



# REPRESENTATION PETITION

Is this an amended petition? ☐ Yes ☐ No If yes, provide the case number: \_\_\_\_\_

**PARTIES** Include information for all parties involved.

**EMPLOYER** State of Washington  
**Contact** Gina Comeau  
**Title** Section Chief/LR/OFM  
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**Phone** 360-810-0166 **Ext.** \_\_\_\_\_  
**Email** gina.comeau@ofm.wa.gov

**PETITIONER** Wash. Federation of State Employees  
**Contact** Herb Harris  
**Title** Manager of PERC Activities  
**Address** 1212 Jefferson St. SE  
**City, State, ZIP** Olympia, WA 98501  
**Phone** 360-352-7603 **Ext.** \_\_\_\_\_  
**Email** herbh@wfse.org

**CURRENT BARGAINING REPRESENTATIVE**

(If One Exists) \_\_\_\_\_  
**Contact** \_\_\_\_\_  
**Title** \_\_\_\_\_  
**Address** \_\_\_\_\_  
**City, State, Zip** \_\_\_\_\_  
**Phone** \_\_\_\_\_ **Ext.** \_\_\_\_\_  
**Email** \_\_\_\_\_

**TYPE OF REQUEST** Select ONE of the following.

- ☐ **NEW ORGANIZING** to be certified as the representative of employees currently unrepresented.
- ☐ **ADD UNREPRESENTED EMPLOYEES** to an existing bargaining unit as described in WAC 391-25-080.
- ☐ **CHANGE REPRESENTATIVE** of existing bargaining unit.
- ☐ **REMOVE REPRESENTATIVE** of existing bargaining unit.

**BARGAINING UNIT**

For a new organizing petition, fill out section 2. For a petition to add unrepresented employees, fill out **both** sections 1 and 2. For a petition to change or remove the representative, fill out section 1.

**SECTION 1—Describe the Existing Bargaining Unit:**

Combine two Language Access Provider Bargaining Units  
See Decisions 10871-C DSHS LAP's and  
Decision 13344 L&I LAP's

**Number of Employees in Existing Unit** \_\_\_\_\_

**SECTION 2—Describe the Proposed Bargaining Unit:**

See Mike Sellars Letter

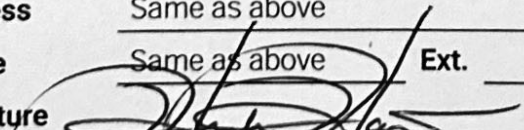
**Number of Employees in Proposed Unit** \_\_\_\_\_

If a CBA exists, what is the expiration date? \_\_\_\_\_

**SHOWING OF INTEREST**

A showing of interest indicating the support of at least 30 percent of the employees in the bargaining unit must be filed with the petition. **See instructions for more information.**

**PETITIONER REPRESENTATIVE**

**Name** Herb Harris  
**Address** Same as above  
**Phone** Same as above **Ext.** \_\_\_\_\_  
**Signature** 

**Title** Manager of PERC Activities  
**City, State, ZIP** Same as above  
**Email** Same as above  
**Date** 3/7/2024



**STATE HEADQUARTERS OFFICE**

1212 JEFFERSON ST. S.E., SUITE 300 • OLYMPIA, WA 98501-2332  
800-562-6002 • [www.wfse.org](http://www.wfse.org)

March 7, 2024

Michael Sellars, Executive Director  
Public Employment Relations Commission  
PO Box, WA 98504-0919

Dear Mr. Sellars:

This position is filed under WAC 391-25-420, and RCW 41.56.510 (2)(f).

We are hereby filing a request to combine two (2) Language Access Providers (LAP) bargaining units. Decision 10871-C, attached, describes the LAP bargaining unit at DSHS and Decision 13344, attached, describes the LAP bargaining unit at L&I.

Thank you for your attention to the request.

Sincerely,

A handwritten signature in black ink, appearing to read "Herb Harris".

Herb Harris  
Manager of PERC Activities

OLYMPIA FIELD OFFICE  
906 Columbia St. SW, Suite 500  
Olympia, WA 98501

SEATTLE FIELD OFFICE  
6363 7th Ave. S., Suite 220  
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SPOKANE FIELD OFFICE  
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Tacoma, WA 98409-6826

MEMBER CONNECTION CENTER: 833-MCC-WFSE (833-622-9373)





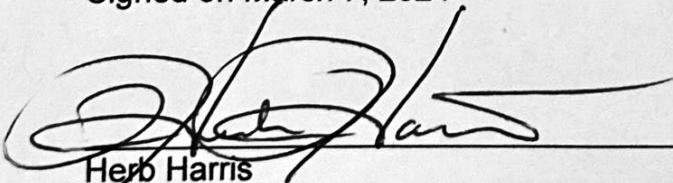
## **Certificate of Service**

Department of Social and Health Services  
And  
Labor and Industries  
Combining bargaining units

As per PERC Commission requirements and WAC 391-08-120(4), I, Herb Harris do certify that the following facts regarding servicing of the representation petition is true.

On March 7, 2024, I sent via email, a copy of the petition to Peggy Pulse, DSHS/LR and Gina Comeau, Office of Labor Relations/OFM and Heather Tracy Wynder, L&I/LR. To the best of my knowledge and belief these are the representatives of the other parties that would need to be notified to fulfill our obligation under WAC 391-08-120(4).

Signed on March 7, 2024

A handwritten signature in black ink, appearing to read 'Herb Harris', is written over a horizontal line.

Herb Harris  
Manager of PERC Activities

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 black ink, appearing to read 'Michael P. Sellars', is written over the printed name.

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

### RECORD OF SERVICE - ISSUED 07/02/2015

The attached document identified as: **DECISION 10871-C - PECB** has been served by the Public Employment Relations Commission by deposit in the United States mail, on the date issued indicated above, postage prepaid, addressed to the parties and their representatives listed in the docket records of the Commission as indicated below:

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  
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REP BY: DONNA STAMBAUGH  
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PARTY 2: WA FED OF STATE EMPLOYEES  
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**REP BY:** HERB HARRIS  
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**REP BY:** EDWARD YOUNGLOVE  
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STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

WA INTERPRETERS

Involving certain employees of:

WASHINGTON STATE LANGUAGE  
ACCESS PROVIDERS

CASE 133171-E-20

DECISION 13344-D - PECB

CERTIFICATION  
by Election

*Nicholas E.D. Power*, Attorney at Law, The Law Office of Nicholas Power, PLLC,  
for WA INTERPRETERS.

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

FINDINGS OF FACT

1. WA Interpreters filed a representation petition concerning employees of the Washington State Language Access Providers. The Public Employment Relations Commission (PERC) determined the petition was timely filed and accompanied by a sufficient showing of interest.
2. The Washington Federation of State Employees timely moved for intervention in the proceedings, and each motion for intervention was supported by a showing of interest which was administratively determined by PERC to be sufficient.
3. The bargaining unit is described 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. PERC conducted election proceedings. The employees were given a free choice in the proceedings. The tally of results was provided to the parties. No meritorious election objections were filed.

CONCLUSIONS OF LAW

1. The unit described in finding of fact 3 is an appropriate unit within the meaning of RCW 41.56.060.
2. Representation proceedings were conducted in accordance with RCW 41.56.070 and chapter 391-25 WAC.

CERTIFICATION

Washington State Language Access Providers employees in the bargaining unit described in finding of fact 3 have chosen

WASHINGTON FEDERATION OF STATE EMPLOYEES

as their representative for the purpose of collective bargaining with their employer.

ISSUED at Olympia, Washington, this 14th day of September, 2023.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

  
MICHAEL P. SELLARS, Executive Director



# RECORD OF SERVICE

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ISSUED ON 09/14/2023

DECISION 13344-D - 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 133171-E-20

EMPLOYER: WASHINGTON STATE LANGUAGE ACCESS PROVIDERS

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PARTY 2: WA INTERPRETERS

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PARTY 3: WASHINGTON FEDERATION OF STATE EMPLOYEES

REP BY: HERB HARRIS  
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edy@ylclaw.com

**From:** [Herb Harris](#)  
**To:** [PERC, Filing \(PERC\)](#); [Pulse, Peggy \(DSHS/OOS/HRD\)](#); [Comeau, Gina \(OFM\)](#); [Wynder, Tracy L \(LNI\)](#)  
**Cc:** [Kurt Spiegel](#); [Mark Hamilton](#); [Tawny Brown](#)  
**Subject:** Petition to Combine bargaining units  
**Date:** Thursday, March 7, 2024 2:20:30 PM  
**Attachments:** [Petition.pdf](#)  
[10871-C.pdf](#)  
[13344 L&I.pdf](#)

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### External Email

Dear PERC

Please find attached a petition to combine two Language Access Providers bargaining units into one unit.

If you have any problems opening the attachments, please let me know as soon as possible.

Thank you,

Herb

Herb Harris

WFSE – Manager of PERC Activities

1212 Jefferson St. SE Ste. 300

Olympia, WA 98501

Cell 360-402-4570

Office 360-352-7603

[herbh@wfse.org](mailto:herbh@wfse.org)