ember 12, 2014

nfeld, Johnnie B. Rawlinson,
Gilman*, Circuit Judges.

Judge Rawlinson

e Gilman, Senior Circuit Judge for the
als for the Sixth Circuit, sitting by

18 LANDERS V. QUALITY COMMUNICATIONS

We decline to impose a requirement that a plaintiff alleging failure to pay minimum wages or overtime wages must approximate the number of hours worked without compensation. However, at a minimum the plaintiff must allege at least one workweek when he worked in excess of forty hours and was not paid for the excess hours in that workweek, or was not paid minimum wages.

PERKINSCOIE

Ninth Circuit:
Little More Than Employee's Account Needed to Reach Jury

UNITED STATES COURTS for the NINTH CIRCUIT

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FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

ANTHONY V. NIGRO, *Plaintiff-Appellant*, v. SEARS, ROEBUCK AND CO., *Defendant-Appellee.*	No. 12-57262 D.C. No. 3:11-cv-01541-MMA-JMA OPINION

Appeal from the United States District Court
for the Southern District of California
Michael M. Anello, District Judge, Presiding

Argued and Submitted
February 5, 2015—Pasadena California

Filed February 25, 2015

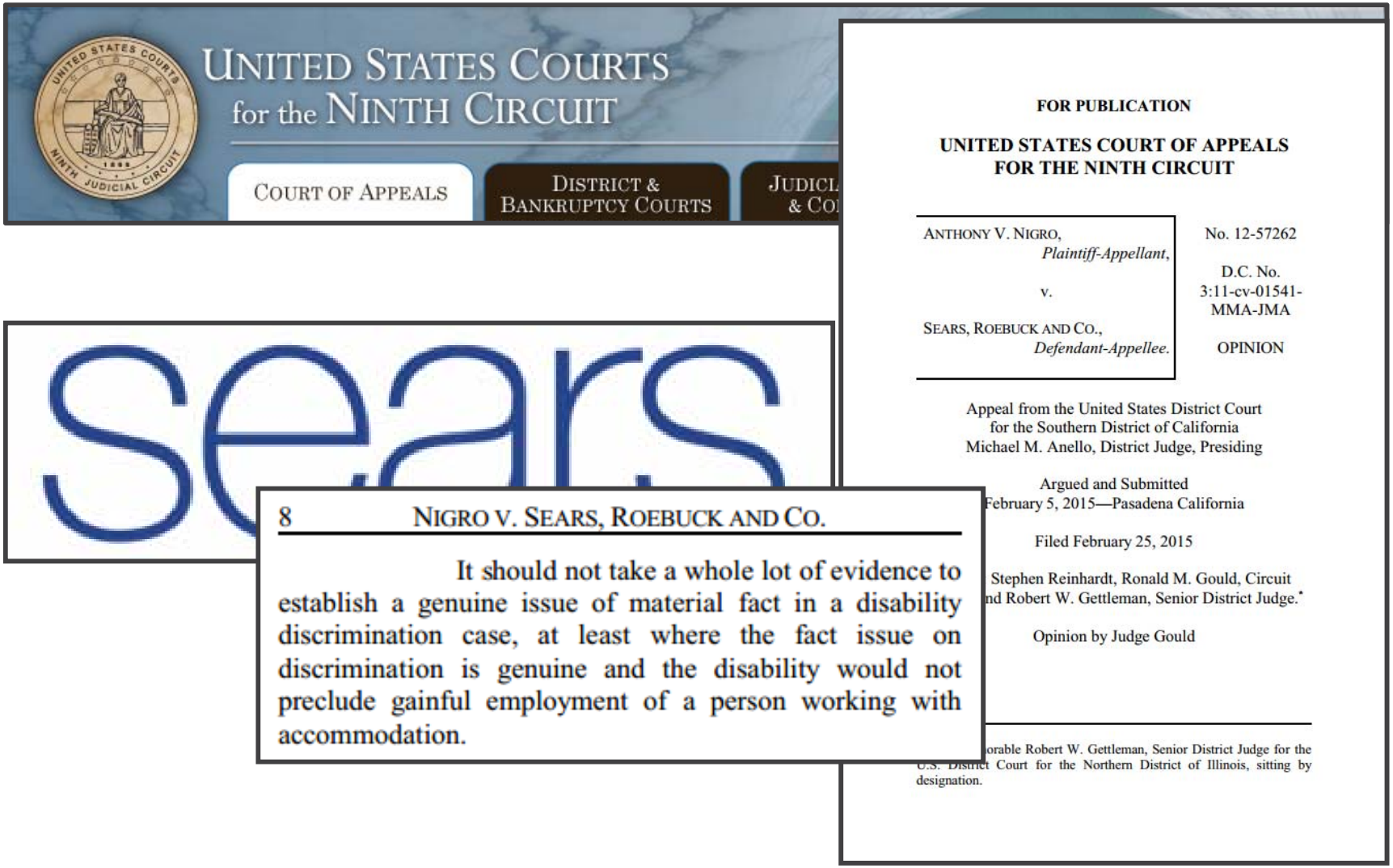
Before: Stephen Reinhardt, Ronald M. Gould, Circuit Judges, and Robert W. Gettleman, Senior District Judge.*

Opinion by Judge Gould

* The Honorable Robert W. Gettleman, Senior District Judge for the U.S. District Court for the Northern District of Illinois, sitting by designation.

PERKINSCOIE

Ninth Circuit:
Little More Than Employee's Account Needed to Reach Jury



Ninth Circuit:
Limits to Employees' Protection

UNITED STATES COURTS
for the NINTH CIRCUIT

Chief Judge Sidney R. Thomas
Cathy A. Catterson, Circuit & Court of Appeals Executive
Molly C. Dwyer, Clerk of Court

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UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MICHAEL P. CURLEY,
Plaintiff-Appellant,

v.

CITY OF NORTH LAS VEGAS,
Defendant-Appellee.

No. 12-16228

D.C. No.
2:09-cv-01071-KJD-VCF

Appeal from the United St
for the District o
Kent J. Dawson, District

Argued and Su
September 10, 2014—San F

Filed December

Before: Mary M. Schroed
and Michelle T. Friedlan

Opinion by Judge Friedland

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MATTHEW WEAVING,
Plaintiff-Appellee,

v.

CITY OF HILLSBORO,
Defendant-Appellant.

No. 12-35726

D.C. No.
3:10-cv-01432-HZ

Appeal from the United States
for the District of Or
Marco A. Hernandez, District Ju

Argued and Submit
October 9, 2013—Portland

Filed August 15, 20

Before: Barry G. Silverman, Will
and Consuelo M. Callahan, Ci

Opinion by Judge W. Fl
Dissent by Judge Callahan

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PERKINSCOIE

Ninth Circuit:

California Law Offers Broad Noncompete Protections

UNITED STATES COURTS for the NINTH CIRCUIT

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FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

DONALD GOLDEN, *Plaintiff-Appellant*, v. CALIFORNIA EMERGENCY PHYSICIANS MEDICAL GROUP; MED AMERICA; MARK ALDERDICE; ROBERT BUSCHO, *Defendants-Appellees*.	No. 12-16514 D.C. No. 3:10-cv-00437-JSW OPINION

Appeal from the United States District Court
for the Northern District of California
Jeffrey S. White, District Judge, Presiding

Argued and Submitted
February 14, 2014—San Francisco, California

Filed April 8, 2015

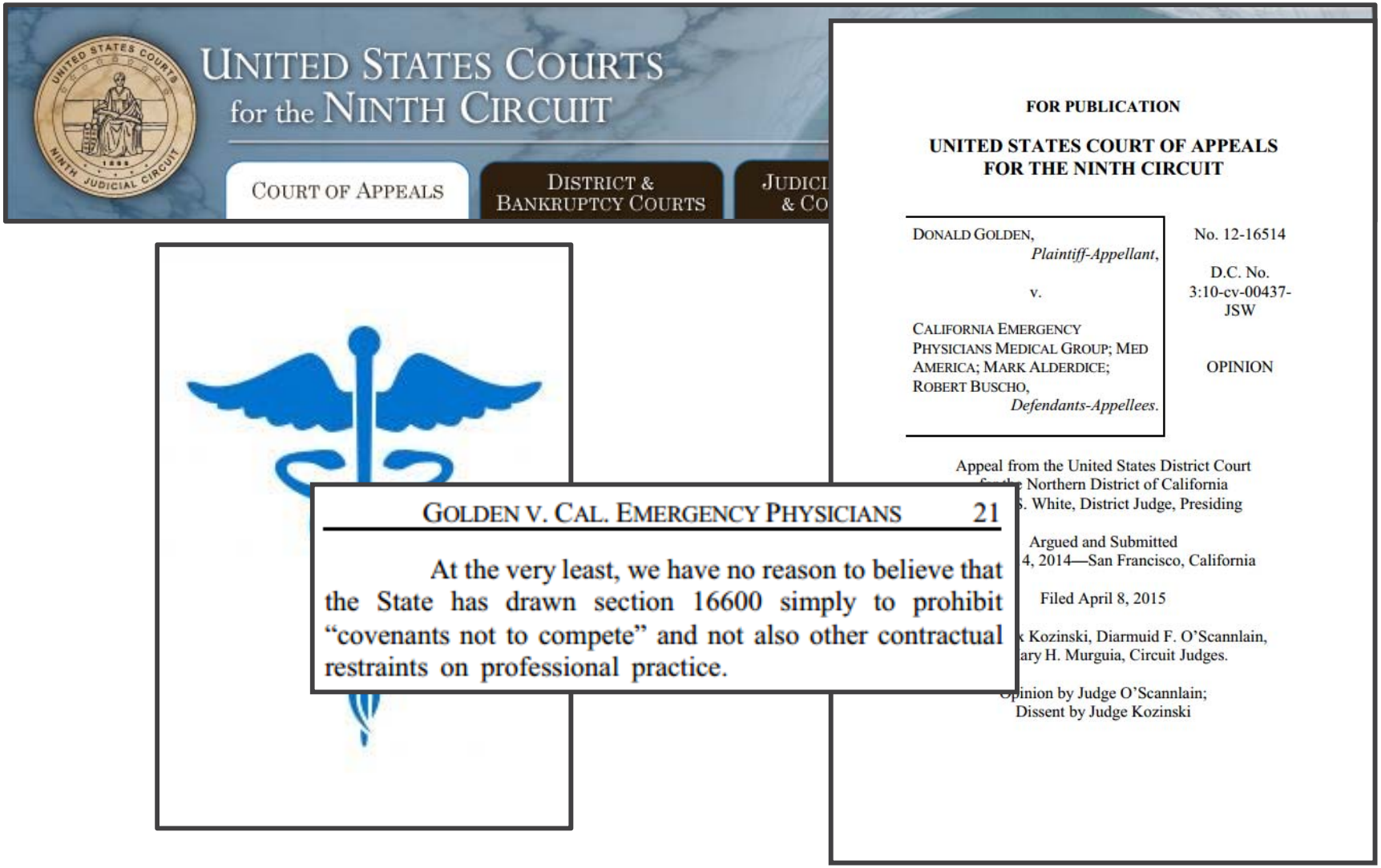
Before: Alex Kozinski, Diarmuid F. O'Scannlain,
and Mary H. Murguia, Circuit Judges.

Opinion by Judge O'Scannlain;
Dissent by Judge Kozinski

PERKINSCOIE

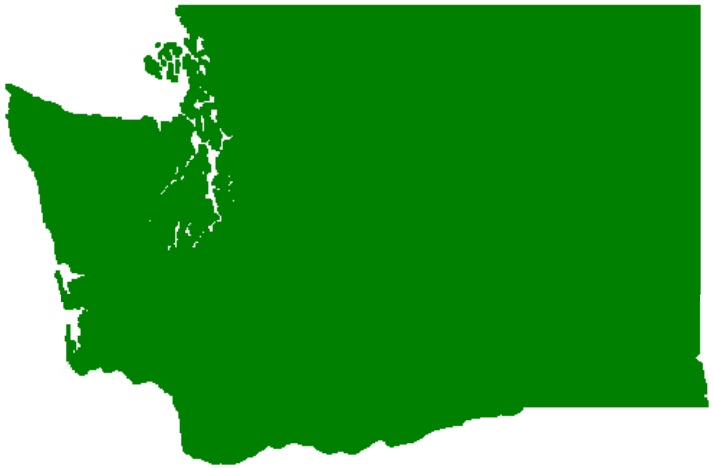
Ninth Circuit:

California Law Offers Broad Noncompete Protections



PERKINSCOIE

Washington Court of Appeals, Div. 2: "Independent Contractors" Actually "Workers"



IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

B&R SALES, INC.,

Appellant,

v.

WASHINGTON STATE DEPARTMENT OF LABOR & INDUSTRIES,

Respondent.

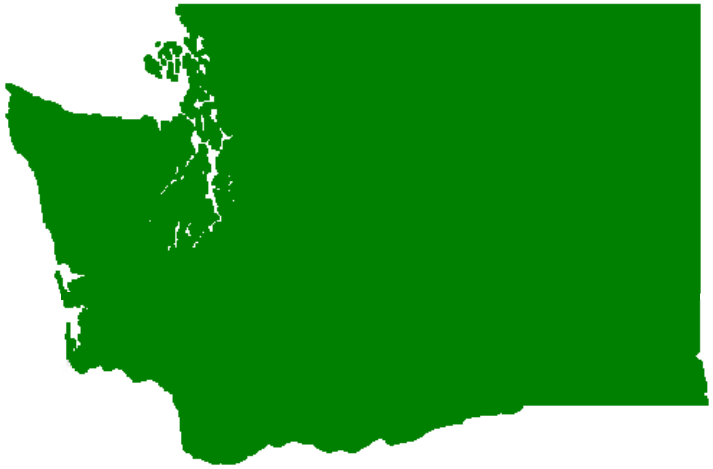
No. 45765-2-II

PUBLISHED OPINION

MAXA, J. — B&R Sales, Inc. appeals the superior court's order affirming the decision of the Board of Industrial Insurance Appeals (Board) that B&R was required to pay industrial insurance premiums for the independent contractors B&R hired to install floor coverings for its customers. The Board's decision was based on a finding that the contractors were "workers" performing personal labor under RCW 51.08.180. B&R argues that the contractors did not qualify as "workers" because they could not perform the contracted work without the use of expensive specialized tools and customized vans, and therefore the essence of their contracts was not personal labor. B&R also argues that the contractors were excluded from mandatory workers' compensation coverage under RCW 51.12.020.

We hold that the contractors were "workers" under RCW 51.08.180 because the primary object of their contracts was their personal labor despite their use of expensive specialized tools

Washington Supreme Court: Fact of Investigation Must Be Disclosed



FILE
IN CLERKS OFFICE
SUPREME COURT, STATE OF WASHINGTON
DATE APR 0 2 2015
Madsen, C.J.
CHIEF JUSTICE

This opinion was filed for record
at 8:00 Am on April 2, 2015
Ronald R. Carpenter
Supreme Court Clerk

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

ANTHONY J. PREDISIK and CHRISTOPHER KATKE,	)	No. 90129-5
Petitioners,	)	En Banc
v.	)	
SPOKANE SCHOOL DISTRICT NO. 81,	)	Filed APR 0 2 2015
Respondent.	)	

YU, J.—This case involves two public school employees who are on paid administrative leave while their employer investigates allegations of misconduct. We must decide if public records that reveal these investigations are occurring—but do not describe the allegations being investigated—implicate the employees' privacy rights under the Public Records Act (PRA), chapter 42.56 RCW. We hold they do not. Because no exemption applies to withhold the records from public inspection, we reverse and remand with instructions to order the records at issue disclosed in their entirety without redaction.

Questions?

- Department of Labor Rule Revises “Spouse” Definition for FMLA
- Proposed Department of Labor Rule on FLSA Exemptions
- Seattle Minimum Wage Update
- Supreme Court Decisions
  - *Integrity Staffing Solutions v. Busk*
  - *EEOC v. Abercrombie & Fitch Stores, Inc.*
  - *Young v. United Parcel Service*
  - *Mach Mining LLC v. EEOC*
- Ninth Circuit Decisions
- Washington Court Decisions