

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 143113-E-25

DECISION 14217 - PECB

ORDER OF DISMISSAL

Juan Medina Bloise, President, for WA Interpreters.

Cheryl L. Wolfe, Senior Counsel, *M. Kate Garcia*, Assistant Attorney General,
Attorney General Nicholas W. Brown, for Washington State Language Access
Providers.

On May 1, 2025, WA Interpreters filed a petition to represent language access providers who perform spoken language interpreter services for the Washington State Department of Labor & Industries (L&I). Language access providers are state employees for the purpose of collective bargaining.¹ The petitioned-for interpreters are represented by the Washington Federation of State Employees (WFSE) and included in a larger bargaining unit that includes interpreters who provide services for both L&I and the Washington State Departments of Social and Health Services (DSHS) and Children, Youth, and Families (DCYF). *Washington State Language Access Providers*, Decision 14029 (PECB, 2025), *aff'd*, Decision 14029-A (PECB, 2025).² WA

¹ Former RCW 41.56.510. In 2025, the legislature reorganized chapter 41.56 RCW. Laws of 2025, ch. 290. The statutes cited in this decision will reflect the current statutory organization.

² Decision 14029-A is currently on appeal to the Thurston County Superior Court. *Juan Bloise v. Public Employment Relations Commission*, No. 25-2-01527-34 (Thurston County Superior Court). Nonetheless, Decision 14029-A is considered final agency action and effective. Moreover, the superior court has denied petitioner Juan Bloise's motion for stay of this agency's decision.

Interpreters' petition seeks to sever the petitioned-for language access providers from the larger bargaining unit and to represent them in a standalone bargaining unit.

The petition cannot be processed further. The petition was not accompanied by a 30 percent showing of interest from the petitioned-for language access providers as required by RCW 41.56.157(2)(b) and RCW 41.56.221. Accordingly, the petition is dismissed.

BACKGROUND

The current bargaining unit at issue contains language access providers who provide services for DSHS, DCYF, and L&I. *Washington State Language Access Providers*, Decision 14029. Prior to 2025, WFSE represented a bargaining unit of DSHS/DCYF language access providers and a bargaining unit of L&I language access providers. *State – Language Access Providers*, Decision 10871-C (PECB, 2015); *Washington State Language Access Providers*, Decision 13344-D (PECB, 2023). In 2025, pursuant to RCW 41.56.157(2)(f), those two bargaining units were combined into one bargaining unit represented by WFSE. *Washington State Language Providers*, Decision 14029, *aff'd*, *Washington State Language Access Providers*, Decision 14029-A.

WA Interpreters submitted 279 showing of interest cards with its petition. On May 7, 2025, as part of the initial steps for processing any representation petition, this agency requested a list of the petitioned-for interpreters from the state of Washington (employer). On May 15, 2025, the employer provided a list that included approximately 1,272 interpreters in the petitioned-for bargaining unit.³

RCW 41.56.157 and RCW 41.56.221 require that representation petitions be supported by a showing of interest from 30 percent of the bargaining unit, which in this case would be 382 valid cards.⁴ This agency issued a deficiency notice on June 2, 2025, informing WA Interpreters that its

³ The list provided by the employer included duplicate entries for many providers. The list of 1,272 providers excludes the readily identifiable duplicate entries, which have been removed by agency staff.

⁴ Thirty percent of 1,272 is actually 381.6, but the petition must be supported by *at least* thirty percent of the employees in the bargaining unit. So, the number is rounded to 382.

petition was deficient because it was not supported by the requisite showing of interest. The notice also stated any additional showing of interest cards would be untimely because the statutory window period had closed. WAC 391-25-110; *see also Yakima County*, Decision 5794 (PECB, 1997). WA Interpreters was given an opportunity to show good cause as to why its petition should not be dismissed.

On June 16, 2025, WA Interpreters responded and argued that the employer's list of employees was inflated and should only include certain employees. The employer and WFSE were invited to respond to WA Interpreters' assertions, and both submitted responses.

ANALYSIS

Applicable Legal Standard

Language access providers are independent contractors who provide spoken language interpretive services for various state agencies. RCW 41.56.030(11). RCW 41.56.157 grants collective bargaining rights to three categories of language access providers. The statute also contemplates up to three statewide bargaining units of language access providers who provide services for (1) DSHS and DCYF, (2) L&I, and (3) any state agency through the Washington State Department of Enterprise Services (DES). RCW 41.56.157(2)(a)(i-iii). However, two or more of those bargaining units may be combined if they are represented by the same employee organization and the resulting larger bargaining unit is appropriate. RCW 41.56.157(2)(f).

Typically, the determination of appropriate bargaining units is a function delegated to this agency by the legislature. *City of Richland*, Decision 279-A (PECB, 1978), *aff'd*, *International Association of Fire Fighters, Local 1052 v. Public Employment Relations Commission*, 29 Wn. App. 599 (1981), *review denied*, 96 Wn.2d 1004 (1981). The purpose of this function is to ensure there is a community of interest among the employees sufficient to enable them to bargain effectively with their employer. *Quincy School District*, Decision 3962-A (PECB, 1993).

In making bargaining unit determinations, this agency normally considers "the duties, skills, and working conditions of the public employees; the history of collective bargaining by the public employees and their bargaining representatives; the extent of organization among the public employees; and the desire of the public employees." RCW 41.56.060(1). In this case, however,

RCW 41.56.157 not only specifies the bargaining units, but RCW 41.56.030(11)(a) also specifies those language access providers who are eligible to collectively bargain. To be eligible, a language access provider must have provided services for L&I or through DES after January 1, 2019. RCW 41.56.030(11)(a)(ii)⁵; RCW 41.56.030(11)(a)(iii). For language access providers performing provide services for DSHS or DCYF, eligibility is limited to individuals who provided services on or after January 1, 2011, and before June 10, 2012. RCW 41.56.030(11)(a)(i).

Application of Legal Standard

WA Interpreters' arguments fail to overcome the plain reading of the definition of eligible language access provider. Consequently, the petition does not meet the requisite showing of interest and cannot be processed further.

WA Interpreters argues that the list of eligible language access providers should only be those interpreters who are currently registered with the WordBridge system. According to WA Interpreters, L&I launched the WordBridge system on June 17, 2024, and all L&I language access providers must first register with the vendor to provide interpretation services. If a language access provider has not registered, that individual may not take appointments and is not an active interpreter. WA Interpreters claims that basing eligibility on any language access provider who provided services after January 1, 2019, would create an ever-expanding list of eligible interpreters. WA Interpreters also asserts that using the WordBridge system to compile the list of eligible language access providers will result in a "clean" list that includes only those individuals who are actively providing services.

WA Interpreters is correct that using the WordBridge system to compile the list of active language access providers would create a cleaner list of eligible interpreters. WA Interpreters is also correct that including any language access provider who provided services after January 1, 2019, would create an ever-expanding list of eligible voters. This is illustrated by the fact that 1,097 language access providers were deemed eligible to vote in the election leading to the certification of the L&I

⁵ Originally, the statute specified that providers who provided services for L&I on or after January 1, 2016, and before July 1, 2018, were eligible to collectively bargain. Laws of 2018, ch. 253. The eligibility standard was changed in 2020. Laws of 2020, ch. 289.

language access provider bargaining unit in *Washington State Language Access Providers*, Decision 13344-D. *Washington State Language Access Providers*, Decision 13344-C (PECB, 2023). Nonetheless, WA Interpreters' arguments would require PERC to interpret RCW 41.56.030 in a manner that is inconsistent with the plain language of the statute.

Statutes must be interpreted and construed so that all language is given effect, and no portion is rendered meaningless or superfluous. *Washington State Ferries (Marine Engineers' Beneficial Association)*, Decision 13027-A (MRNE, 2020) (citing *Whatcom County v. City of Bellingham*, 128 Wn.2d 537, 546 (1996); *Western Washington University*, Decision 10068-A (PSRA, 2008)). To determine the intent of the legislature, a court "must look first to the language of the statute." *Washington State Ferries (Marine Engineers' Beneficial Association)*, Decision 13027-A (citing *Condit v. Lewis Refrigeration Co.*, 101 Wn.2d 106, 110 (1984)). Absent any ambiguity, the Commission interprets a statute according to its plain and ordinary meaning. *State – Transportation*, Decision 8317-B (PSRA, 2005).

The Commission finds a statute ambiguous when it is subject to more than one reasonable interpretation. *Central Washington University*, Decision 8127-A (FCBA, 2004); *see also State – Early Learning*, Decision 9880-A (PSRA, 2008) ("A statute is ambiguous when it is fairly susceptible to different, reasonable interpretations, either on its face or as applied to particular facts and must be construed to avoid strained or absurd results.") "Statutes are to be read together, whenever possible, to achieve a harmonious total statutory scheme." *Fish and Wildlife Officers' Guild v. Department of Fish and Wildlife*, 191 Wn. App. 569, 580 (2015) (citing *In re Bankruptcy Petition of Wieber*, 182 Wn.2d 919, 926 (2015)). "While we look to the broader statutory context for guidance, we 'must not add words where the legislature has chosen not to include them,' and we must 'construe statutes such that all of the language is given effect.'" *Id.* (citing *Lake v. Woodcreek Homeowners Association*, 169 Wn.2d 516, 526 (2010)).

This is not the first time WA Interpreters has argued for an eligibility determination in contravention of the plain language of the statute. On November 23, 2020, WA Interpreters filed a petition to represent the language access providers who provide spoken language interpreter services to L&I. *Washington State Language Access Providers*, Decision 13344. WFSE successfully intervened in that petition. During the investigation, the parties disagreed about which

language access providers are eligible to be included in the bargaining unit under RCW 41.56.030(11)(a). WA Interpreters argued that only those language access providers who provided services on or after January 1, 2019, and who are considered “active” by the department should be considered as a language access provider under RCW 41.56.030(11)(a)(ii). It asserted that to disregard whether a language access provider is active would lead to an unprecedented bargaining unit that lacks a community of interest. *Id.*

WA Interpreters’ argument to read beyond the plain language of the statutory definition of RCW 41.56.030(11)(a)(ii) was rejected. *Id.* The legislature chose to use a non-traditional definition for eligibility for the language access providers. That definition is not ambiguous. Thus, all language access providers who provided spoken language interpreter services for L&I on or after January 1, 2019, were considered to be eligible voters, regardless of whether the interpreter was active at the time of the election. *Id.*

The statutory definition of language access provider who provides services for L&I has not changed since this agency’s decision in *Washington State Language Access Providers*, Decision 13344. The language access providers that should be on the eligibility list continue to be any language access provider who provided services on or after January 1, 2019. The employer submitted a list of 1,272 language access providers who meet this criteria. Thus, at a minimum, WA Interpreters needed to submit 382 valid showing of interest cards. WA Interpreters submitted 208 valid showing of interest cards, which excludes 61 showing of interest cards that were submitted and then rejected because they were signed by employees who were not on the employer’s eligibility list and 10 showing of interest cards that were rejected because they were duplicates of cards already submitted. Even assuming all 279 showing of interest cards submitted by WA Interpreters were valid, WA Interpreters still has not submitted the requisite number of showing of interest cards to meet the 30 percent threshold for this agency to further process this petition.⁶

⁶ In its response, WA Interpreters asserts that it can account for the validity of at least 250 of its showing of interest cards. Even accepting this as true, this still leaves WA Interpreters’ petition deficient.

PERC's statutory charge is to effectuate the statutes as written. In this instance, PERC has already ruled that by enacting RCW 41.56.030(11)(a) in the manner in which it did, the legislature chose to adopt an eligibility standard that is based upon the January 1, 2019, date, and not by the activity or inactivity of a language access provider. If the legislature desires a different interpretation, it is incumbent upon the legislature, and not PERC, to amend the statute to effectuate that change.

CONCLUSION

The definition of language access provider under RCW 41.56.030(11)(a)(ii) is clear and includes any language access providers who provided services on or after January 1, 2019. WA Interpreters' petition is not supported by the requisite showing of interest and is dismissed.

FINDINGS OF FACT

1. The state of Washington is a public employer within the meaning of 41.56.157(1).
2. The Washington Federation of State Employees (WFSE) represents a bargaining unit of language access providers who provide interpreting services for the Department of Labor & Industries (L&I) and the Washington State Departments of Social and Health Services (DSHS) and Children, Youth, and Families (DCYF).
3. On May 1, 2025, WA Interpreters filed a petition to represent language access providers who perform spoken language interpreter services for L&I. WA Interpreters submitted 279 showing of interest cards with its petition. WA Interpreters' petition seeks to sever the petitioned-for language access providers from the larger bargaining unit and to represent them in a standalone bargaining unit.
4. On May 7, 2025, as part of the initial steps for processing any representation petition, this agency requested a list of the petitioned-for interpreters from the state of Washington (employer).
5. On May 15, 2025, the employer provided a list that included approximately 1,272 interpreters in the petitioned-for bargaining unit.

6. RCW 41.56.157 and RCW 41.56.221 require that representation petitions be supported by a showing of interest from 30 percent of the bargaining unit, which in this case would be 382 valid cards.

CONCLUSIONS OF LAW

1. The Public Employment Relations Commission has jurisdiction in this matter pursuant to chapter 41.56 RCW and chapter 391-25 WAC.
2. Based upon findings of fact 2 through 6, WA Interpreters failed to submit a showing of interest demonstrating that at least 30 percent of the interpreters who provide services for L&I support WA Interpreters' petition.

ORDER

The petition filed by WA Interpreters in the above entitled matter is DISMISSED.

ISSUED at Olympia, Washington, this 7th day of October, 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 391-25-660.