

NO. 94563-2

SUPREME COURT OF THE STATE OF WASHINGTON

SEIU HEALTHCARE 775NW,
Appellant/Plaintiff,

v.

STATE OF WASHINGTON DEPARTMENT OF SOCIAL AND
HEALTH SERVICES and FREEDOM FOUNDATION,
Respondent/Defendants,

DSHS RESPONSE TO PETITION FOR REVIEW

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The Department of Social and Health Services is responsible for holding contracting appointments for individual providers who want to provide in-home care paid for by the Department. Clerk's Papers (CP) at 51, 57. The Department is also responsible for verifying minimum basic training requirements of individual providers before the providers are allowed to work as individual providers. RCW 74.39A.070. Initial training includes safety and orientation training, which is required before an individual provider may provide any services. RCW 74.39A.074(1)(d)(i), WAC 388-71-0860.

Freedom Foundation filed a public records request with the Department for contracting appointment times and locations. CP at 95. DSHS subsequently gave notice to the Service Employees International Union 775 (SEIU 775), which sought to enjoin release of those records. CP at 94. The trial court denied the injunction but also temporarily extended a temporary restraining order (TRO) to allow time to appeal. CP at 386-389. SEIU 775 sought review in Division Two of the Court of Appeals, which further stayed the release of records. Comm'r's Ruling at 10, SEIU 775 v. DSHS, No. 48881-7-II (Div. II, Apr. 7, 2016). SEIU 775 seeks discretionary review of this matter.

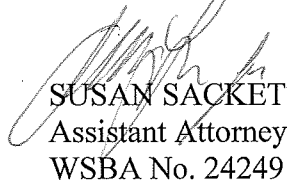
DSHS does not oppose discretionary review. The Court of Appeals decision is consistent with DSHS's arguments, and the Court of Appeals

opinion does not conflict with decisions of this Court or the Court of Appeals. An opinion from this Court would, however, bring certainty as to how the Public Employment Collective Bargaining Act (PECBA) relates to individual providers and the Public Records Act, an issue of substantial importance to the State. As a result, DSHS does not oppose review under RAP 13.4(b)(4).

RESPECTFULLY SUBMITTED this 22 day of June, 2017.

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PROOF OF SERVICE

I certify that I served a copy of this document on all parties or their counsel of record on the date below as follows:

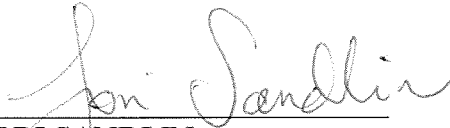
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I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 23rd day of June, 2017, at Olympia, WA.



LORI SANDLIN