

FINAL BILL REPORT

ESSB 6726

PARTIAL VETO C 296 L 10 Synopsis as Enacted

Brief Description: Making the governor the public employer of language access providers.

Sponsors: Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Marr, Kohl-Welles, Ranker, Murray, McDermott, Keiser, Prentice, Kauffman, Kline, Kilmer, Fraser and Pridemore).

Senate Committee on Labor, Commerce & Consumer Protection
Senate Committee on Ways & Means
House Committee on Commerce & Labor
House Committee on Ways & Means

Background: Interpreter Services. Federal laws prohibit discrimination based on an individual's race, color, national origin, handicap, religion, or sex by any entity receiving federal financial assistance. Pursuant to these and other laws, the Department of Social and Health Services (DSHS) provides equal access to social service and medical programs for all persons, including persons who have Limited English Proficiency (LEP), are deaf, deaf-blind, or hard of hearing. State law also requires DSHS to ensure that bilingual services are provided to non-English speaking applicants for and recipients of public assistance. In community-service offices, depending on the circumstances, DSHS may be required to employ bilingual personnel or contract with interpreters, local agencies, or other community resources.

DSHS provides spoken-language interpreter services through contracts with brokers who schedule services and link interpreters with clients and service providers. Spoken language interpreters are certified by DSHS with the use of standardized tests. These tests measure language proficiency and interpreting skills and evaluate interpreters who provide oral-interpretation services to social-service programs and in medical settings.

Public Employee Collective Bargaining. Employees of cities, counties, and other political subdivisions of the state bargain their wages and working conditions under the Public Employees' Collective Bargaining Act (PECBA) administered by the Public Employment Relations Commission. Individual providers (home care workers), family child care providers, and adult family home providers also have collective bargaining rights under PECBA.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Under PECBA, the employer and exclusive bargaining representative have a mutual obligation to negotiate in good faith over specified mandatory subjects of bargaining, grievance procedures, and personnel matters, including wages, hours, and working conditions. For uniformed personnel, PECBA recognizes the public policy against strikes as a means of settling labor disputes. To resolve impasses over contract negotiations involving these uniformed personnel, PECBA requires binding arbitration if negotiations for a contract reach impasse and cannot be resolved through mediation.

Summary: Language access providers are defined as independent contractors who provide spoken language interpreter services for DSHS appointments or Medicaid enrollee appointments – whether paid by a broker, language access agency, or DSHS. Owners, managers, or employees of a broker or language access agency are not included in the definition of language access provider.

Language access providers are permitted to collectively bargain with the Governor over: (1) economic compensation, such as the manner and rate of payments; (2) professional development and training; (3) labor-management committees; and (4) grievance procedures. Language access providers are subject to mediation and binding interest arbitration if an impasse occurs in negotiations. The request for funds to implement the initial collective bargaining agreement may not be submitted to the Office of Financial Management before July 1, 2011. The Governor must submit a request to the Legislature for any funds or legislation necessary to implement the compensation and benefit provisions of a collective bargaining agreement covering language access providers. The Legislature must approve or reject the submission of the request for funds as a whole. If the Legislature rejects or fails to act on the submission, the collective bargaining agreement is reopened for the sole purpose of renegotiating the funds necessary to implement the agreement.

If the state does not make payments directly to language access providers, the state must require, through contracts with third parties, that dues be deducted from payments to language access providers. Records showing this deduction must be provided to the state.

Votes on Final Passage:

Senate	29	19	
House	58	40	(House amended)
Senate	29	19	(Senate concurred)

Effective: June 10, 2010

Partial Veto Summary: The Governor vetoed the provision that establishes a working group of language access services.