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Court of Appeals
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No. 52795-2

**COURT OF APPEALS, DIVISION II,
FOR THE STATE OF WASHINGTON**

MICHAEL MAURICE,

Appellant,

v.

STATE OF WASHINGTON EMPLOYMENT SECURITY

DEPARTMENT,

Respondent.

BRIEF OF APPELLANT MICHAEL MAURICE

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I. INTRODUCTION

Appellant Michael Maurice was discharged by his employer for asserting his Weingarten rights when he asked for a union representative before submitting to a drug test. His employer, Kaiser Permanente, cited a refusal to follow directions as the reason for his termination, and the Employment Security Department (ESD) determined the Mr. Maurice was not eligible for unemployment benefits because he was discharged for misconduct. However, Kaiser Permanente did not have the right to ask an employee to submit to a drug test without union representation, and the ESD's decision should be reversed.

The Administrative Law Judge concluded that Mr. Maurice's actions were misconduct because they "were in willful disregard of the employer's interest and in disregard of standards of behavior the employer has the right to expect of its employees," and because they "amounted to insubordination." Comm. Rec. 121. This decision, which was adopted by the ESD Commissioner and affirmed by the Thurston County Superior Court, misapplies the law. Although Mr. Maurice's employer has a right to drug screen its employees, it does not have a legitimate interest or right to direct an employee to submit to a drug test without union representation.

Since this is what the employer did, this Court should reverse the Superior Court's order and grant Mr. Maurice unemployment benefits.

II. ASSIGNMENTS OF ERROR

The Thurston County Superior Court erred in affirming the Commissioner's decision for the following reasons:

1. The Superior Court's Conclusion of Law #3 and #4 are in error because substantial evidence does not support the claim that Mr. Maurice acted with willful disregard to his employer's interest.
2. The Superior Court's Conclusion of Law #5 is in error because Mr. Maurice did not violate standards of behavior which his employer had the right to expect.
3. The Superior Court's Conclusion of Law #6 is in error because Mr. Maurice was not insubordinate to a reasonable employer instruction.
4. The Superior Court's Conclusion of Law #7 is in error because settled law establishes that the employer's demand that Mr. Maurice submit to a drug test without union representation was unreasonable and unlawful, and the Commissioner should have considered this.
5. The Superior Court's Conclusion of Law #10 is in error because Mr. Maurice did not commit misconduct.

The Employment Security Department Commissioner erred in making the following conclusions:

1. The Commissioner's Conclusion of Law #9 is in error because Mr. Maurice did not willfully disregard reasonable instructions or standards of behavior which his employer had a right to expect its employees to follow.
2. The Commissioner's Conclusion of Law #10 is in error because Mr. Maurice was not insubordinate, and although he

called his union he was prevented from obtaining union representation.

3. The Commissioner's Conclusion of Law #11 is in error because employment law indicates that the employer's directive in this case was not reasonable.

III. ISSUES PERTAINING TO ASSIGNMENTS OF ERROR

1. Whether Kaiser Permanente had a right to direct Mr. Maurice to take a drug test without a union representative.
2. Whether labor law may be considered in this case.
3. Whether the employer successfully established that Mr. Maurice was given the opportunity to take a drug test with union representation.

IV. STATEMENT OF THE CASE

Michael Maurice worked full-time as a pharmacist at Kaiser Permanente for eight years. Finding of Fact [hereinafter FF] 3. He was a shop steward for his union, UFCW Local 21,¹ as were several other employees in his building. Comm. Rec. 15, 56-57.

On August 4, 2017, Mr. Maurice's manager, Pinar Altayar, asked two nurse managers to observe him, FF 9, after a customer commented that Mr. Maurice was difficult to understand, FF 8. Mr. Maurice noticed their presence right before he took his lunch break, Comm. Rec. 45. Ms. Altayar also observed him herself for fifteen to twenty minutes over a period of three to four hours, Comm. Rec. 35, and said that he exhibited

fast movements and slurred speech, FF 10. Based on these concerns, she decided to pull Mr. Maurice from the floor and send him to a lab to take a drug test. FF 11, 12. Four days prior, Kaiser Permanente had implemented a Drug and Alcohol Testing policy which provides management with the "sole discretion" to direct an employee to submit to drug testing "[w]hen reasonable suspicion has been established." FF 5; Rec. Comm. 78-79.

Ms. Altayar asked Mr. Maurice to collect his personal items, to leave his smock and other items that belonged to the pharmacy behind, and to come up to the meeting room. Comm. Rec. 46; FF 12. Mr. Maurice asked what was happening and Ms. Altayar explained that she wanted him to take a drug test. FF 13. Mr. Maurice asserted his Weingarten rights, refusing to submit to the drug test until a union representative was present, FF 13, as he had previously been forced to take leave following an investigation at Kaiser Permanente and felt that his lack of union representation had allowed facts to later be misrepresented, Comm. Rec. 47-48. It is undisputed that he sincerely believed his Weingarten rights covered the drug test. FF 14. A nurse manager showed him a copy of the Drug and Alcohol Testing policy which stated that they had the right to test him, but Mr. Maurice continued to assert his Weingarten rights. FF 16.

Although there were shop stewards present in the building at the time, a representative was not provided to Mr. Maurice. Comm. Rec. 44; Comm. Rec. 57.

Management placed Mr. Maurice on administrative leave, asked him to leave the building, and told him Human Resources would be in contact with him. FF 18, 24. They also told him he would be trespassing if he stayed on the property. Comm. Rec. 52. Mr. Maurice turned in his badge and left with the lab order for the drug test. FF 18, 19. The lab order expired 48 hours after it was issued, FF 21, but the lab closed at 3:30 that day, Comm. Rec. 52, which was a Friday, FF 8. After leaving the building, Mr. Maurice called and emailed his union, but because the union office was closed over the weekend, the union was not able to advise him on next steps until after the lab order had expired. FF 21, 22, Comm. Rec. 53, 61.

On August 11, 2017, Mr. Maurice attended an investigatory meeting with union representation present. FF 25. On August 24, 2017, Mr. Maurice was terminated for violating the Standards of Employee Conduct by refusing to follow instructions. FF 26; see also Comm. Rec.

77. At all times while claiming unemployment benefits, Mr. Maurice was able, available, and actively seeking work. FF 27.

On October 12, 2017, the Employment Security Department approved Mr. Maurice's unemployment benefits. Comm. Rec. 73. A representative for Kaiser Permanente timely appealed, and a hearing was held on January 17, 2018. Comm. Rec. 75, 117. The Administrative Law Judge concluded that although Mr. Maurice was able, available, and actively seeking work, his actions constituted misconduct because his "actions were in willful disregard of the employer's interest and in disregard of standards of behavior the employer has the right to expect of its employees," and, additionally, that his "conduct amounted to insubordination." Comm. Rec. 120-21, Conclusions of Law 3, 9, 10. Mr. Maurice's benefits were therefore denied and he was ordered to pay back those benefits he had received. Comm. Rec. 122.

Mr. Maurice then filed a timely Petition for Review to the Commissioner's Review Office. Comm. Rec. 133. The Commissioner affirmed the Administrative Law Judge's decision and adopted the Office of Administrative Hearings' findings of fact and conclusions of law. Comm. Rec. 140.

Pursuant to RCW chapter 34.05, Mr. Maurice appealed the final agency decision to Thurston County Superior Court. CP 1. Honorable Judge Chris Lanese affirmed the decision of the Commissioner and denied benefits for Mr. Maurice.

V. STANDARD OF REVIEW

The Administrative Procedure Act (APA) governs the review of final agency decisions by an appellate court. *Darkenwald v. Emp't Sec. Dep't*, 183 Wn.2d 237, 244, 350 P.3d 647 (2015); *see generally* RCW 34.05. Following review by a superior court acting in its appellate capacity, a court of appeals “sit[s] in the same position as the superior court and appl[ies] the APA standards directly to the administrative record.” *Campbell v. Emp't Sec. Dep't*, 180 Wn.2d 566, 571, 326 P.3d 713 (2014). Thus, the Court of Appeals reviews the decision of the ESD commissioner, “not the ALJ’s decision or the superior court’s ruling.” *Michaelson v. Emp't Sec. Dep't*, 186 Wn. App. 293, 298, 349 P.3d 896 (2015). The Commissioner’s decision is considered prima facie correct and the party challenging the Commissioner’s decision, here Mr. Maurice, bears the burden of showing the decision was in error. *Id.*, RCW 34.05.570(1)(a).

Pursuant to the APA, if the statute or agency rule upon which a decision is based is not “constitutionally infirm or otherwise invalid,” *Campbell*, 180 Wn.2d at 571, an agency decision may only be overturned if “the decision is based on an error of law, the order is not supported by substantial evidence, or the order is arbitrary and capricious.” *Id.*; see RCW 34.05.570(3)(a)–(i).

Substantial evidence is “evidence that would persuade a fair-minded person of the truth or correctness of the matter” in light of the whole record. *DeFelice v. Emp’t Sec. Dep’t*, 187 Wn. App 779, 787, 351 P.3d 197 (2015). This Court does not “substitute [its] judgment on witnesses’ credibility or the weight to be given conflicting evidence” for the judgment of the Commissioner. *DeFelice*, 187 Wn. App. at 787 (quoting *W. Ports Transp., Inc.*, 110 Wn. App. 440, 449, 41 P.3d 510 (2002)). Conclusions of law are reviewed de novo. *Id.*

VI. ARGUMENT

Michael Maurice was fired for asserting his Weingarten rights. When an employee is under investigation and demands a union representative per *Weingarten*, the employer has the option either to grant the request or to deny the request and move forward with the information

it already has. *N.L.R.B. v. J. Weingarten, Inc.*, 420 U.S. 251, 256, 95 S. Ct. 959, 963, 43 L. Ed. 2d 171 (1975). It neither has the option to deny the request and demand that the employee subject themselves to an investigation without representation, nor the option to penalize the employee for asserting their rights. *Id.*

Under the Employment Security Act, the employer bears the burden of proving statutory misconduct to support a denial of benefits. *In Re Dow*, Empl. Sec. Comm'r Dec. 2d 948 (2010). In this case, Kaiser Permanente did not meet its burden, both because Mr. Maurice had a clearly established right to have a union representative present before submitting to a drug test, and because the record shows that his employer denied him that right and fired him for asserting it.

A. Mr. Maurice's actions were not misconduct because he did not disregard his employer's legitimate interests or rights, or refuse to follow a reasonable request.

The Commissioner, in adopting the Administrative Law Judge's Conclusions of Law, held that Mr. Maurice was terminated for misconduct, and is therefore ineligible for unemployment benefits, because his actions (1) "were in willful disregard of the employer's

interest," (2) were "in disregard of standards of behavior the employer has the right to expect of its employees," and (3) "amounted to insubordination." Comm. Rec. 140; CL 9, 10. These conclusions are in error and should be reversed.

Under Washington law, claimants are ineligible to collect unemployment benefits if they were discharged for misconduct. RCW 50.20.066. The definition of misconduct includes "(a) Willful or wanton disregard of the rights, title, and interests of the employer" and "(b) Deliberate violations or disregard of standards of behavior which the employer has the right to expect of an employee." RCW 50.04.294(1). One example of misconduct is "[i]nsubordination showing a deliberate, willful, or purposeful refusal to follow the reasonable directions or instructions of the employer." RCW 50.04.294(2). If the directions are unreasonable, even if they appear reasonable to the employer, an employee cannot be insubordinate for refusing to follow them. *See Kirby v. State, Dept. of Employment Sec.*, 179 Wn. App. 834, 848, 320 P.3d 123, 129 (2014).

Union employees have a statutory right "to refuse to submit without union representation" to investigatory interviews which they reasonably fear may result in discipline. *Weingarten*, 420 U.S. at 256. This issue only arises if an employee requests union representation, and even then employers are not required to grant the request. *Id.* at 257-58. Instead, employers are free "to carry on [their] inquiry without interviewing the employee" and, in that case, to then "act on the basis of whatever information [they] had and without such additional facts as might have been gleaned through the interview." *Id.* at 258-59 (quoting *Mobil Oil Corp.*, 196 NLRB 1052 (N.L.R.B. 1972), *enforcement denied sub nom.* 482 F.2d 842).

Thus, "where an employee requests union representation before participating in a disciplinary investigation, the employer has three clearly established options: (1) grant the employee's request; (2) give the employee the option of proceeding without representation; or (3) discontinue the interview and make a disciplinary decision based on the information it has available." *Manhattan Beer Distributors, LLC*, 362 NLRB No. 192, 3 (2015), *review denied, enforcement granted*, 670 Fed. Appx. 33 (2d Cir. 2016). The employer does *not* have the option to "take

action against employees based on their invocation" of these rights. *Ralphs Grocery Co.*, 361 NLRB No. 9, 2 (2014).

Here, Mr. Maurice had the right to request union representation before submitting to a drug test, and it was unreasonable for his employer to require him to forgo this right. The ALJ, in Conclusions of Law adopted by the Commissioner, held that Mr. Maurice's "actions were in willful disregard of the employer's interest," "in disregard of standards of behavior the employer has the right to expect of its employees," and "amounted to insubordination" because the actions violated the employer's policy. CL 9, 10. The ALJ further noted that the employer's policy did not provide for union representation prior to submitting to a drug test, and asserted that this was reasonable as a separate issue from whether Mr. Maurice's Weingarten rights were violated. CL 10, 11.

However, the employer had no legitimate interest in forcing Mr. Maurice to undergo the drug test without representation after he requested representation, nor did the employer have the right to expect him to do so. Furthermore, Mr. Maurice's actions were not insubordinate because he did

not refuse to follow a *reasonable* instruction. It is not reasonable, nor is it legal, to force employees to forgo their rights.

1. Mr. Maurice had the right to assert Weingarten rights before undergoing a drug test.

Although the ALJ did not find that Mr. Maurice's Weingarten rights were relevant to this case, she distinguished Mr. Maurice's case from *Manhattan Beer Distributors*, a case in which the NLRB upheld Weingarten rights for a drug test, in two ways. CL 11. First, she noted that, "in *Manhattan Beer Distributors*, the employer indicated a desire to talk with the employee in addition to requesting the drug test," CL 11, whereas in this case, "the employer did not ask the claimant any questions," so there was no investigatory meeting, CL 12; CL 10 no. 1.

The NLRB has held on multiple occasions that drug and alcohol tests qualify as investigatory interviews under Weingarten. *See, e.g., Ralphs Grocery Co., supra*, at 1 ("The drug and alcohol test ... triggered [the employee]'s right to a Weingarten representative."). This is because union representatives are helpful in drug and alcohol tests, just as they are in traditional investigatory interviews. For instance, "the physical presence of a union representative . . . permit[s] the representative to independently

observe [the employee's] condition and potentially contest the grounds for [the employer's] suspicions." *Manhattan Beer Distributors, supra*, at 3. The representative can also advise the employee "regarding the standard testing protocol and ensure . . . that those protocols [are] followed." *Id.*

These rights exist whether or not the drug and alcohol tests are accompanied by an investigatory meeting in which the employer asks the employee questions. See *Ralphs Grocery Co. & United Food & Commercial Workers Union, Local 324*, 197 L.R.R.M. (BNA) 1791 (N.L.R.B. Div. of Judges Apr. 30, 2013) (holding that Weingarten rights applied when employee demanded union representation upon being directed to take a drug test, absent any questions being asked by employer), adopted as modified sub nom. *Ralphs Grocery Co.*, 361 *NLRB No. 9, supra; Manhattan Beer Distributors, supra*, at 1 (Weingarten rights applied when employee smelled like marijuana, his supervisor told him he "smelled funny," asked if he "was doing anything stupid," and then directed him to take a drug test).

The ALJ's apparent conclusion that a drug and alcohol test must be accompanied by questions directed at the employee in order to qualify as an investigatory meeting for the purposes of Weingarten rights is

unsupported by case law. While it is true that "in *Manhattan Beer Distributors*, the employer indicated a desire to talk with the employee in addition to requesting the drug test," CL 11, the NLRB made no indication that this was a deciding factor in its decision. *Manhattan Beer Distributors, supra*. Furthermore, in *Ralphs Grocery Co*, the employee had Weingarten rights even where there was no indication in the record that the employer had asked the employee any questions, and instead, as in this case, had simply directed him to submit to the drug test. *See Ralphs Grocery Co*, 197 L.R.R.M., *supra*. Therefore, Mr. Maurice had a right to refuse to submit to the drug test until he was granted union representation in this case.

2. The fact that Mr. Maurice had a right to request a union representative is relevant and may be considered by this Court.

The ALJ and Commissioner concluded that the issue of whether Mr. Maurice had Weingarten rights in the context of a drug test was outside the scope of their decision. The State encouraged this view, arguing that the Superior Court was not able consider the issue, and the Superior Court ultimately agreed, concluding that the Commissioner correctly "declin[ed] to assess Mr. Maurice's actions based on a collateral review of federal labor law." Order at 3.

Mr. Maurice is not asking the Court to determine whether he was lawfully discharged. He is only asking the Court to determine, under the Employment Security Act, whether he was discharged for misconduct. This inquiry necessarily involves an examination of his and his employer's rights and obligations. For instance, the unemployment security misconduct statute refers to violations "of standards of behavior which the employer has the right to expect of an employee." RCW 50.04.294. It would be an absurd result to determine that ESD should not consider rights that have been clearly established by labor law decisions in determining whether misconduct has been committed.

3. The employer did not establish that Mr. Maurice had the opportunity to take the drug test with union representation.

The Employment Security Department ultimately concluded that Mr. Maurice "was sent away with the lab order, the ability to contact the union and submit to a test anytime that day" but "never submitted to the drug test, effectively postponing the test indefinitely." CL 12. However, the record does not support a conclusion that Mr. Maurice ever had the opportunity to take the drug test with a union representative present.

Mr. Maurice consistently expressed that he would take the drug test with a union representative. There were union representatives present whom Mr. Maurice could have easily retrieved, but rather than grant him his request, his employer placed him on administrative leave. Comm. Rec. 57, 119. The lab closed at 3:30 that day, and this had all happened after Mr. Maurice's lunch break, so it is unlikely that Mr. Maurice could have gone for testing even if he had been able to find a union representative after being told to leave his work place. Comm. Rec. 45, 52. Furthermore, the record is clear that the union office was closed over the weekend, and that by the time the union office was actually able to engage with Mr. Maurice, the lab paperwork had expired. Comm. Rec. 61.

ESD's finding that Mr. Maurice "made contact with his union" after leaving the building does not mean that Mr. Maurice was given the opportunity to exercise his Weingarten rights. *See* Comm. Rec. 119. The fact that Mr. Maurice was able to call the office does not mean he was able to obtain a union representative, as clearly illustrated by the testimony of the union representative at the hearing, who explained that "by the time [the union office] got involved, as actually being available to answer his calls, the lab results had expired." Comm. Rec. 61. If Mr. Maurice's

request had been granted, on the other hand, he could have gone and found a union representative in a matter of minutes, given that there were other union representatives in the building. Comm. Rec. 44, Comm. Rec. 57. Therefore, although the test was urgent, the employer was responsible for its indefinite postponement, not Mr. Maurice.

While "all employers have a legitimate interest in promptly addressing situations where employees may be working under the influence of drugs or alcohol," *Ralphs Grocery Co.*, 361 NLRB No. 9, *supra*, at 2, an employee can demand a representative "even if that might cause some delay in the administration of the drug or alcohol test," *Manhattan Beer Distributors*, *supra*, at 2. As the ALJ pointed out, an employer is "not . . . required to postpone indefinitely a drug test" but is "required to afford . . . a reasonable period of time to obtain union representation." *Id.* at 4. In *Manhattan Beer Distributors*, the employee said he would take the test with a shop steward present, but when he attempted to reach one, no shop stewards were available. *Id.* at 1. The employee was subsequently fired for refusing to take the drug test, *id.* at 2, even though in that case it was not urgent and only two hours had passed between when the employee arrived at work and when he was sent home,

id. at 4. The Board held that this was a violation of the employee's Weingarten rights. *Id.* at 6.

Furthermore, while the ALJ's conclusion properly puts the onus on Mr. Maurice to acquire union representation in a reasonable time, it disregards the fact that this onus only arises if the employer grants the request for union representation. As the Supreme Court and the NLRB have made clear, the employer is not required to grant the request, and may instead "act on the basis of whatever information [they] had and without such additional facts as might have been gleaned through the interview." *Weingarten, supra*, at 259. Here, management had denied Mr. Maurice's request, and was moving forward without the drug test. This is evidenced by the fact that they took his badge, told him he would be trespassing if he did not leave, and placed him on administrative leave. FF 18; FF 24; Comm. Rec. 52. By denying Mr. Maurice's request, the employer was choosing to act only on the basis of the information it already had. Since the employer decided not to grant his request, Mr. Maurice could not rightfully be penalized for not attempting to take the test after being sent home.

Mr. Maurice's employer had the burden of establishing misconduct. *In re Dow*, Empl. Sec. Comm'r Dec. 2d 948 (2010). If it had been able to establish that Mr. Maurice had the opportunity to submit to a drug test with a union representative present, it would have successfully done so. Neither ESD's findings nor the record as a whole, however, support this conclusion. Mr. Maurice's employer failed to meet its burden, and ESD erred to the extent that it concluded Mr. Maurice had the option to take a drug test with a union representative but chose not to.

4. Mr. Maurice was not required to undergo a drug test without union representation.

To the extent that ESD concluded Mr. Maurice should have submitted to the drug test without union representation, Mr. Maurice's choice not to do so does not constitute misconduct. The ALJ misapplied the law when she held that Kaiser Permanente's instructions to do so were reasonable. *See* Comm. Rec. 121 (CL 9-11). She noted that "the claimant ... may certainly have a claim against the employer under employment law," but determined that this did not affect the reasonableness of the directive under the Employment Security Act. *Id.* However, if an

employer's instructions violate federal labor law, they cannot be reasonable.

"A company rule is reasonable if it is related to your job duties, is a normal business requirement or practice for your occupation or industry, or is required by law or regulation." WAC 192-150-210. It is worth noting that the misconduct statute specifically provides that "an employee who engages in lawful union activity may not be disqualified due to misconduct." RCW 50.04.294. This shows a legislative intent that employees not be penalized for asserting their collective organizing rights, which include Weingarten rights. *See Weingarten, supra* ("[T]he right [to a union representative during investigatory interviews] inheres in . . . the right of employees to act in concert for mutual aid and protection"). Furthermore, even when an employer has a legitimate interest supporting its policy, there is still no misconduct when the employee violates that policy if "the regulation that [the employer] adopted to [protect its legitimate interest] went far beyond what [was] reasonably necessary." *In Re Larry Pearson*, 1973 WL 166616, at *3.

The Employment Security Commissioner has recognized that an employee is not insubordinate when they refuse to follow an employer's request which violates their labor agreement. *In Re Leroy v. Harvey*, 1980 WL 344279, at *3. In such a case, the direction is "an unreasonable one . . . [and the] petitioner's refusal of it, under the circumstances, [is] not so culpable as to amount to misconduct." *Id.* See also *In Re Gary A. Svoboda*, 1972 WL 131634, at *3 (holding that employee's refusal to continue to report for work was based on his union agreement and union representative's advice, and thus did not constitute misconduct).

Here, the company rule requiring drug testing after reasonable suspicion was reasonable, because it was related to Mr. Maurice's job duties and is a normal business requirement. It was not, however, reasonable when the company instructed Mr. Maurice to submit to drug testing even after denying his request for union representation, as this violated his Weingarten rights and went beyond what was necessary to protect the company's interest. Just as it is not reasonable for an employer to direct an employee to forgo their rights under a labor agreement, it is also not reasonable for an employer to direct an employee to forgo their rights under federal labor law.

Mr. Maurice would have taken the test if he had been provided with his representation rights, Comm. Rec. 57, and while his employer may have had a legitimate interest and right to drug test him, it did not have a legitimate right or interest in doing so without granting him access to representation. Thus, Mr. Maurice was not terminated for misconduct, because although Kaiser Permanente terminated him for "refusal to follow instructions," Comm. Rec. 77, Mr. Maurice only refused to take the test without union representation.

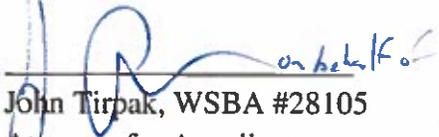
VII. CONCLUSION

RCW Title 50 must be liberally interpreted in favor of an unemployed worker, and Mr. Maurice is the kind of person the statute is intended to protect. *See* RCW 50.01.010. His unemployment benefits should be granted, either because he was not violating a legitimate right or interest of his employer, or because he was not willfully doing so, when he believed he had a legal right to refuse to submit to the drug test until he had union representation.

For the foregoing reasons, Michael Maurice requests that the Court reverse the Superior Court and Commissioner's decisions and grant Mr. Maurice benefits.

Dated this 3rd day of January 2019.

Respectfully submitted,



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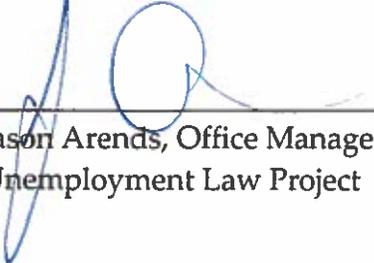
CERTIFICATE OF SERVICE

I hereby certify that I caused the foregoing **Brief of Appellant Michael Maurice** be filed with the Clerk of the Court, and I certify that I served all parties, or their counsel of record, a copy of this document by United States Mail, proper postage attached, to the following addresses:

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I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 3rd day of January 2019, in Seattle, WA.



Jason Arends, Office Manager
Unemployment Law Project

UNEMPLOYMENT LAW PROJECT

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