

SUPREME COURT OF THE STATE OF WASHINGTON

Anthony J. Predisik and Christopher Katke v. Spokane School District No. 81

No. 90129-5 (Wash. Apr. 2, 2015) · No. No. 90129-5 · Decided April 2, 2015

SUMMARY

The Washington Supreme Court held that public employees do not have a privacy right under the Public Records Act in the mere fact that their public employer is investigating them or has placed them on administrative leave. Because the records disclosed only the existence of the investigations and did not describe the underlying allegations, neither the personal-information nor investigative-record exemption applied, and the records were ordered disclosed in full.

CASE DETAILS

COURT	Supreme Court of the State of Washington
WRITING FOR THE COURT	Yu, J.
JURISDICTION	Washington
DECIDED	April 2, 2015
DOCKET	No. 90129-5
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Predisik and Katke sought to enjoin disclosure of public records concerning their paid administrative leave and investigations. After the trial court ordered disclosure with their names redacted and the Court of Appeals affirmed, the Washington Supreme Court granted review.
STANDARD OF REVIEW	De novo review of the trial court's summary judgment ruling and interpretation of the Public Records Act.
PRECEDENTIAL VALUE	Published en banc Washington Supreme Court opinion; precedential.
PARTIES	Anthony J. Predisik, Christopher Katke v. Spokane School District No. 81

TOPICS

judicial review of agency action

administrative law

statutory interpretation

appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Public Records Act's personal-information exemption protects the identities of public employees when records disclose only that the employees are subjects of open employer investigations and are on administrative leave.
2. Whether the Public Records Act's investigative-record exemption protects the administrative-leave letter and leave-pay spreadsheets.
3. Whether the records must be disclosed in their entirety or with the employees' names redacted.

HOLDINGS

1. The Public Records Act does not recognize a privacy right in the mere fact that a public employer is investigating a public employee or in the employee's use of administrative leave. Because the records disclose only those facts and no private factual allegations, RCW 42.56.230(3) does not exempt them from disclosure.
2. The administrative-leave letter and leave-pay spreadsheets are not exempt investigative records under RCW 42.56.240(1) because they are neither essential to law enforcement nor essential to the protection of privacy.

KEY QUOTATIONS

“Using the Restatement as a rubric, we conclude that the PRA does not recognize a right of privacy in the mere fact that a public employer is investigating an employee.” (at 7-8)

“Public employees have no privacy right in the fact that they are being investigated by their public employer.” (at 11)

“The investigation is merely a status of their public employment, not an intimate detail of their personal lives” (at 11)

FACTUAL BACKGROUND

Spokane School District employees Anthony Predisik and Christopher Katke were placed on paid administrative leave while the District investigated separate allegations of misconduct. Public records requests sought Predisik's administrative-leave letter and records showing the employees' accumulated leave pay. The records identified the employees and stated only that allegations were currently under investigation or that Predisik was on leave pending an investigation into inappropriate interactions with a former student; they did not describe the underlying allegations or identify the accusers.

PROCEDURAL HISTORY

The trial court consolidated the employees' actions and considered cross motions for summary judgment. It held that the employees' identities, but not the records themselves, were exempt under the Public Records Act and

ordered disclosure with the names redacted. The Court of Appeals affirmed, and the Washington Supreme Court reversed and remanded for disclosure without redaction.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand with instructions to order the records at issue disclosed in their entirety without redaction.

CASES CITED

- Progressive Animal Welfare Soc'y v. Univ. of Wash., 125 Wn.2d 243, 251, 260, 884 P.2d 592 (1994)
- Resident Action Council v. Seattle Hous. Auth., 177 Wn.2d 417, 432, 327 P.3d 600 (2013)
- Bellevue John Does 1-11 v. Bellevue Sch. Dist. No. 405, 164 Wash. 2d 199, 209-15, 221, 189 P.3d 139 (2008)
- Bainbridge Island Police Guild v. City of Puyallup, 172 Wash. 2d 398, 412-13, 259 P.3d 190 (2011)
- Hearst Corp. v. Hoppe, 90 Wash. 2d 123, 135-36, 580 P.2d 246 (1978)
- Koenig v. Thurston County, 175 Wash. 2d 837, 843, 287 P.3d 523 (2012)
- Cowles Publ'g Co. v. State Patrol, 109 Wash. 2d 712, 728, 748 P.2d 597 (1988)
- Brouillet v. Cowles Publ'g Co., 114 Wash. 2d 788, 795-96, 791 P.2d 526 (1990)
- Predisik v. Spokane Sch. Dist. No. 81, 179 Wash. App. 513, 520, 319 P.3d 801 (2014)
- Morgan v. City of Federal Way, 166 Wash. 2d 747, 756, 213 P.3d 596 (2009)
- Koenig v. City of Des Moines, 158 Wash. 2d 173, 183-84, 142 P.3d 162 (2006)
- Dawson v. Daly, 120 Wash. 2d 782, 797-98, 845 P.2d 995 (1993)