

SUPREME COURT OF WASHINGTON

Skinner v. Civil Service Commission of the City of Medina

232 P.3d 558 (Wash. 2010) · No. No. 82306-5 · Decided May 13, 2010

SUMMARY

The Washington Supreme Court held that a valid motion for reconsideration under a civil service commission rule tolls the 30-day period for appealing a commission decision under RCW 41.12.090. The court also held that service of the notice of appeal on the Medina city clerk substantially complied with the service requirement because it was reasonably calculated to provide notice to the commission. The court affirmed the Court of Appeals and concluded that the superior court had appellate jurisdiction.

CASE DETAILS

COURT	Supreme Court of Washington
WRITING FOR THE COURT	Owens, J.; Barbara A. Madsen, Chief Justice; Charles W. Johnson, Justice; Gerry L. Alexander, Justice; Richard B. Sanders, Justice; Tom Chambers, Justice; Mary E. Fairhurst, Justice; James M. Johnson, Justice; Debra L. Stephens, Justice
JURISDICTION	Washington
DECIDED	May 13, 2010
DOCKET	No. 82306-5
DISPOSITION	affirmed
PROCEDURAL POSTURE	The City and related petitioners sought review of the Court of Appeals' reversal of a superior court summary judgment dismissing Skinner's appeal from his civil service termination.
STANDARD OF REVIEW	De novo review applies to interpretation of statutes and civil service commission rules because those are questions of law.
PRECEDENTIAL VALUE	Published Washington Supreme Court en banc opinion; binding state precedent.
PARTIES	Civil Service Commission of the City of Medina, City of Medina, Medina Police Department v. Roger L. Skinner

TOPICS

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QUESTIONS PRESENTED

1. Whether a timely motion for reconsideration before a civil service commission tolls the 30-day period for appealing the commission's decision under RCW 41.12.090.
2. Whether serving the notice of appeal on the Medina city clerk at the address designated as the civil service commission's office substantially complied with RCW 41.12.090 and the Commission's service rules.

HOLDINGS

1. A valid and timely motion for reconsideration tolls the 30-day deadline for appealing a police civil service commission decision to superior court under RCW 41.12.090, so the appeal period runs from the Commission's decision on reconsideration.
2. Service of the notice of appeal on the Medina city clerk substantially complied with the statutory and Commission service requirements because it was reasonably calculated to give the Commission actual notice of the appeal and did not prejudice the Commission.

KEY QUOTATIONS

“In determining whether a party has substantially complied with service requirements, the relevant inquiry is whether the party to be served has received actual notice of appeal or the notice was served in a manner reasonably calculated to give notice to the opposing party.” (562)

“Because Skinner substantially complied with service requirements, the superior court did not lack appellate jurisdiction based on improper service.” (563)

FACTUAL BACKGROUND

The Medina Civil Service Commission affirmed the termination of police lieutenant Roger Skinner after finding that he made disrespectful, discourteous, and insubordinate comments, including comments concerning the ethnicity of the police chief. Skinner timely moved for reconsideration, which the Commission denied on September 18, 2006. Twenty-nine days later, he filed an appeal in superior court and delivered copies of the notice of appeal to the Medina city clerk at the City Hall address designated as the Commission's office, although no Commission staff were regularly present there. The Commission later appeared in the case and joined the City's motion to dismiss.

PROCEDURAL HISTORY

The Medina Civil Service Commission affirmed Skinner's discharge and denied his timely motion for reconsideration on September 18, 2006. Skinner filed and served his appeal in King County Superior Court on October 17, 2006. The superior court granted summary judgment to the City, concluding that the appeal was

untimely or improperly served. The Court of Appeals reversed, and the Washington Supreme Court granted review and affirmed the Court of Appeals.

DISPOSITION

affirmed

CASES CITED

- City of Spokane v. Rothwell, 166 Wash. 2d 872, 215 P.3d 162 (2009)
- Fay v. Northwest Airlines, Inc., 115 Wash. 2d 194, 796 P.2d 412 (1990)
- Spokane County v. Utilities & Transportation Commission, 47 Wash. App. 827, 737 P.2d 1022 (1987)
- Hall v. Seattle School District No. 1, 66 Wash. App. 308, 831 P.2d 1128 (1992)
- Black v. Department of Labor & Industries, 131 Wash. 2d 547, 933 P.2d 1025 (1997)
- In re Saltis, 94 Wash. 2d 889, 621 P.2d 716 (1980)
- Skagit Surveyors & Engineers, LLC v. Friends of Skagit County, 135 Wash. 2d 542, 958 P.2d 962 (1998)
- Union Bay Preservation Coalition v. Cosmos Development & Administration Corp., 127 Wash. 2d 614, 902 P.2d 1247 (1995)
- Nitardy v. Snohomish County, 105 Wash. 2d 133, 712 P.2d 296 (1986)
- Skinner v. Civil Service Commission, 146 Wash. App. 171, 188 P.3d 550 (2008)
- Skinner v. Civil Service Commission, 165 Wash. 2d 1040, 204 P.3d 215 (2009)