

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

WASHINGTON FEDERATION OF STATE
EMPLOYEES

For clarification of an existing bargaining unit
of employees of:

WASHINGTON STATE LANGUAGE
ACCESS PROVIDERS

CASE 138702-C-24

DECISION 14029 - PECB

ORDER MERGING BARGAINING
UNITS

Herb Harris, Manager of PERC Activities, for the Washington Federation of State Employees.

Cheryl L. Wolfe, Senior Counsel and *M. Kate Garcia*, Assistant Attorney General, Attorney General Robert W. Ferguson, for the Washington State Language Access Providers.

On March 7, 2024, the Washington Federation of State Employees (union) filed a petition seeking to merge two existing bargaining units of language access providers that it represents. The two bargaining units involve language access providers providing services for the Washington State Department of Social and Health Services and the Washington State Department of Labor and Industries. *State – Language Access Providers*, Decision 10871-C (PECB, 2015) and *Washington State Language Access Providers*, Decision 13344-D (PECB, 2023). The employer does not object to the petition and concurs that the resulting bargaining unit would be appropriate. The petition is granted.

ANALYSIS

RCW 41.56.510 grants collective bargaining rights to language access providers. Language access providers are independent contractors providing spoken language interpreter services to or through state agencies. RCW 41.56.030. The union represents a bargaining units of language access

providers providing services to or through the state Department of Social and Health Services. That unit is currently defined 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.

State – Language Access Providers, Decision 10871-C.

The union also represents a bargaining unit of language access providers providing services to or through the state Department of Labor and Industries. That unit is currently defined as follows:

All language access providers who are persons defined, in accordance with RCW 41.56.030, as any independent contractor who provides spoken language interpreter services for Department of Labor and Industries authorized medical and vocational providers who provided these services on or after January 1, 2019, whether paid by a broker, language access agency, or the Department of Labor and Industries, or in accordance with RCW 39.26.300, with the Department of Labor and Industries purchasing services directly from language access providers or through limited contracts with scheduling and coordinating delivery organizations, or both.

Washington State Language Access Providers, Decision 13344-D.

The authority to determine and certify appropriate bargaining units is a function delegated to this agency by the legislature. RCW 41.56.060; *Central Washington University, Decision 10215-B* (PSRA, 2010). Included with this authority is the power to, upon request, modify a bargaining unit through a unit clarification proceeding. *See Pierce County, Decision 7018-A* (PECB, 2001). Bargaining units of language access providers may be merged if the bargaining units subject to the merger are represented by the same exclusive bargaining representative and the resulting unit is appropriate under the statute. RCW 41.56.510(2)(f).

Merger of the two bargaining units is appropriate. The union represents the two bargaining units identified above, and the union is only seeking to merge those units. The parties concur that the

resulting units would be appropriate. Both units bargain under the same process set forth in RCW 41.56.510. The Governor is considered the public employer for both units. RCW 41.56.510. The petition is granted.

FINDINGS OF FACT

1. The Washington Federation of State Employees (union) is an exclusive bargaining representative within the meaning of RCW 41.56.030(2).

2. The union represents a bargaining unit of language access providers providing services to or through the state Department of Social and Health Services. That unit is currently defined 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.

3. The union also represents a bargaining unit of language access providers providing services to or through the state Department of Labor and Industries. That unit is currently defined as follows:

All language access providers who are persons defined, in accordance with RCW 41.56.030, as any independent contractor who provides spoken language interpreter services for Department of Labor and Industries authorized medical and vocational providers who provided these services on or after January 1, 2019, whether paid by a broker, language access agency, or the Department of Labor and Industries, or in accordance with RCW 39.26.300, with the Department of Labor and Industries purchasing services directly from language access providers or through limited contracts with scheduling and coordinating delivery organizations, or both.

4. The parties agree that merging the bargaining units described in findings of fact 3 and 4 would result in an appropriate bargaining unit.

5. No facts that would call into question the propriety of the petitioned-for merger described in findings of fact 3 and 4 have been discovered or brought to the attention of this agency.

CONCLUSIONS OF LAW

1. The Public Employment Relations Commission has jurisdiction in this matter under chapter 41.56 RCW and chapter 391-35 WAC.
2. The merger of the bargaining units described in findings of fact 3 and 4 will result in an appropriate unit for the purposes of collective bargaining under RCW 41.56.510.

ORDER

1. The bargaining units described in findings of fact 3 and 4 shall be merged into one bargaining unit described as follows:

All language access providers who are persons defined as:

- (a) 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, and
- (b) Any independent contractor who provides spoken language interpreter services for Department of Labor and Industries authorized medical and vocational providers who provided these services on or after January 1, 2019, whether paid by a broker, language access agency, or the Department of Labor and Industries, or in accordance with RCW 39.26.300, with the Department of Labor and Industries purchasing services directly from language access providers or through limited contracts with scheduling and coordinating delivery organizations, or both.

2. The Washington Federation of State Employees shall continue to be the exclusive bargaining representative of all the language access providers in the merged unit.

ISSUED at Olympia, Washington, this 9th day of January, 2025.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MICHAEL P. SELLARS, Executive Director

This order will be the final order of the agency unless a notice of appeal is filed with the Commission under WAC 391-35-210.



RECORD OF SERVICE

ISSUED ON 01/09/2025

DECISION 14029 - PECB has been served by mail and electronically by the Public Employment Relations Commission to the parties and their representatives listed below.

BY: DEBBIE BATES

CASE 138702-C-24

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