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IN THE SUPREME COURT OF THE STATE OF WASHINGTON

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GEORGIANA ARNOLD  
Respondent,

v.

CITY OF SEATTLE, d/b/a HUMAN SERVICES DEPARTMENT,  
Petitioner.

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**SUPPLEMENTAL BRIEF OF PETITIONER CITY OF SEATTLE**

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 ORIGINAL

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## I. INTRODUCTION

The people of Seattle exercised their constitutional prerogative to adopt a Charter for their government and established within that Charter a civil service code to protect Seattle's employees and also the public interest. The people's decision was voluntary; there is no constitutional or statutory obligation to adopt such a code. Nor has the state legislature established statutory guidance or limitations as to how a city's voluntary civil service code should be structured.<sup>1</sup> See Seattle City Charter ("Charter") Art. XVI.

Petitioner City of Seattle ("City") has adopted by ordinance the details of its civil service code. See ch. 4.04 SMC. The City chose to limit the potential administrative costs of the system by providing that if employees choose to be represented in proceedings before the Civil Service Commission ("Commission"), it is "at [their] own expense." SMC 4.04.260(E) (emphasis added). The City's code thus specifically precludes the Commission from awarding fees incurred at the administrative level. Contrary to this plain language, the Court of Appeals here held that Respondent Georgiana Arnold was entitled to her attorney fees incurred during a civil service administrative proceeding under RCW

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<sup>1</sup> References to the City's voluntary civil service scheme do not include City fire and police employees, for whom the City is required to establish civil service systems under state law. See Ch. 41.08 RCW and Ch. 41.12 RCW. Neither of those state statutory schemes applies here.

49.48.030. The court, in essence, held that RCW 49.48.030 preempted an important part of the City's civil service law. This Court should reverse.

First, RCW 49.48.030 does not grant employees an absolute right to attorney fees in any and all circumstances. As this Court has recognized, the right may be limited where specifically carved out in the employment relationship, such as by a collective bargaining agreement. *Int'l Ass'n of Fire Fighters, Local 46 v. City of Everett* ("Fire Fighters"), 146 Wn.2d 29, 49, 42 P.3d 1265 (2002). In other words, RCW 49.48.030 does not prohibit, preempt or conflict with a City's affirmative determination to prohibit the award of fees in certain non-court employment dispute proceedings. Here, the City, like many other governments, voluntarily provides a civil service scheme for its employees as a way to ensure employees are hired, promoted, and discharged based on merit as well as to provide expedited relief and a simplified procedure to resolve grievances, without limiting an employee's ultimate recourse to the courts. Charter Art. XVI; ch. 4.04 SMC. When a person accepts employment with the City, they do so under terms established by the civil service code—benefiting from the protections provided and abiding by the provision that prohibits the award of attorney fees. Nothing in RCW 49.48.030's language, or the case law interpreting the statute, bars the process the City has adopted.

Second, the Court of Appeals' decision is contrary to every other appellate court decision to address the issue. *See Cohn v. Dep't of Corr.*, 78 Wn. App. 63, 67-70, 895 P.2d 857 (1995); *Trachtenberg v. Dep't of Corr.*, 122 Wn. App. 491, 496-97, 93 P.3d 217 (2004); *Int'l Union of Police Ass'n, Local 748 v. Kitsap Cnty.*, 183 Wn. App. 794, 800-02, 333 P.3d 524 (2014); *see also McIntyre v. State*, 135 Wn. App. 594, 601, 141 P.3d 75 (2006). This body of case law is based on the well-reasoned principle that administrative bodies are limited by their enacting laws, and where the administrative body lacks the authority to award fees then RCW 49.48.030 should not apply.

Third, the Court of Appeals' decision creates a disincentive for municipal governments to continue to provide voluntary civil service schemes. Further, the state itself will now be liable for fee awards under the state civil service scheme. The decision will thus affect multiple governments and their employees and impose significant unanticipated public costs. There is nothing in RCW 49.48.030 or its history that suggests the legislature intended such a result.

## II. ISSUE PRESENTED

Whether RCW 49.48.030 preempts the authority of a local government entity to limit the award of attorney fees incurred in an administrative proceeding as part of a comprehensive civil service code.

### III. STATEMENT OF THE CASE

#### A. The City's voluntary civil service code.

The City voluntarily has adopted a civil service code governing personnel administration as part of an effort to create a merit-based employment system. Most City employees are members of the civil service. Charter Art. XVI, § 3. The purpose of the City's civil service code is to establish "uniform procedures for recruitment, selection, development, and maintenance of an effective and responsible work force". *Id.*, § 1. The City adopted a comprehensive code provision to implement this personnel administration system "based upon merit principles as enumerated in the [City Charter]". SMC 4.04.020.

The City's civil service code establishes a specific administrative procedure for appealing employment decisions. The Commission is authorized by law to "hear appeals involving the administration of the personnel system." SMC 4.04.250(L)(3). Employees may appeal their "demotion, suspension, [or] termination of employment" provided they have exhausted applicable grievance remedies under the code. SMC 4.04.260(A). Importantly, an employee's right to appeal disciplinary action under a "just cause" standard is a creation of the City's civil service laws. Charter Art. XVI, § 7; SMC 4.04.070(C). That is, absent the City's voluntary civil service scheme (or other contract like a collective

bargaining agreement), an employee is at-will and does not have an independent cause of action in the courts for disciplinary action unless there is illegal conduct such as discrimination.

The City makes the administrative appeal process simple and fair. Employees appeal with a basic three-page form and do not pay a filing fee. They are provided the right to be paid for some of their time at the hearing, receive relevant discovery, compel attendance of witnesses and cross-examine all witnesses offered by the City in support of its disciplinary decision. SMC 4.04.260; SMC 4.20.225; Charter Art. XVI, § 6. Employees may also “be represented at a hearing before the Commission by a person of his/her choosing at his/her own expense.” SMC 4.04.260(E) (emphasis added). The Commission must conduct hearings on a “timely basis” and render decisions within 90 days. SMC 4.04.260(H). If an employee wishes to appeal the Commission’s administrative decision then it may do so to the superior court.

Thus, the City provides an expedited and simple administrative process to resolve disputes fairly and efficiently. But it limits the ability to recover attorney fees in that administrative process.

**B. Arnold’s appeal to the Commission.**

Arnold was a City employee within the City’s Human Services Department governed by the City’s civil service code. *See* CP 33-36. In

September 2011, Arnold was demoted from her manager position, which resulted in a pay cut.<sup>2</sup> CP 2. The basis for this personnel action was Arnold's inadequate supervision of a botched investigation into whistleblower claims of fraudulent payments and misappropriation of funds initially reported to Arnold's subordinate. *See* CP 113-37. Arnold appealed her demotion to the Commission, which assigned her case to a Hearing Examiner.<sup>3</sup> CP 113. Arnold decided to hire counsel to represent her throughout the civil service proceedings. CP 21-23, 33-36, 113, 143. In response, the City followed suit and assigned an Assistant City Attorney to represent the City during the hearing. CP 158.

In July 2012, the Hearing Examiner determined that Arnold had engaged in serious misconduct constituting a "major disciplinary offense" and that the City had just cause to impose discipline. CP 131, 135-36. The Hearing Examiner concluded, however, that the City failed to establish just cause to demote Arnold based on how other employees in similar circumstances had been disciplined. CP 134, 136. The Hearing Examiner lessened Arnold's discipline from a demotion to a two-week suspension without pay. CP 131, 136. The Hearing Examiner also

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<sup>2</sup> In the event of employee misconduct, City personnel rules provide for various degrees of discipline ranging from a verbal warning to termination. CP 127-28; *see also* SMC 4.04.230 (outlining City's progressive discipline system).

<sup>3</sup> Arnold's hearing was combined with the hearing for her subordinate who also was involved in the inadequate investigation. CP 161.

awarded back pay of less than \$30,000 and related employee benefits. CP 48, 136. In October 2012, the City paid in full the back wages to which Arnold was entitled. CP 2.<sup>4</sup>

**C. Arnold’s attorney fee request is denied by the Commission and the superior court.**

After the Hearing Examiner’s decision, Arnold filed a petition for an award of attorney fees and costs pursuant to RCW 49.48.030, which provides for an award of reasonable attorney fees “[i]n any action in which any person is successful in recovering judgment for wages or salary owed to him or her”. CP 144. Arnold sought almost \$350,000 in attorney fees for the administrative proceeding. CP 21. The Hearing Examiner denied the petition, concluding that—under the plain language of the civil service code—the Commission lacked authority to award attorney fees and costs incurred in a civil service proceeding. CP 144. Arnold appealed to the Commission, which affirmed on the same ground. CP 144.

Arnold then filed an appeal of the Commission’s denial of attorney fees and a complaint for attorney fees under RCW 49.48.030 in superior court. CP 1-3. The parties filed dispositive cross motions. The City sought dismissal based on the pleadings and Arnold sought summary judgment claiming she was entitled to attorney fees incurred for

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<sup>4</sup> The only back wages Arnold received were at the administrative level. She did not recover any back wages from the trial court.

representation at her civil service hearing.<sup>5</sup> CP 8-39, 96-109. The superior court denied Arnold's motion for summary judgment and granted the City's motion to dismiss her request for attorney fees. CP 192-93.

**D. The Court of Appeals' decision.**

The Court of Appeals reversed the superior court. *Arnold v. City of Seattle*, 186 Wn. App. 653, 345 P.3d 1285 (2015). The court interpreted RCW 49.48.030 to provide for attorney fees incurred in civil service proceedings despite explicit language in the City's civil service code to the contrary. *Id.* at 665. In doing so, the court ignored multiple prior decisions of the Court of Appeals that hold that RCW 49.48.030 does not support an award of attorney fees where the administrative body lacks the authority to award them. *See Cohn*, 78 Wn. App. at 67-70; *Trachtenberg*, 122 Wn. App. at 496-97; *Int'l Union*, 183 Wn. App. at 800-02; *see also McIntyre*, 135 Wn. App. at 601. Indeed, the Court of Appeals disregarded *stare decisis* and overturned its own prior decisions without determining that those decisions were "demonstrably incorrect or harmful" as required by the applicable standard. *Fire Fighters*, 146 Wn.2d at 37 n.9 (internal quotations and citation omitted). Moreover, the Court of Appeals

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<sup>5</sup> At oral argument, Arnold withdrew her appeal to the Hearing Examiner's final decision and informed the court that she would proceed only on her wage claim under RCW 49.48.030. RP (Mar. 22, 2013) at 3:13-21. At the time she filed her summary judgment motion, Arnold's fee request had grown to nearly \$400,000 encompassing amounts incurred in the administrative proceedings and superior court action. CP 20.

failed to engage in an analysis whether the state legislature intended RCW 49.48.030 to preempt all local government decisions that limit the award of attorney fees in the context of civil service codes.

The City now appeals the Court of Appeals' decision.

#### IV. ARGUMENT

**A. RCW 49.48.030 should not be read to eviscerate the plain language of administrative schemes created by local law.**

The City voluntarily has chosen to enact a civil service system, including providing a “just cause” standard for review of disciplinary action not otherwise available to employees in court. But the City has explicitly limited the administrative scheme to disallow the award of attorney fees incurred during an administrative hearing. The Commission’s authorizing statutes are clear on this point: Employees may “be represented at a hearing before the Commission by a person of his/her choosing at his/her own expense.” SMC 4.04.260(E) (emphasis added). Reading RCW 49.48.030 to require the award of attorney fees incurred during Commission proceedings would eviscerate the plain language of the Commission’s authorizing statutes. Such a result is unwarranted.

First, this Court has stated that RCW 49.48.030’s reach is not absolute. In *Fire Fighters*, this Court recognized that “[a]n employer could still avoid an award of attorney fees [under RCW 49.48.030] by

specifically providing in the collective bargaining agreement that each side pay their own fees and costs.” *Id.* at 49 (emphasis added) (citing *Hitter v. Bellevue Sch. Dist. No. 405*, 66 Wn. App. 391, 397-99, 832 P.2d 130 (1992)). In *Hitter*, the court stated: “we are not persuaded that the Legislature intended to place the right conferred by RCW 49.48.030 into the category of a minimum substantive guaranty to individual workers, which cannot be waived by the exercise of collective rights.” 66 Wn. App. at 399. That is, RCW 49.48.030 is not an absolute right. The statute neither requires a local government to award attorney fees in all employment disputes in which the employee prevails, nor limits the authority of local governments specifically to eliminate fee awards in the context of specially created or bargained for administrative procedures.

Because RCW 49.48.030 is not an absolute right, it does not preempt the City’s authority to limit fee awards in administrative proceedings as part of a comprehensive civil service code. That is, there is no conflict between the state law and what the City has chosen to enact for its voluntary civil service code. Indeed, the City has by analogy taken the exact step *Fire Fighters* suggested is appropriate, albeit in a different context from a collective bargaining agreement. The City has established a civil service code that is to the collective benefit of public employees and the public good by providing a fair and efficient system that protects

employees from arbitrary and discriminatory action. *See City of Yakima v. Int'l Ass'n of Fire Fighters*, 117 Wn.2d 655, 665, 818 P.2d 1076 (1991). While City employees collectively benefit from this system, by accepting public employment they enter an employment relationship in which their rights and obligations are governed by all sections of the civil service code, including the limitation on attorney fees.

Further, RCW 49.48.030 is a general statute. There is nothing about RCW 49.48.030, its legislative history, or this Court's decisions interpreting the statute that suggests it was intended to apply specifically to the City's establishment of a comprehensive civil service code. Accordingly, Const. art. XI, §§ 10 and 11 apply only to the extent there is a direct conflict between state law and a City Charter or code provision. *See Mosebar v. Moore*, 41 Wn.2d 216, 220, 248 P.2d 385 (1952) (under Const. art. XI, § 10, "[a] general statute enacted by the legislature supersedes or modifies provisions of a city charter to the extent that they are in conflict." (emphasis added); *Brown v. City of Yakima*, 116 Wn.2d 556, 559, 807 P.2d 353 (1991) (under Const. art. XI, § 11, a city ordinance is presumed constitutional and the burden of showing otherwise is heavy; local ordinances are valid unless a state law on the same subject was intended to be exclusive or the city ordinance conflicts with the general law of the state). *Mosebar* is instructive as it illustrates the circumstance

in which a conflict or preemption may apply to a local civil service provision (which is not the case here). In *Mosebar*, a city's civil service provision required residence within the city for city employees. 41 Wn.2d at 218. A state law applicable to the city, however, provided "residence of an employee outside the limits of such city...shall not be grounds for discharge..." *Id.* at 219. This Court held that the state law superseded the city charter because the state law was "unambiguous". *Id.* at 220. "We think it is clear in its intent to protect civil service employees, as a class, from the operation of any city charter or ordinance requiring continued residence, as a requisite of continued employment." *Id.* These facts contrast distinctly from those here. Unlike in *Mosebar*, there is no clear intent for RCW 49.48.030 to limit the conditions a city imposes as part of its voluntary civil service administrative proceedings. Nor is there a conflict between the language of the statute and the city's code. Indeed, both of these laws have existed and been applied by the Commission and courts for decades. Accordingly, the City's attorney fees language should be given effect.

Second, this result is consistent with the well-established principle that administrative bodies are limited by the laws that establish them. They possess "only those powers either expressly granted or necessarily implied from statutory grants of authority." *Wash. Pub. Ports Ass'n v.*

*State, Dep't of Revenue*, 148 Wn.2d 637, 646, 62 P.3d 462 (2003). In the context of the Commission, it has long been recognized that “[t]he civil service commission is created by and derives its authority from the city charter. It has only such powers as are there enumerated.” *State v. Brown*, 126 Wash. 175, 177, 218 P. 9 (1923). Where an administrative body such as the Commission is specifically prohibited from awarding fees in a proceeding, a state statute should not be read to alter this authority unless the legislature’s intent to do so is explicit.

Outside of the Court of Appeals’ opinion that is the subject of this appeal, every court to analyze the issue has declined to expand RCW 49.48.030 to civil service administrative proceedings that do not provide for an award of attorney fees. The reasoning of those holdings is sound as it is based on the limited authority of administrative bodies in the civil service context.

In *Cohn*, the Court of Appeals addressed a public employee’s right to fees under the state civil service scheme. There, the Department of Corrections disciplined one of its employees by cutting his pay by ten percent for six months. *Cohn*, 78 Wn. App. at 65. The employee successfully challenged his pay cut at the administrative level and a hearing officer reversed the disciplinary action and reinstated his pay and benefits. *Id.* On remand from the Personnel Appeals Board, the employee

requested attorney fees pursuant to RCW 49.48.030. *Id.* The hearing examiner denied the request, and the Board affirmed, concluding it had no statutory authority to award such fees. *Id.*

Division Two of the Court of Appeals addressed “whether the Board has authority to award attorney fees” under RCW 49.48.030. *Id.* at 66. While noting that courts generally construe RCW 49.48.030 liberally as a remedial statute, the Court found “persuasive reasons exist to prohibit the judicial expansion of the scope of the statute to permit the Board the power to award attorney fees.” *Id.* at 67. Specifically, the Court noted that administrative agencies have only the powers expressly granted or necessarily implied from statutory grants of authority, and that the state’s civil service laws granted no power to award attorney fees. *Id.* Because the Board lacked authority to award attorney fees, the superior court also lacked such authority. *Id.* at 69-70.

In *Fire Fighters*, this Court discussed without disapproval *Cohn*’s central holding that a superior court has no authority to award fees under RCW 49.48.030 where the administrative agency lacks such authority. Notably, this Court did not reverse the central holding of *Cohn* even though it disagreed with the *Cohn* court’s analysis of *Hanson v. City of Tacoma*, 105 Wn.2d 864, 719 P.2d 104 (1986), regarding a separate issue. Specifically, *Cohn*’s reading of *Hanson* pertaining to whether fees must be

recovered in the “same action” as the action in which wages or salary owed are awarded was incorrect.<sup>6</sup> Rather than reverse *Cohn*’s holding based on administrative authority, this Court distinguished *Cohn* on grounds that—like the present case—it involved an appeal from a government administrative agency rather than an arbitration proceeding. *Fire Fighters*, 146 Wn.2d at 42-43.

Division One of the Court of Appeals reached a result similar to *Cohn* in *Trachtenberg*. There, a state civil service employee was initially terminated but was reinstated to a demoted position after he appealed to the Personnel Appeals Board. *Trachtenberg*, 122 Wn. App. at 493. As a result, he was entitled to back pay. *Id.* The employee filed suit in superior court seeking attorney fees incurred in his successful Board appeal. *Id.*

The Court of Appeals found *Cohn* controlling and affirmed. The Court noted that attorney fees were absent from the list of enumerated remedies in the civil service statute and, thus, the legislature did not grant the Board the authority to award attorney fees. *Id.* at 496-97. The Court held that “[b]ecause of the limitations placed on appeals to the Board, we

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<sup>6</sup> The issue before the Court in *Hanson* related to whether the claimant’s “wage claim was inconsistent with the grounds for certiorari.” *Hanson*, 105 Wn.2d at 872-73. This Court held that the trial court’s review of the matter under a petition for certiorari was not relevant to the application of RCW 49.48.030. *Id.* Rather, because the trial court awarded back wages and modified the administrative ruling, the statute applied. *Id.* While a civil service proceeding was involved, *Hanson* did not discuss whether fees incurred at the administrative level were allowed by the civil service scheme and that issue was not before the Court. Accordingly, *Hanson* is inapposite to the present case.

conclude that the legislature did not intend RCW 49.48.030 to apply to disciplinary challenges before the Board.” *Id.* at 497.

Further, in *Int’l Union*, Division One held that the superior court erred in awarding attorney fees incurred in an unfair labor practices proceeding before the Public Employment Relations Commission, where the Commission’s authority to award fees was limited to extraordinary circumstances and the parties agreed no such circumstances were present. 183 Wn. App. at 798-802. The *Int’l Union* court relied on both *Cohn* and *Trachtenberg* to hold that the commission at issue lacked authority to award fees under the facts presented, and therefore the superior court also lacked such authority. *Id.* at 802.

Finally, in *McIntyre*, Division Two of the Court of Appeals remained consistent in its treatment of civil service proceedings. *McIntyre* involved an employee who was exempt from the state civil service law. *McIntyre*, 135 Wn. App. at 601-02. The Court distinguished *Cohn* and *Trachtenberg* on the ground that both cases were determined under the civil service law, a context in which the claimant is only entitled to certain enumerated remedies. *Id.* at 601. Thus, the holding in *McIntyre* treated civil service appeals as outside the RCW 49.48.030 scheme.

The foregoing Court of Appeals decisions reflect a general rule the intermediate courts have developed governing applicability of RCW

49.48.030 to administrative proceedings: superior courts lack authority under RCW 49.48.030 to award attorney fees incurred in administrative proceedings where the administrative agency lacked such authority. Such a conclusion is well-reasoned in light of the limited authority of civil service commissions. Otherwise a significant anomaly exists, i.e, that a court could award fees for the exact attorney efforts for which the administrative body cannot award fees. Reading RCW 49.48.030 in this manner would completely undermine the decision of the legislative authority creating the administrative body and proceeding.

Here, not only are attorney fees not one of the enumerated remedies the Commission may award, but the civil service code explicitly provides to the contrary and mandates that claimants may be represented only “at [their] own expense.” SMC 4.04.260(E). This Court should not read RCW 49.48.030 to nullify the plain language of the City’s civil service scheme and the limited remedies available under the Commission’s delegated authority.

**B. Holding that RCW 49.48.030 requires fees in all administrative civil service hearings regardless of statutory language to the contrary would be detrimental to providing public employees the benefits of voluntary civil service schemes.**

Expanding RCW 49.48.030 to provide for fees in all civil service proceedings creates a disincentive for cities to establish voluntary civil

service codes that benefit public employees and disrupts settled expectations regarding attorney fees incurred in the state civil service context. Both of these results are contrary to public policy and find no support in RCW 49.48.030 or the cases interpreting that statute.

The City established its civil service code voluntarily under its broad constitutional and statutory powers. *See* Charter Art. XVI; SMC Chapter 4.04. The reason for civil service systems is to protect employees from arbitrary or discriminatory actions of their employers in hiring, promotions, discipline, and discharge and to ensure that the public is protected by qualified personnel. *See City of Yakima*, 117 Wn.2d at 665. Indeed, the fundamental purpose of civil service laws is to require officials to hire, promote, and discharge employees based on merit rather than political affiliation, religion, favoritism, or race. *Id.* at 664. “[E]limination of the arbitrary employment procedures of the spoils system enables state, county, and municipal governments to render more efficient services to the public.” *Herriott v. City of Seattle*, 81 Wn.2d 48, 61, 500 P.2d 101 (1972).

The same public policy considerations discussed in *City of Yakima* and *Herriott* are expressed in the City’s Charter establishing its civil service system. *See* Charter Art. XVI, § 1; SMC 4.04.020. The City voluntarily has decided that most City employees should benefit from this

system. But just as the state has opted not to provide attorney fees as a remedy in state civil service proceedings, the City has determined in establishing its civil service system not to grant the Commission authority to award such fees.

The Court of Appeals decision here opens municipal governments to liability for potentially substantial fee awards where none previously existed. Indeed, here Arnold sought almost \$350,000 in attorney fees. CP 21. Awarding attorney fees in circumstances such as this creates a disincentive for cities voluntarily to adopt civil service codes. Rather than face potential large attorney fees liability, cities may choose to limit the number or type of employees who may access the civil service system, resulting in greater barriers to employees having their grievances heard. Not only is this contrary to the purpose of civil service systems, but it also is contrary to RCW 49.48.030's policy in favor of employees. Further, public employers may be more reticent to discipline for misconduct or poor performance even in meritorious cases out of fear of potentially large attorney fee awards. This would be directly contrary to the purpose of civil service schemes to render more efficient services to the public. These anomalous results find no support in the language of the statute.

Moreover, the Court of Appeals' decision would apply equally to the state itself. By overruling *Cohn* and *Trachtenberg* (both of which

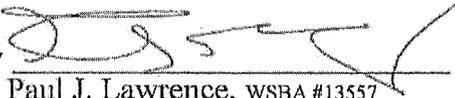
addressed fees incurred in state civil service proceedings), the Court of Appeals imposed attorney fee liability on the state despite the lack of statutory provision for such fees and contrary to settled expectations following *Cohn* and *Trachtenberg*. And again, the decision is without firm grounding in the language or court decisions interpreting RCW 49.48.030. Had the state legislature intended RCW 49.48.030 to sweep so broadly, it would have provided so expressly.

## V. CONCLUSION

State and local governments are empowered to adopt civil service codes to ensure merit-based employment practices. As this Court has recognized, RCW 49.48.030 does not require an award of fees in all circumstances—that right can be bargained away as part of the employment relationship. Similarly, prohibiting the award of fees makes sense where it is part of a comprehensive civil code scheme that benefits employees in a way that protects the public interest. This Court should give effect to the City’s determination of the scope and authority of its civil service scheme. Doing so will serve the public interest by encouraging the further use of voluntary civil service schemes. The City respectfully requests that this Court reverse.

RESPECTFULLY SUBMITTED this 30th day of October, 2015.

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COURT OF APPEALS  
THE STATE OF WASHINGTON  
DIVISION I

GEORGIANA ARNOLD,

Appellant,

v.

CITY OF SEATTLE, d/b/a  
HUMAN SERVICES  
DEPARTMENT,

Respondent.

No. 71445-7-I

PROOF OF SERVICE

I am and at all times hereinafter mentioned was a citizen of the United States, a resident of the State of Washington, over the age of 21 years, competent to be a witness in the above action, and not a party thereto; that on the 30th day of October, 2015 I caused to be served a true copy of the following documents:

1. Supplemental Brief of Petitioner City of Seattle; and
2. Proof of Service

per the parties electronic service agreement, upon:

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*Attorneys for City of Seattle*

I declare under penalty of perjury under the laws of the State of

Washington that the foregoing is true and correct.

DATED this 30th day of October, 2015.

  
Katie Dillon

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**To:** Katie Dillon  
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**Subject:** Arnold v. City of Seattle (Supreme Cause No. 91742-6): Supplemental Brief of Petitioner City of Seattle

On behalf of Petitioner, City of Seattle, attached please find the Supplemental Brief of Petitioner City of Seattle and accompanying proof of service.

This brief is being filed by Gregory J. Wong (WSBA #39329) of Pacifica Law Group on behalf of the City of Seattle. Greg's email address is [greg.wong@pacificallawgroup.com](mailto:greg.wong@pacificallawgroup.com), and is listed above.

*Please note that our reception, address suite number and zip code have changed.*

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