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No. 86739-9

SUPREME COURT  
OF THE STATE OF WASHINGTON

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INTERNATIONAL UNION OF OPERATING ENGINEERS,  
LOCAL 286,

Petitioner,

v.

PORT OF SEATTLE,

Respondent.

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SUPPLEMENTAL BRIEF OF PETITIONER INTERNATIONAL  
UNION OF OPERATING ENGINEERS, LOCAL 286

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ORIGINAL

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## INTRODUCTION

The Court of Appeals affirmed vacatur of a labor arbitrator's decision and award which significantly reduced the discipline imposed on an employee. Vacatur was based on the perception that the arbitrator's award, which reduced an employee's discipline for alleged racist misconduct in the workplace from termination to a four-week suspension, was excessively lenient and therefore violated the public policy of the State of Washington.

Pursuant to this Court's decision in *Kitsap County Deputy Sheriff's Guild v. Kitsap County*, 167 Wn.2d 428, 434, 291 P.3d 675 (2009), courts may not set aside or reject the judgment of a labor arbitrator regarding appropriate employee discipline unless the decision violates an explicit, well-defined and dominant public policy. Because there is no explicit, well-defined or dominant public policy in Washington which demands any particular punishment or sanction against an employee who commits an act of racial harassment, the arbitrator's decision should not have been vacated.

Petitioner therefore respectfully requests that this Court reverse the Court of Appeals decision upholding vacatur of the arbitration decision and remand for further proceedings consistent therewith.

## ASSIGNMENTS OF ERROR

1. The Court of Appeals erred when it held that the Washington Law Against Discrimination, RCW 49.60, *et seq.*, provides an

explicit, well-defined, and dominant public policy prohibiting reinstatement with a four-week suspension of an employee who was disciplined for racial harassment.

2. The Court of Appeals erred when it held that the arbitration award issued by Arbitrator Vivenzio violated the public policy of the State of Washington because it impermissibly conflicted with the Port of Seattle's duty to eliminate and prevent racial discrimination in the workplace.

## **STATEMENT OF THE CASE**

### **I. Nature of the Lawsuit**

On October 12, 2007, long-time Port of Seattle ("Port") employee Mark Cann was asked by his supervisor to remove a length of coiled rope from the workplace floor. CP 641. Mr. Cann took the rope and, with the help of another employee, tied and hung a full-sized hangman's noose. CP 691. Mr. Cann claimed it was part of a long-running joke between himself and another employee, a 75-year-old white man named Dick Calhoun. CP 691. The noose was discovered by an African-American employee named Rafael Rivera, who took offense and reported the incident to management. CP 653. The Port conducted an investigation which resulted in its termination of Mr. Cann's employment on February 11, 2008. CP 662.

Mr. Cann's union, Petitioner International Union of Operating Engineers, Local 286 ("Local 286") and the Port are parties to a collective bargaining agreement ("CBA") which, *inter alia*, provides that discipline and termination will only be for just cause and provides for final and binding arbitration of disputes arising under the CBA. *See* CP 6-20. Local 286 invoked the grievance procedure under the CBA to challenge Mr. Cann's termination as being without just cause. CP 499. The parties stipulated that the issue to be decided by the arbitrator was, "[w]as there just cause for the Port to terminate Mark Cann's employment, and if not, what is the appropriate remedy?" CP 635.

Arbitrator Anthony Vivencio determined on February 2, 2009, after an arbitration hearing held on October 13 and 14, 2008, that the Port did not have just cause to terminate Mr. Cann. Arbitrator Vivencio issued a 26-page decision, at CP 633-659, in which he decided that, although the employer was justified in disciplining Mr. Cann, termination was "too harsh a penalty under the circumstances, and was not imposed for just cause." CP 657. The arbitrator reasoned that Mr. Cann was "more clueless than racist." *Id.* The arbitrator reduced the discipline to a 20-day, i.e., four work-week, suspension, ordered Mr. Cann to be reinstated, and directed that he be made whole for all wages and benefits lost beyond those which he would have lost as a result of the four-week suspension. CP 658.

On February 25, 2009, the Port filed a petition for a constitutional writ of certiorari in King County Superior Court seeking to vacate the arbitration award. Case 09-2-10355-1 SEA. On April 22, 2009, Local 286 filed a lawsuit to compel enforcement of the Award. Case 09-2-16679-0 SEA.

## **II. The Superior Court's Decision**

The Port's petition for a writ of certiorari and Local 286's lawsuit to compel enforcement were consolidated and adjudicated by The Honorable Steven C. Gonzalez. CP 1-3. On cross motions for summary judgment, on February 4, 2010, Judge Gonzalez granted the Port's motion for summary judgment and vacated Arbitrator Vivenzio's decision on the basis that it "violates Washington's explicit, well-defined, and dominant public policy prohibiting discrimination in the workplace" and was "excessively lenient given the facts and circumstances of this case." CP 725-27. He simultaneously denied Local 286's motion for summary judgment enforcing the award. *Id.*

Judge Gonzalez ordered the Port to reinstate Mr. Cann to employment and to pay Mr. Cann, who had by that time been out of work for approximately eighteen months, a total of six months' backpay. Mr. Cann was also ordered to write a "sincere letter of apology" and attend diversity and anti-harassment training. *Id.* The court also imposed a four-

year probationary period during which Mr. Cann would be immediately terminated if the Port found that Mr. Cann had violated the Port's anti-harassment policy; this termination could not be challenged through any collectively-bargained grievance procedure then in effect. *Id.* This ruling effectively replaced the four-week unpaid suspension imposed by Arbitrator Vivenzio with a substantially more severe remedy of the court's own devising.

On March 3, 2010, Local 286 filed a notice of appeal seeking review of the superior court's Order Granting Port's Motion for Entry of Post-Hearing Order and Order Granting in Part Plaintiff IUOE Local 286's Motion for an Award of Reasonable Attorney Fees.

### **III. Court of Appeals, Division I Decision**

On October 17, 2011, Division I of the Court of Appeals issued its published decision. (Appendix, A-1 through A-21). In it, the Court of Appeals held that Arbitrator Vivenzio's award reducing Mr. Cann's the termination to a four-week suspension violated public policy.

The Court of Appeals agreed with the superior court that Arbitrator Vivenzio's award was too "lenient" and held that "the policies of the WLAD [Washington Law Against Discrimination, RCW 49.60, *et seq.*] require that an arbitration award be substantial enough to discourage repeat behavior." A-14-15.

The Court of Appeals also held that the superior court “exceeded the scope of its authority when it substituted its own determination of appropriate discipline for the arbitrator’s.” A-17. The Court found that “the superior court here should have interfered to the least possible degree while upholding public policy.” A-18. This limited interference could have been achieved by remanding the case for further arbitration. A-18.

The Court of Appeals therefore affirmed the superior court’s decision to vacate Arbitrator Vivenzio’s award but remanded for further proceedings.

## **ARGUMENT**

### **I. THE COURT’S REVIEW IN THIS CASE IS *DE NOVO*.**

Whether to enforce or vacate Arbitrator Vivenzio’s award involves a pure question of law which this Court reviews *de novo*. *Kitsap County, supra*, 167 Wn.2d at 434; *State v. Ford*, 125 Wn.2d 919, 923, 891 P.2d 712 (1995).

### **II. THIS COURT SHOULD UPHOLD WELL-ESTABLISHED JUDICIAL DEFERENCE TO LABOR ARBITRATION AWARDS, WHICH MAY BE VACATED AS VIOLATING PUBLIC POLICY ONLY IN NARROW CIRCUMSTANCES ABSENT HERE.**

#### **A. Supreme Court Precedent Directs That The Public Policy Exception To Enforcing Labor Arbitration Awards Applies Only Where The Arbitration Decision Violates an Explicit, Well Defined and Dominant Public Policy.**

Washington public policy, like federal labor law policy, strongly favors finality of arbitration awards. *Davidson v. Hensen*, 135 Wn.2d 112, 118, 954 P.2d 1327 (1998). Accordingly, the Supreme Court has set out an extremely limited standard of review for arbitration awards. *Clark County PUD No. 1 v. Int'l Bhd. of Elec. Workers, Local 125*, 150 Wn.2d 237, 246, 76 P.3d 248 (2003) (“*Clark County*”).

Review of an arbitration decision under a constitutional writ of certiorari is limited to whether the arbitrator acted illegally by exceeding his or her authority under the contract. *Id.* at 245. Thus, when reviewing an arbitration proceeding, an appellate court does not reach the merits of the case. *Id.* Courts instead must “give exceptional deference to an arbitrator’s decision, particularly in the realm of labor relations.” *Klickitat County v. Beck*, 104 Wn. App 453, 460, 16 P.3d 692 (2001).<sup>1</sup>

In *Kitsap County*, the Washington State Supreme Court held that an arbitration decision arising out of a collective bargaining agreement may be vacated if it violates public policy, but **only** if the arbitrator’s decision violates an “explicit, well defined and dominant” public policy.

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<sup>1</sup> *Accord: Department of Agriculture v. State Personnel Bd.*, 65 Wn. App. 508, 515, 828 P.2d 1145 (1992). *See also City of Yakima v. Yakima Policy Patrolmans Association*, 148 Wn. App. 191, 192-93, 194 P.3d 484 (2009), noting that labor arbitration awards are “afforded great deference” and that “[s]o long as the arbitrator is even arguably construing or applying the contract and acting within the scope of his authority, the fact that a court is convinced he committed serious error does not suffice to overturn his decision.”

The Court stated, “We now join the federal and other state courts in adopting the narrow public policy exception to enforcing arbitration decisions.” 167 Wn.2d at 436.

The public policy exception is a “strict standard,” 167 Wn.2d at 438, which is not met simply because the Court believes the arbitrator’s decision “was not good public policy” or thinks the remedy ordered by the arbitrator was “distasteful.” *Id.* at 439.

Where the “public policy” challenge is directed not at the arbitration decision *in toto*, but rather at “specific relief” provided in that decision, it is the burden of the party challenging the decision to show that the “specific relief” violates the public policy. Thus, the party challenging the arbitration decision has to demonstrate that public policy “specifically militates against the relief ordered by the arbitrator.” *Virginia Mason Hosp. v. Washington State Nurses Ass'n*, 511 F.3d 908, 916 (9th Cir. 2007), quoting *Stead Motors of Walnut Creek v. Auto. Machinists Lodge No. 1173*, 886 F.2d 1200, 1212-13 (9th Cir. 1989).

Applying this narrow public policy exception to the case before it in *Kitsap County*, the Court noted that the lower court had failed to identify an “explicit, well defined and dominant” public policy that was violated by the arbitrator’s decision to overturn the termination of a County deputy who had committed 29 documented incidents of

misconduct, finding instead that “there is no statute or other explicit, well defined, and dominant expression of public policy that requires the automatic termination of an officer found to have been untruthful.” *Id.*

**B. There Is No Public Policy In Washington State Which Demands Any Particular Punishment Or Sanction Against An Employee Who Commits Racial Harassment.**

The Court of Appeals’ decision substantially conflicts with this Court’s decision in *Kitsap County*. Although the WLAD certainly represents a strong public policy against employment discrimination, including racial harassment, no public policy in Washington State prohibits the Port, or any other public or private employer, from continuing to employ or re-employing a person who has been accused of committing or who has committed an act constituting a violation of the employer’s anti-harassment policy, absent some substantial discipline having first been imposed.

Among the rights guaranteed to Washington citizens is the right to “obtain and hold employment without discrimination.” RCW 49.60.030(1)(a). The WLAD established a Commission with the authority to eliminate and prevent discrimination in employment. RCW 49.60 *et. seq.* However, while the WLAD embodies a public policy to deter and eliminate discrimination in Washington, the statute does not require or

remotely suggest that an employee who has committed a harassing act must, as an inevitable result, be subject to any particular type or degree of sanction for that conduct prior to or as a condition of being permitted to return to work.

Concededly, the WLAD has been interpreted to impose upon an employer with affirmative knowledge of harassing conduct by a co-worker an obligation to take reasonably prompt and adequate corrective action reasonably calculated to end the harassment. A-9-10, citing *Perry v. Costco Wholesale, Inc.*, 123 Wn. App. 783, 793, 98 P.3d 1264 (2004); see also, *Glasgow v. Georgia Pacific*, 103 Wn.2d 401, 407, 693 P.2d 708 (1985). However, employers have been found not to be liable for co-worker conduct when they have promptly investigated a complaint and imposed punishments that would deter future harassment. See, e.g., *Estevez v. Faculty Club of University of Washington*, 129 Wn. App. 774, 794-797, 120 P.3d 579 (2005) (noting “[t]here is no requirement that employers take *all* possible measures of corrective action”) (emphasis in the original); *Herried v. Pierce County Transp.*, 90 Wn. App. 468, 475, 957 P.2d 767 (1998).

In light of the foregoing, it is clear that an employer could not be held liable for having imposed an insufficiently severe sanction on an employee who it found engaged in misconduct where that allegedly

insufficient sanction was imposed over the employer's objections by a neutral labor arbitrator based on his or her finding that the employer lacked just cause for the more severe discipline. Thus, the Court of Appeals erred in thinking that the Port of Seattle's obligation to take reasonably prompt and adequate corrective action reasonably calculated to end harassment by its employees constituted an "explicit, well defined and dominant" public policy in opposition to Arbitrator Vivencio's ruling in this case.

Nor, for that matter, has the Port itself adopted a formal policy or requirement that acts of harassment must be sanctioned by any discipline of particular duration or severity. While the Port's own internal policy provides that "illegal harassment" can "result in disciplinary action up to and including termination," CP 39 - 45, it does not require either termination or any particular length of suspension for any such offense. Moreover, the Port permitted the employee who assisted Mr. Cann in making the noose to continue working in his job without any period of suspension at all. CP 659.

For all of these reasons, while there is without doubt a public policy in Washington to promote a discrimination-free workplace, therefore, no statute, regulation, judicial opinion or Port of Seattle policy requires that a person found guilty of racially inappropriate misconduct, as

was Mr. Cann, must be subjected to discipline in excess of the four-week suspension imposed by Arbitrator Vivenzio.

Thus, the Court of Appeals erred when it held that the arbitration award issued by Arbitrator Vivenzio violated the public policy of the State of Washington because it impermissibly conflicted with the Port of Seattle's duty to eliminate and prevent racial discrimination in the workplace.

Significantly, numerous courts have rejected "public policy" challenges brought against arbitration decisions reinstating employees to work for conduct more unambiguously harassing or inappropriate than that found to have occurred in this case.<sup>2</sup> Not one of those courts has suggested that although the arbitrator's decision that termination was excessive was deserving of deference, "public policy" required that the arbitration award be vacated because the alternative discipline imposed by the arbitrator was too "lenient."

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<sup>2</sup> See, e.g., *Way Bakery v. Truck Drivers Local No. 164*, 363 F.3d 590, 596 (6th Cir. 2004) (enforcing arbitrator's award reinstating employee who was terminated for making a racially offensive remark to a black coworker, noting that the arbitration award did not condone Zentgraf's behavior, but rather punished him); *Gits Mfg. Co., L.L.C. v. Local 281 Intern. Union*, 261 F. Supp. 2d 1089, 1100 (S.D. Iowa 2003) (award reinstating employee who used racial epithet once did not violate public policy, because honoring arbitration award would not mean employer tolerates or condones racial discrimination); *N.Y. State Elex. & Gas Corp. v. System Council U-7*, 328 F. Supp. 2d 313, 316, 317 n. 8 (N.D.N.Y. 2004) (award of reinstatement for employee who had been terminated for expressing desire to harm certain other employees was not unenforceable as against public policy); *Local 509, S.E.I.U. v. Fidelity House, Inc.*, 518 F. Supp. 2d 317, 325 (D. Mass. 2007) (award reinstating employee discharged from home for mentally disabled for jeopardizing health and safety not unenforceable against public policy, where employer could cite to no "explicit, well-defined and dominant" policy against reinstatement).

The Court of Appeals's decision simply cannot be reconciled with the strict standard enunciated in *Kitsap County*, given the absence of any "explicit, well defined and dominant" public policy holding that the loss of four weeks' wages to a blue-collar employee is of necessity, and as a matter of law, an inadequate disciplinary sanction for one act of racially inappropriate misconduct.

**C. The Authority Relied Upon By The Court Of Appeals As Justifying Its Conclusion That Arbitrator Vivenzio's Decision Is Inconsistent With Public Policy Does Not Warrant That Result.**

In reliance on its own 2004 decision in *Perry v. Costco, supra*, and a Connecticut case, *State v. AFSCME Council 4*, 252 Conn. 467, 747 A.2d 480 (2000), the Court of Appeals vacated the arbitrator's award as "too lenient" to persuade the offender, and other potential violators, to refrain from future unlawful conduct. A-14. The Court of Appeals found the arbitrator failed to consider a Washington employer's affirmative duty to impose sufficient discipline to "send a strong statement" sufficient to persuade others to refrain from unlawful conduct. A-14.

Neither the facts nor the law set forth in *Perry* supports this conclusion.

First, *Perry* is not a labor arbitration case, and the very important policy concerns involved with preserving the finality of labor arbitration decisions, discussed *infra*, were for that reason not considered by the court.

Second, unlike in *Perry*, the four-week unpaid suspension imposed by the arbitrator on Mr. Cann was specifically designed to address the arbitrator's conclusions about the propriety of Mr. Cann's misconduct and the sanction he imposed can in no way can be mistaken for a reward.

In *Perry*, a company concluded that an employee had violated its sexual harassment policies by, among other things, exposing himself to the plaintiff at 4 a.m. in a company parking lot as she left work. As part of its response to the harassment, the company transferred the offender from a graveyard shift to a day shift to separate him from the plaintiff. The *Perry* court viewed this transfer as a benefit to the offender which failed to accomplish its punitive purpose:

Costco failed to design its remedial actions to prevent harassment or send a strong statement to Smith, or others, that his behavior was inappropriate. Costco transferred Smith to the day shift as part of its remedial actions. Paull testified that Smith was "very excited" that Costco had transferred him from the night to the day shift.... **Both Smith and other potential harassers could view such a transfer as something other than discipline for unlawful behavior....** [An] employer must also ensure that its remedial actions are not viewed as a reward for unlawful behavior.

123 Wash. App. at 803-04 (emphasis added).

Clearly both the facts and the import of the *Perry* decision are strikingly different from those present here. Even if *Perry* were viewed through the lens that is properly applicable to labor arbitration decisions, the import of that decision is that an arbitration decision that *rewards*, instead of sanctioning, certain types of misbehavior might violate public policy, not that the reviewing court should substitute its own judgment for that of an arbitrator in assessing just how severe punishment for employee misconduct should be.

The Court of Appeals also relied on *State v. AFSCME Council 4* to support vacating the arbitrator's award on the grounds that the arbitrator, by imposing only a four-week suspension, minimized society's overriding interest in preventing this conduct from occurring. In *AFSCME*, the arbitrator attempted to rationalize the employee's conduct while reducing the employee's discipline. Here, by stark contrast, Arbitrator Vivenzio thoroughly considered the damaging effects of the offenders' conduct:

Though the policy does not specifically prohibit the fashioning and display of a noose, the alleged conduct is of a kind that does not require the Employer's publication of specific rules for its prohibition. The Arbitrator takes notice that the noose, in our national history, literature, and consciousness, communicates hatred and death, frequently targeting African Americans, and its display is a destructive element in a workplace.

Vivenzio Decision, CP 646.

At the hearing, numerous examples were given of the destructive effect that behaviors suggesting discrimination can have a workplace. The Arbitrator takes note of the long history of activism and litigation documenting the multiple ill effects of a discriminatory or hostile work environment upon employees, their livelihood, health, families, and communities, and upon employers, in terms of shop morale, productivity, management effectiveness, competitiveness, and liability.

Vivenzio Decision, CP 648.

Clearly Arbitrator Vivenzio did not minimize society's interest in preventing discriminatory conduct; rather, after acknowledging Mr. Cann's conduct in light of the above, he came to a different conclusion than the reviewing court as to whether a four-week suspension would satisfy that preventative goal.

**D. The Court Of Appeals Also Overlooked The Powerful Policy Interest In Preserving Finality In Labor Arbitration.**

The Court of Appeals failed to explain how, if at all, the strong policy interest in speedy and inexpensive labor arbitration impacted its analysis of the public policy exception in this case. The Court's determination that it was free to independently analyze the dispute that was the subject of the underlying arbitration and reject the arbitrator's judgment as to the proper remedy effectively throws the courthouse doors wide open for trial courts to review public sector labor arbitration

decisions, including the many decisions in which an arbitrator modifies the level or type of discipline imposed on an employee, on their merits.

Moreover, if left undisturbed, the Court of Appeals' decision also leads to a procedural system that permits a potentially endless series of appeals and remands. Under the Court of Appeals' decision, if the trial court concludes that an arbitration award was too lenient, the matter is to be sent back to the arbitrator, who will then presumably issue a new decision with a more severe discipline -- a decision which the parties could then again appeal, arguing that the new award was either too lenient or too severe to be consistent with public policy.

While this revolving door between the courts and labor arbitrators comports with the Court of Appeals' apparent endorsement of a case-by-case judicial determination of appropriate employee discipline, it directly contravenes the policy interest in labor arbitration finality as articulated by this Court in *Kitsap County*.

This point can hardly be overstated. While the Court of Appeals declared that the four-week suspension imposed by Arbitrator Vivencio was "too lenient," it provided no direction to the Arbitrator, to whom it remanded the matter for a new ruling, as to how much punishment is enough. Thus, the policy goal of preserving speedy and inexpensive labor arbitration will be lost in a quagmire of litigation.

The rationale behind an arbitrator imposing any particular punishment on an employee is that the arbitrator has concluded, after careful evaluation, that this punishment will be adequate to prevent any future offenses of this type by the employee. The Ninth Circuit Court of Appeals made this clear in *Stead Motors of Walnut Creek*, where it stated:

As *Misco* recognized, an arbitral judgment of an employee's "amenability to discipline" is a factual determination which cannot be questioned or rejected by a reviewing court. 108 S.Ct. at 374; *see also United States Postal Serv. v. National Ass'n of Letter Carriers*, 839 F.2d 146, 149 (3d Cir.1988). **Judgments about how a specific employee will perform after reinstatement if given a lesser sanction are nothing more than an exercise of the arbitrator's broad authority to determine appropriate punishments and remedies.** *See Misco*, 108 S.Ct. at 372; *Enterprise Wheel*, 363 U.S. at 597, 80 S.Ct. at 1361 (general proposition that courts must allow an arbitrator to use his "informed judgment ... to reach a fair solution of a problem" is "especially true when it comes to formulating remedies")....

886 F.2d at 1212-13 (emphasis added).

The concern that "an arbitral judgment of an employee's 'amenability to discipline'" not be second-guessed by a reviewing court is directly implicated in this case. It was Arbitrator Vivenzio, the labor arbitrator agreed upon by both Local 286 and the Port, not the reviewing court, who heard the testimony of the witnesses to the event that led to Mr. Cann's discipline. It was Arbitrator Vivenzio who heard and observed Mr. Cann during his testimony and throughout the arbitration hearing. It

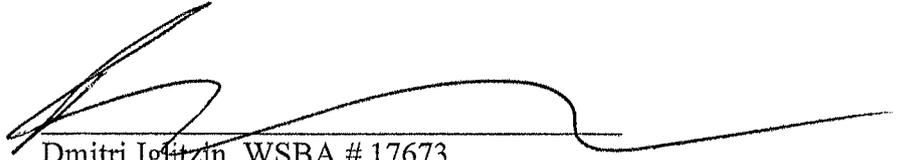
simply cannot reasonably be disputed that Arbitrator Vivenzio, not a reviewing court, was the appropriate person to determine what discipline was most appropriate for Mr. Cann.

The often-cited treatise, *How Arbitration Works*, BNA, 6<sup>th</sup> Edition (2003), devotes 80 heavily annotated pages to the issues attendant to worker discipline in the context of grievance arbitration cases arising under collective bargaining agreements. A decision by this Court affirming the decision to vacate Arbitrator Vivenzio's decision will effectively lead to the substitution of state superior courts for labor arbitrators and relegate the courts to fashioning a common law of employee discipline, a task long thought exclusively within the province of the labor arbitrator and one the courts should be loathe to assume.

### CONCLUSION

The Court of Appeals rendered a decision below which substantially conflicts with previous decisions of this Court and which opens the door to trial courts across the state ruling on the appropriateness of arbitral decisions regarding employee discipline, to the gross detriment of final and binding labor arbitration. For these reasons, the undersigned respectfully requests the decision of the Court of Appeals be reversed and the decision of Arbitrator Vivenzio upheld.

Respectfully submitted this 26<sup>th</sup> day of April, 2012.

A handwritten signature in black ink, appearing to be 'Dmitri Iglitzin', written over a horizontal line.

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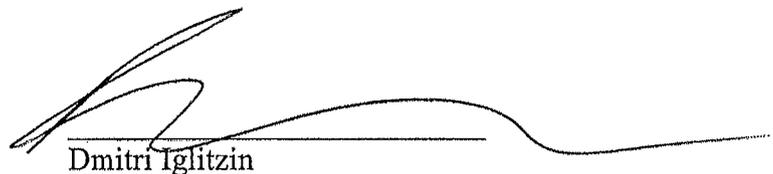
**CERTIFICATE OF SERVICE**

I hereby certify that on this 26<sup>th</sup> day of April, 2012, I caused the foregoing Supplemental Brief of Petitioner to be filed with the Washington State Supreme Court via electronic mail to:

[supreme@courts.wa.gov](mailto:supreme@courts.wa.gov)

And a true and correct copy of the same to be delivered via legal messenger to:

Diana Shukis  
Michael Brunet  
Garvey Shubert Barer  
1191 Second Avenue, 18<sup>th</sup> Floor  
Seattle, WA 98101



Dmitri Iglitzin

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Please find attached for filing:

Supplemental Brief of Petitioner  
International Union of Operating Engineers Local 286 v. Port of Seattle  
Case Number: 86739-9

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