



STATE OF WASHINGTON  
**PUBLIC EMPLOYMENT RELATIONS COMMISSION**

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December 31, 2020

*Via Email and Regular Mail*

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**Deficiency Notice**

Case 133171-E-20, Washington State Language Access Providers  
Labor and Industries Bargaining Unit

Dear Parties:

On November 23, 2020, WA Interpreters filed a representation petition seeking to represent the language access providers who provide services to the Department of Labor and Industries (employer). The language access providers are considered public employees for purposes of collective bargaining pursuant to RCW 41.56.510. WA Interpreters provided a showing of interest with in support of their petition.

Agency staff sent a routine letter to the employer on November 24, 2020, requesting a list of the petitioned-for employees. The employer requested an extension to provide the list of employees, which was granted.

On November 25, 2020, the Washington Federation of State Employees (WFSE) filed a motion to intervene in the proceeding. The WFSE provided a showing of interest in support of its motion. On November 25, 2020, Interpreters Rising also filed a motion to intervene in the proceeding. Interpreters Rising did not submit a showing of interest in support of its petition.

On December 17, 2020, the employer provided this agency with a list of approximately 1177 employees in the proposed bargaining unit described in the petition. This number was ascertained by a manual count of all names on the list, which included removing duplicate entries.

Under RCW 41.56.070 and WAC 391-25-110, the petitioner needed to submit at least 354 valid showing of interest cards for the petition to be properly supported by 30 percent of the employees in the proposed bargaining unit. Additionally, an organization other than the petitioner may intervene in a representation proceeding provided it submits a showing of interest “indicating that the intervenor has the support of ten percent or more of the employees in the bargaining unit which the petitioner claims to be appropriate.” WAC 391-25-190. In this case, an intervenor needed to submit at least 118 valid showing of interest cards for a motion for intervention to be properly supported.

The showing of interest filed in support of WA Interpreters’ petition contains valid authorizations from less than 30 percent of the names on the list supplied by the employer as required by the statute and rule and therefore WA Interpreters petition is deficient. Because WA Interpreters is the primary petitioner in this matter, this deficiency warrants dismissal of the entirety of the proceeding.

Additionally, while the WFSE submitted a showing of interest that would qualify for intervention in this matter, that organization lacks a showing of interest that qualifies for petitioner status. Absent a valid petition, the WFSE’s motion to intervene cannot be granted.

Finally, Interpreters Rising failed to supply any showing of interest in support of its motion for intervention. Even if the petition in this matter was valid, Interpreters Rising’s motion to intervene would not be granted absent a 10 percent showing of interest as required by WAC 391-25-190.

**PLEASE TAKE NOTICE that, unless WA Interpreters either submits the necessary showing of interest or demonstrates good cause on or before January 15, 2021, the petition will be dismissed as procedurally insufficient.**

Sincerely,



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