

August 15, 2018

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VIA EMAIL
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Ms. Jennifer Hansen
Compliance Officer
Public Disclosure Commission
711 Capitol Way S. #206
P.O. Box 40908
Olympia, WA 98504-0908

Re: Aberdeen School District
PDC Case No. 37212

Dear Ms. Hansen:

This responds to the complaint submitted by the Evergreen Freedom Foundation (“EFF”) alleging that Aberdeen School District (the “District”) has violated RCW 42.17A.555 and RCW 41.06.250(1) by processing employee requests to deduct voluntary contributions to the WEA-PAC and/or NEA-FCPE from paychecks. As you know, the EFF filed essentially the same complaint against multiple Washington school districts (*see, e.g.*, Case Nos. 37213, 37216, 37217, 37218, 37284, and 37408), and I assume that the Commission will resolve these cases on a consistent basis. There is nothing unique about the District’s situation or position, which can be stated briefly.

The District’s processing of voluntary payroll deductions for political committees does not violate RCW 42.17A.555 or RCW 41.06.250(1) because:

- The payroll deductions are “[a]ctivities which are part of the normal and regular conduct of the” District. RCW 42.17A.555.
- School districts are authorized by law to process payroll deductions requested by employees, and indeed they are *required* to process deductions requested by at least ten percent of employees, subject to the limitations of district equipment or personnel. RCW 28A.405.400. This statutory authorization extends to voluntary payroll deductions for political committees. *See Washington Ed. Ass’n v. Smith*, 96 Wn.2d 601, 609 (1981). It reinforces the general rule that payroll deductions for political committee

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contributions are permitted upon the written request of the employee. *See* RCW 42.17A.495(3).

- RCW 41.06.250(1) is inapplicable because the District does not solicit authorizations for the payroll deductions in question, and the deductions are neither compulsory assessments nor involuntary contributions, as the District only processes payroll deductions that have been affirmatively authorized by the employee.

I trust that this letter is sufficient to resolve the complaint. If you have any questions, feel free to contact me.

Regards,

A handwritten signature in black ink, appearing to read 'Charles N. Eberhardt', with a stylized, sweeping flourish at the end.

Charles N. Eberhardt

CNE:ml