

# SENATE BILL REPORT

## SB 6634

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As Reported by Senate Committee On:  
Ways & Means, April 6, 2012

**Title:** An act relating to language access providers.

**Brief Description:** Addressing language access providers.

**Sponsors:** Senators Murray, Harper, Conway, Kline and Kohl-Welles; by request of Governor Gregoire.

**Brief History:**

**Committee Activity:** Ways & Means: 4/06/12 [DP, DNP, w/oRec].

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** Do pass.

Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Brown, Conway, Fraser, Harper, Hatfield, Kastama, Keiser, Kohl-Welles, Pridemore and Regala.

**Minority Report:** Do not pass.

Signed by Senators Parlette, Ranking Minority Member Capital; Holmquist Newbry, Honeyford and Schoesler.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Zarelli, Ranking Minority Member and Padden.

**Staff:** Sherry McNamara (786-7402)

**Background:** The Public Employee's Collective Bargaining Act (PECBA) is administered by the Public Employment Relations Commission (PERC). Under PECBA employees of cities, counties, and other political subdivision of the state bargain their wages and working conditions. The employer and exclusive bargaining representative have a mutual obligation to negotiate in good faith over mandatory subjects which include wages, hours, and working conditions.

In 2010 the legislature granted collective bargaining rights to certain language access providers collective bargaining rights. "Language access providers" are defined as independent contractors who provide language interpreter services for Department of Social

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and Health Services (DSHS) appointments or Medicaid enrollee appointments, but does not include owners, managers, or employees of brokers or language access agencies.

The PERC determined in November 2011 that the statewide unit of language access providers under the PECBA includes interpreters who work in the Medicaid Administrative Match (MAM) program, and those who work in legal settings.

The MAM program provides matching federal funds to local health jurisdictions, public hospitals, schools, and tribes that provide outreach to Medicaid recipients. This program covers costs for indirect medical services, including interpreter services.

A court, state agency, or other governmental entity is required to appoint a certified or qualified interpreter to assist in a legal proceeding. The governmental entity that initiates the proceedings is required to cover the cost of providing an interpreter, if the person or party is non-English-speaking. The Administrative Office of the Courts, subject to appropriation, is required to reimburse the governmental entity for up to half the cost of providing an interpreter under certain circumstances. Depending on the county, interpreters in dependency proceedings initiated by DSHS, with the assistance of the Office of the Attorney General (AGO), may be arranged for and paid by DSHS, the AGO, or the court.

**Summary of Bill:** Collective bargaining rights under the Public Employees' Collective Bargaining Act are granted to language access providers who provide spoken interpreter services for the Department of Labor and Industries (L&I) medical appointments. This does not include legal proceedings of any nature, including criminal, civil, or administrative proceedings.

Two separate statewide bargaining units are created for language access providers: one unit for L&I interpreters, and one for DSHS and Medicaid interpreters. If one exclusive bargaining representative represents both units, then one agreement must be negotiated on behalf of all language access providers in both units.

The parties with whom L&I contracts for language access services is required to provide a list of language access providers to L&I within 30 days of July 1, 2013. The Public Employment Relations Commission may not certify the L&I bargaining unit before July 1, 2013.

For initial negotiations for the L&I bargaining unit, a request for funds to implement the collective bargaining agreement must be submitted to the Office of Financial Management no earlier than July 1, 2014.

Any rules adopted by L&I must comply with federal law.

This act applies both prospectively and retroactively.

**Appropriation:** None.

**Fiscal Note:** Requested on April 5, 2012.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Staff Summary of Public Testimony:** PRO: This bill covers two things: it extends bargaining rights to interpreters in L&I and excludes interpreters in the MAM program and legal interpreters. Allowing the language interpreters for L&I to join the union will provide the state the opportunity to reduce costs by eliminating waste and inefficiencies in the current process. Currently, the agencies take 47 percent of the salary of the interpreters providing the service. This bill clarifies that the collective bargaining unit is for medical interpreters and not legal interpreters.

CON: This bill will have a negative impact on the Worker's Compensation system. It will increase costs, time loss, and result in higher premiums which are paid for by employers and employees.

OTHER: Some of the MAM interpreters are not state certified. This is unacceptable. The Legislature should require an audit of the MAM services to make them safer. Administrative costs are anywhere from 30 to 50 percent. There is a conflict of interest to place both the in-person interpreters and the video-remote interpreters into the same collective bargaining unit. An amendment to limit the bargaining to in-person interpretive services would make the bill more acceptable. The telephonic or video remote interpreting services cost 80 percent less than the in-person interpretive services. Not only is this service available 24 hours, 7 days a week but it is saving thousands of dollars in health care costs. Small businesses are concerned about their industrial insurance costs and what this bill may require them to pay in increased premiums. The fiscal note states that employers and employees will pay for the costs of this negotiated agreement.

**Persons Testifying:** PRO: Senator Murray, prime sponsor; Julie Murray, Office of Financial Management; Dennis Eagle, Washington Federation of State Employees; Paul Natkin, Interpreters United.

CON: Amber Carter, Association of Washington Business.

OTHER: Milena Calderari-Waldron, Washington Interpreters and Translators Society; Jim King, In Demand Interpreting; Gary Smith, Independent Business Association.