

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

INTERPRETERS UNITED –
WASHINGTON FEDERATION OF
STATE EMPLOYEES

Involving certain employees of:

STATE – LANGUAGE ACCESS
PROVIDERS

CASE 23334-E-10-3570

DECISION 10871-C - PECB

FINAL CERTIFICATION

In 2010 the Legislature granted collective bargaining rights to independent contractors providing “spoken language interpreter services for department of social and health services appointments or medicaid enrollee appointments” RCW 41.56.030(10)(a). The statute designated the Governor (employer) as the public employer and language access providers (interpreters) as public employees for purposes of collective bargaining on limited topics. RCW 41.56.510.

On July 2, 2010, the Washington Federation of State Employees (union) filed a petition seeking to be certified as the exclusive bargaining representative of a bargaining unit of language access providers. The employer and union agreed on an original bargaining unit description that mirrored the statutory language. However, the parties disagreed on the eligibility of certain interpreters, including four interpreters who provide services in a legal setting. The eligibility challenges were reserved until after the tally of ballots. The results of the election demonstrated the employees were in favor of being represented by the union and an interim certification was issued. *State – Language Access Providers, Decision 10871 (PECB, 2010)*.

The Executive Director ruled that the four interpreters providing services in a legal setting should be included in the bargaining unit. *State – Language Access Providers, Decision 10871-A (PECB, 2011)*. The employer appealed that decision to the Commission and the Commission affirmed. *State – Language Access Providers, Decision 10871-B (PECB, 2012)*.

The employer appealed that decision to the Superior Court and the Superior Court reversed and held that the four interpreters providing services in a legal setting should not be included in the bargaining unit. The union did not appeal that decision.

Because the Superior Court's order modified the scope of the bargaining unit after the Commission's order, a supplemental order is required to capture the modification.

NOW, THEREFORE it is

ORDERED

The bargaining unit described in *State – Language Access Providers*, Decision 10871, is modified as follows:

All language access providers who are persons defined as any independent contractor who provides spoken language interpreter services for Department of Social and Health Services appointments or Medicaid enrollee appointments, or provided these services on or after January 1, 2009, and before June 10, 2010, whether paid by a broker, language access agency, or the Department of Social and Health Services, excluding those interpreters who provide services in a legal setting.

ISSUED at Olympia, Washington, this 2nd day of July, 2015.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

A handwritten signature in blue ink, appearing to read 'Michael P. Sellars', is written over the printed name below.

MICHAEL P. SELLARS, Executive Director



PUBLIC EMPLOYMENT RELATIONS COMMISSION

112 HENRY STREET NE SUITE 300
PO BOX 40919
OLYMPIA, WASHINGTON 98504-0919

MARILYN GLENN SAYAN, CHAIRPERSON
THOMAS W. McLANE, COMMISSIONER
MARK E. BRENNAN, COMMISSIONER
MIKE SELLARS, EXECUTIVE DIRECTOR

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PUBLIC EMPLOYMENT RELATIONS
COMMISSION



BY: /S/ VANESSA SMITH

CASE NUMBER: 23334-E-10-03570 FILED: 07/02/2010 FILED BY: PARTY 2
DISPUTE: QCR UNORGANIZED
BAR UNIT: MISCELLANEOUS
DETAILS: -Interpreters United - WSFE certified
COMMENTS:

EMPLOYER: STATE - LANGUAGE ACCESS PROVIDERS
ATTN: GLEN CHRISTOPHERSON
128 10TH AVE SW 4TH FL
PO BOX 47500
OLYMPIA, WA 98504-7500
labor.relations@ofm.wa.gov
Ph1: 360-407-4104

REP BY: DIANE LUTZ
STATE - FINANCIAL MGMT
128 10TH AVE SW 4TH FL
PO BOX 47500
OLYMPIA, WA 98504-7500
Ph1: 360-407-4156 Ph2: 360-407-4150

REP BY: DONNA STAMBAUGH
OFFICE OF THE ATTORNEY GENERAL
1116 W RIVERSIDE AVE
SPOKANE, WA 99201-1194
Ph1: 509-458-3521 Ph2: 509-456-3123

PARTY 2: WA FED OF STATE EMPLOYEES
ATTN: LEWIS WOODS
1212 JEFFERSON ST SE STE 300
OLYMPIA, WA 98501-2332
Lewisw@wfse.org
Ph1: 800-562-6002 Ph2: 360-352-7603

REP BY: HERB HARRIS
WA FED OF STATE EMPLOYEES
1212 JEFFERSON ST SE STE 300
OLYMPIA, WA 98501-2332
Ph1: 360-352-7603

REP BY: EDWARD YOUNGLOVE
YOUNGLOVE COKER
1800 COOPER PT RD SW, BLDG 16
PO BOX 7846
OLYMPIA, WA 98507-7846
Ph1: 360-357-7791

REP BY: ANITA HUNTER
WA FED OF STATE EMPLOYEES
1212 JEFFERSON ST SE STE 300
OLYMPIA, WA 98501
Ph1: 360-352-7603