

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

KING COUNTY, Employer.	
GARREN CLARK AND KATHERINE ORTH, Complainants, vs. KING COUNTY CORRECTIONS GUILD, Respondent.	CASES 130934-U-18, 131001-U-18 DECISION 12943-B - PECB DECISION OF COMMISSION

Lauren H. Berkowitz, Attorney at Law, for the complainants.

Dmitri Iglitzin and Sarah E. Derry, Attorneys at Law, Barnard Iglitzin & Lavitt LLP, for the King County Corrections Guild.

This appeal involves two unfair labor practice complaints filed separately by Garren Clark and Katherine Orth (complainants) against the King County Corrections Guild. Both complainants alleged that the union breached its duty of fair representation when it stopped paying their attorney's fees and costs to defend a lawsuit filed by the union's former legal counsel against the complainants. An Unfair Labor Practice Administer reviewed the complaints and issued a preliminary ruling. The union filed an answer.

The cases were assigned to Examiner Michael Snyder. The parties filed cross-motions for summary judgment. After evaluating the evidence and arguments before him, Examiner Snyder granted the union's motion for summary judgment and dismissed the allegation that the union breached its duty of fair representation. *King County (King County Corrections Guild)*, Decision 12943-A (PECB, 2020). The complainants appealed the Examiner's decision dismissing their allegations that the union breached its duty of fair representation. Both parties filed briefs.

The standard of review on summary judgment is de novo. *Washington Federation of State Employees v. State of Washington*, 127 Wn.2d 544, 551 (1995), *Kiona Benton School District (Kiona Benton Education Association)*, Decision 11862-A (EDUC, 2014). On review, the Commission performs the same inquiry as the Examiner. *Freedom Foundation v. Gregoire*, 178 Wn.2d 686, 694 (2013); *Kiona Benton School District (Kiona Benton Education Association)*, Decision 11862-A. On appeal, the issue is whether there are any genuine issues of material fact that would contravene the motion for summary judgment. *Jacobsen v. State of Washington*, 89 Wn.2d 104, 108 (1977); *Cowlitz County*, Decision 12483-A (PECB, 2016).

We have thoroughly reviewed the record, including the briefing related to the summary judgment motions and the admissible evidence filed with those motions and the appeal and response briefs. We agree that no issues of material fact exist with respect to the allegations that the union breached its duty of fair representation and that the union is entitled to judgment as a matter of law, and we affirm the Examiner.

ORDER

The findings of fact, conclusions of law, and order issued by Examiner Michael Snyder are AFFIRMED and adopted as the findings of fact, conclusions of law, and order of the Commission.

ISSUED at Olympia, Washington, this 15th day of September, 2020.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARILYN GLENN SAYAN, Chairperson


MARK BUSTO, Commissioner


KENNETH J. PEDERSEN, Commissioner



RECORD OF SERVICE

ISSUED ON 09/15/2020

DECISION 12943-B - PECB has been served by mail and electronically by the Public Employment Relations Commission to the parties and their representatives listed below.

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CASE 130934-U-18

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CASE 131001-U-18

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