

CITY OF SPOKANE ETHICS COMMISSION

Ethics Commission's Findings, Conclusions and Decision Regarding Complaint filed by Jamie Pendleton Against Katie Shaffer

FINDINGS

The Ethics Commission makes the following findings:

1. On or about July 1, 2016, Jamie Pendleton filed an ethics complaint against Katie Shaffer alleging that Ms. Shaffer violated SMC 1.04A.030 (I), regarding disclosure of confidential information, and (N), regarding commission of acts of moral turpitude and dishonest, in relations to her actions regarding Mr. Pendleton's business.
2. SMC 1.04A.160, regarding applicability of the Ethics Code, states that "The Code of Ethics shall be applicable to all elected or appointed officers and exempt confidential employees and shall not be applicable to represented employees unless the City and the respective labor union have entered into a collective bargaining agreement providing that compliance with the Code of Ethics is a condition of employment."
3. On July 18, 2016, the President of Local 270 AFSCME, on behalf of Ms. Shaffer, filed a response to the complaint asserting that pursuant to SMC 1.04A.160, the Ethics Commission does not have jurisdiction since the collective bargaining agreement between Local 270 and the City does not place Local 270 represented employees under the Ethics Code.
4. Mr. Pendleton filed a response to the reply on July 19, 2016.
4. The Commission held a hearing on August 10, 2016 to address the complaint.

CONCLUSIONS

The Ethics Commission makes the following conclusions:

The Commission does not have jurisdiction, pursuant to SMC 1.04A.160, because Mr. Pendleton filed a complaint against an employee of a labor union that has not entered into a collective bargaining agreement providing that compliance with the Code of Ethics is a condition of employment.

DECISION

Based upon the Findings and Conclusions set forth above, the July 18, 2016 response from Local 270 and the deliberation of the Ethics Commission at the August 10, 2016 meeting, the Ethics Commission concludes that the complaint by Mr. Pendleton against Katie Shaffer is dismissed pursuant to SMC 1.04A.160 due to the Commission's lack of jurisdiction.

This decision was approved by a vote of four to zero of the Ethics Commission members present for and participating in the hearing.

Troy Bruner 8-14-16
Troy Bruner - Chairperson Date