
Labor & Workforce Development Committee

HB 2701

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

Sponsors: Representatives Sells, Green, Appleton, Reykdal, Stanford, Upthegrove, Ormsby and Santos.

Brief Summary of Bill

- Provides for collective bargaining under the Public Employees' Collective Bargaining Act between the Governor and a statewide unit of language access providers who provide services for the Department of Labor & Industries.

Hearing Date: 1/30/12

Staff: Alexa Silver (786-7190).

Background:

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, adult family home providers, and certain language access providers also have collective bargaining rights under the PECBA.

Under the 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, the PECBA recognizes the public policy against strikes as a means of settling labor disputes. To resolve impasses over contract negotiations involving these uniformed personnel, the PECBA requires binding arbitration if negotiations for a contract reach impasse and cannot be resolved through mediation.

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.

In 2010, ESSB 6726 granted collective bargaining rights under the PECBA to language access providers. "Language access providers" are defined as independent contractors who provide spoken language interpreter services for Department of Social and Health Services (DSHS) appointments or Medicaid enrollee appointments, but not owners, managers, or employees of brokers or language access agencies. Mandatory subjects of bargaining are limited to: (1) economic compensation, such as the manner and rate of payments; (2) professional development and training; (3) labor-management committees; and (4) grievance procedures. Retirement benefits are not subject to collective bargaining.

Summary of Bill:

Collective bargaining rights under the PECBA are granted to language access providers who provide spoken language interpreter services for Department of Labor & Industries (L&I) appointments, or who provided these services on or after January 1, 2011, and before the bill's effective date. Language access providers include any independent contractor who provides these services, whether paid by a language access agency, a broker, or the L&I.

Two statewide bargaining units are defined for language access providers: one unit for those who provide spoken language interpreter services for the L&I, and one unit for those who provide spoken language interpreter services for DSHS appointments and Medicaid enrollee appointments.

Mandatory subjects of bargaining for both units are limited to: (1) economic compensation, including but not limited to the manner and rate of payments and scheduling and distribution of appointments; (2) health and welfare benefits; (3) professional development and training and certification requirements; (4) labor-management committees; (5) grievance procedures; and (6) complaints against language access providers, including but not limited to corrective actions.

The parties with whom the L&I contracts for language access services must provide the L&I with a list of language access providers within 30 days of the bill's effective date.

A request for funds to implement the collective bargaining agreement must be submitted to the Office of Financial Management by December 1, 2012, for the initial negotiations for L&I language access providers.

The L&I is obligated to comply with the federal statute and regulations. The Legislature has the right to make programmatic modifications to the workers' compensation laws.

Appropriation: None.

Fiscal Note: Requested on January 27, 2012.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.