

2SSB 6245 - H COMM AMD

By Committee on Labor & Workplace Standards

NOT ADOPTED 03/01/2018

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** It is the intent of the legislature to
4 centralize and consolidate the procurement of spoken language
5 interpreter services and expand the use of language access providers,
6 thereby reducing administrative costs while protecting consumers. The
7 legislature further intends to exclude interpreter services for
8 sensory-impaired persons from the provisions of this act.

9 **Sec. 2.** RCW 74.04.025 and 2011 1st sp.s. c 15 s 63 are each
10 amended to read as follows:

11 (1) The department, the authority, and the office of
12 administrative hearings shall ensure that bilingual services are
13 provided to non-English speaking applicants and recipients. The
14 services shall be provided to the extent necessary to assure that
15 non-English speaking persons are not denied, or unable to obtain or
16 maintain, services or benefits because of their inability to speak
17 English.

18 (2) If the number of non-English speaking applicants or
19 recipients sharing the same language served by any community service
20 office client contact job classification equals or exceeds fifty
21 percent of the average caseload of a full-time position in such
22 classification, the department shall, through attrition, employ
23 bilingual personnel to serve such applicants or recipients.

24 (3) Regardless of the applicant or recipient caseload of any
25 community service office, each community service office shall ensure
26 that bilingual services required to supplement the community service
27 office staff are provided through contracts with language access
28 providers, local agencies, or other community resources.

29 (4) The department shall certify, authorize, and qualify language
30 access providers as needed to maintain an adequate pool of providers

1 such that residents can access state services. Except as needed to
2 certify, authorize, or qualify bilingual personnel per subsection (2)
3 of this section, the department will only offer spoken language
4 interpreter testing in the following manner:

5 (a) To individuals speaking languages for which ten percent or
6 more of the requests for interpreter services in the prior year for
7 department employees and the health care authority on behalf of
8 limited English-speaking applicants and recipients of public
9 assistance that went unfilled through the procurement process in
10 section 3 of this act;

11 (b) To spoken language interpreters who were decertified or
12 deauthorized due to noncompliance with any continuing education
13 requirements; and

14 (c) To current department certified or authorized spoken language
15 interpreters seeking to gain additional certification or
16 authorization.

17 (5) The department shall require compliance with RCW 41.56.113(2)
18 through its contracts with third parties.

19 (6) Initial client contact materials shall inform clients in all
20 primary languages of the availability of interpretation services for
21 non-English speaking persons. Basic informational pamphlets shall be
22 translated into all primary languages.

23 (7) To the extent all written communications directed to
24 applicants or recipients are not in the primary language of the
25 applicant or recipient, the department and the office of
26 administrative hearings shall include with the written communication
27 a notice in all primary languages of applicants or recipients
28 describing the significance of the communication and specifically how
29 the applicants or recipients may receive assistance in understanding,
30 and responding to if necessary, the written communication. The
31 department shall assure that sufficient resources are available to
32 assist applicants and recipients in a timely fashion with
33 understanding, responding to, and complying with the requirements of
34 all such written communications.

35 (8) As used in this section:

36 (a) "Language access provider" means any independent contractor
37 who provides spoken language interpreter services for ~~((department))~~
38 state agencies, injured worker, or crime victim appointments through
39 the department of labor and industries, or medicaid enrollee
40 appointments, or provided these services on or after January 1, 2009,

1 and before June 10, 2010, whether paid by a broker, language access
2 agency, or (~~the department~~) a state agency. "Language access
3 provider" does not mean an owner, manager, or employee of a broker or
4 a language access agency.

5 (b) "Primary languages" includes but is not limited to Spanish,
6 Vietnamese, Cambodian, Laotian, and Chinese.

7 NEW SECTION. **Sec. 3.** A new section is added to chapter 39.26
8 RCW to read as follows:

9 (1) The department of social and health services, the department
10 of children, youth, and families, and the health care authority are
11 each authorized to purchase interpreter services on behalf of limited
12 English-speaking applicants and recipients of public assistance.

13 (2) The department of labor and industries is authorized to
14 purchase interpreter services for medical and vocational providers
15 authorized to provide services to limited English-speaking injured
16 workers or crime victims.

17 (3) No later than September 1, 2020, the department of social and
18 health services, the department of children, youth, and families, the
19 health care authority, and the department of labor and industries
20 must purchase in-person spoken language interpreter services directly
21 from language access providers as defined in RCW 74.04.025, or
22 through limited contracts with scheduling and coordinating delivery
23 organizations, or both. Each agency must have at least one contract
24 with an entity that provides interpreter services through telephonic
25 and video remote technologies. Nothing in this section precludes the
26 department of labor and industries from purchasing in-person spoken
27 language interpreter services directly from language access providers
28 or from directly reimbursing language access providers.

29 (4) Notwithstanding subsection (3) of this section, the
30 department of labor and industries may pay a language access provider
31 directly for the costs of interpreter services when the services are
32 necessary for use by a medical provider for emergency or urgent care,
33 or where the medical provider determines that advanced notice is not
34 feasible.

35 (5) Upon the expiration of any contract in effect on the
36 effective date of this section, but no later than September 1, 2020,
37 the department must develop and implement a model that all state
38 agencies must use to procure spoken language interpreter services by
39 purchasing directly from language access providers or through

1 contracts with scheduling and coordinating entities, or both. The
2 department must have at least one contract with an entity that
3 provides interpreter services through telephonic and video remote
4 technologies. If the department determines it is more cost-effective
5 or efficient, it may jointly purchase these services with the
6 department of social and health services, the department of children,
7 youth, and families, the health care authority, and the department of
8 labor and industries as provided in subsection (3) of this section.
9 The department of social and health services, the health care
10 authority, and the department of labor and industries have the
11 authority to procure interpreters through the department if the
12 demand for spoken language interpreters cannot be met through their
13 respective contracts.

14 (6) All interpreter services procured under this section must be
15 provided by language access providers who are certified or authorized
16 by the state, or nationally certified by the certification commission
17 for health care interpreters or the national board for certification
18 of medical interpreters. When a nationally certified, state-
19 certified, or authorized language access provider is not available, a
20 state agency is authorized to contract with a spoken language
21 interpreter with other certifications or qualifications deemed to
22 meet agency needs. Nothing in this subsection precludes providing
23 interpretive services through state employees or employees of medical
24 or vocational providers.

25 (7) Nothing in this section is intended to address how state
26 agencies procure interpreters for sensory-impaired persons.

27 (8) For purposes of this section, "state agency" means any state
28 office or activity of the executive branch of state government,
29 including state agencies, departments, offices, divisions, boards,
30 commissions, and correctional and other types of institutions, but
31 excludes institutions of higher education as defined in RCW
32 28B.10.016, the school for the blind, and the center for childhood
33 deafness and hearing loss.

34 **Sec. 4.** RCW 39.26.100 and 2013 2nd sp.s. c 33 s 2 are each
35 amended to read as follows:

36 (1) The provisions of this chapter do not apply in any manner to
37 the operation of the state legislature except as requested by the
38 legislature.

1 (2) The provisions of this chapter do not apply to the
2 contracting for services, equipment, and activities that are
3 necessary to establish, operate, or manage the state data center,
4 including architecture, design, engineering, installation, and
5 operation of the facility, that are approved by the technology
6 services board or the acquisition of proprietary software, equipment,
7 and information technology services necessary for or part of the
8 provision of services offered by the consolidated technology services
9 agency.

10 (3) Primary authority for the purchase of specialized equipment,
11 and instructional and research material, for their own use rests with
12 the institutions of higher education as defined in RCW 28B.10.016.

13 (4) Universities operating hospitals with approval from the
14 director, as the agent for state hospitals as defined in RCW
15 72.23.010, and for health care programs provided in state
16 correctional institutions as defined in RCW 72.65.010(3) and
17 veterans' institutions as defined in RCW 72.36.010 and 72.36.070, may
18 make purchases for hospital operation by participating in contracts
19 for materials, supplies, and equipment entered into by nonprofit
20 cooperative hospital group purchasing organizations if documented to
21 be more cost-effective.

22 (5) Primary authority for the purchase of materials, supplies,
23 and equipment, for resale to other than public agencies, rests with
24 the state agency concerned.

25 (6) The authority for the purchase of insurance and bonds rests
26 with the risk manager under RCW 43.19.769, except for institutions of
27 higher education that choose to exercise independent purchasing
28 authority under RCW 28B.10.029.

29 ~~(7) ((The authority to purchase interpreter services and
30 interpreter brokerage services on behalf of limited English speaking
31 or sensory impaired applicants and recipients of public assistance
32 rests with the department of social and health services and the
33 health care authority.~~

34 ~~(8))~~ The provisions of this chapter do not apply to information
35 technology purchases by state agencies, other than institutions of
36 higher education and agencies of the judicial branch, if (a) the
37 purchase is less than one hundred thousand dollars, (b) the initial
38 purchase is approved by the chief information officer of the state,
39 and (c) the agency director and the chief information officer of the

1 state jointly prepare a public document providing a detailed
2 justification for the expenditure.

3 **Sec. 5.** RCW 41.56.030 and 2015 2nd sp.s. c 6 s 1 are each
4 amended to read as follows:

5 As used in this chapter:

6 (1) "Adult family home provider" means a provider as defined in
7 RCW 70.128.010 who receives payments from the medicaid and state-
8 funded long-term care programs.

9 (2) "Bargaining representative" means any lawful organization
10 which has as one of its primary purposes the representation of
11 employees in their employment relations with employers.

12 (3) "Child care subsidy" means a payment from the state through a
13 child care subsidy program established pursuant to RCW 74.12.340 (~~(or~~
14 ~~74.08A.340))~~), 45 C.F.R. Sec. 98.1 through 98.17, or any successor
15 program.

16 (4) "Collective bargaining" means the performance of the mutual
17 obligations of the public employer and the exclusive bargaining
18 representative to meet at reasonable times, to confer and negotiate
19 in good faith, and to execute a written agreement with respect to
20 grievance procedures and collective negotiations on personnel
21 matters, including wages, hours and working conditions, which may be
22 peculiar to an appropriate bargaining unit of such public employer,
23 except that by such obligation neither party shall be compelled to
24 agree to a proposal or be required to make a concession unless
25 otherwise provided in this chapter.

26 (5) "Commission" means the public employment relations
27 commission.

28 (6) "Executive director" means the executive director of the
29 commission.

30 (7) "Family child care provider" means a person who: (a) Provides
31 regularly scheduled care for a child or children in the home of the
32 provider or in the home of the child or children for periods of less
33 than twenty-four hours or, if necessary due to the nature of the
34 parent's work, for periods equal to or greater than twenty-four
35 hours; (b) receives child care subsidies; and (c) is either licensed
36 by the state under RCW 74.15.030 or is exempt from licensing under
37 chapter 74.15 RCW.

38 (8) "Individual provider" means an individual provider as defined
39 in RCW 74.39A.240(~~(+4))~~) (3) who, solely for the purposes of

1 collective bargaining, is a public employee as provided in RCW
2 74.39A.270.

3 (9) "Institution of higher education" means the University of
4 Washington, Washington State University, Central Washington
5 University, Eastern Washington University, Western Washington
6 University, The Evergreen State College, and the various state
7 community colleges.

8 (10)(a) "Language access provider" means any independent
9 contractor who provides spoken language interpreter services (~~for~~
10 ~~department of social and health services appointments or medicaid~~
11 ~~enrollee appointments, or provided these services on or after January~~
12 ~~1, 2009, and before June 10, 2010)), whether paid by a broker,~~
13 language access agency, or the respective department:

14 (i) For department of social and health services appointments,
15 department of children, youth, and families appointments, medicaid
16 enrollee appointments, or who provided these services on or after
17 January 1, 2011, and before June 10, 2012;

18 (ii) For department of labor and industries authorized medical
19 and vocational providers, or who provided these services on or after
20 January 1, 2016, and before the effective date of this section; or

21 (iii) For state agencies, or who provided these services on or
22 after January 1, 2016, and before the effective date of this section.

23 (b) "Language access provider" does not mean an owner, manager,
24 or employee of a broker or a language access agency.

25 (11) "Public employee" means any employee of a public employer
26 except any person (a) elected by popular vote, or (b) appointed to
27 office pursuant to statute, ordinance or resolution for a specified
28 term of office as a member of a multimember board, commission, or
29 committee, whether appointed by the executive head or body of the
30 public employer, or (c) whose duties as deputy, administrative
31 assistant or secretary necessarily imply a confidential relationship
32 to (i) the executive head or body of the applicable bargaining unit,
33 or (ii) any person elected by popular vote, or (iii) any person
34 appointed to office pursuant to statute, ordinance or resolution for
35 a specified term of office as a member of a multimember board,
36 commission, or committee, whether appointed by the executive head or
37 body of the public employer, or (d) who is a court commissioner or a
38 court magistrate of superior court, district court, or a department
39 of a district court organized under chapter 3.46 RCW, or (e) who is a
40 personal assistant to a district court judge, superior court judge,

1 or court commissioner. For the purpose of (e) of this subsection, no
2 more than one assistant for each judge or commissioner may be
3 excluded from a bargaining unit.

4 (12) "Public employer" means any officer, board, commission,
5 council, or other person or body acting on behalf of any public body
6 governed by this chapter, or any subdivision of such public body. For
7 the purposes of this section, the public employer of district court
8 or superior court employees for wage-related matters is the
9 respective county legislative authority, or person or body acting on
10 behalf of the legislative authority, and the public employer for
11 nonwage-related matters is the judge or judge's designee of the
12 respective district court or superior court.

13 (13) "Uniformed personnel" means: (a) Law enforcement officers as
14 defined in RCW 41.26.030 employed by the governing body of any city
15 or town with a population of two thousand five hundred or more and
16 law enforcement officers employed by the governing body of any county
17 with a population of ten thousand or more; (b) correctional employees
18 who are uniformed and nonuniformed, commissioned and noncommissioned
19 security personnel employed in a jail as defined in RCW 70.48.020(9),
20 by a county with a population of seventy thousand or more, and who
21 are trained for and charged with the responsibility of controlling
22 and maintaining custody of inmates in the jail and safeguarding
23 inmates from other inmates; (c) general authority Washington peace
24 officers as defined in RCW 10.93.020 employed by a port district in a
25 county with a population of one million or more; (d) security forces
26 established under RCW 43.52.520; (e) firefighters as that term is
27 defined in RCW 41.26.030; (f) employees of a port district in a
28 county with a population of one million or more whose duties include
29 crash fire rescue or other firefighting duties; (g) employees of fire
30 departments of public employers who dispatch exclusively either fire
31 or emergency medical services, or both; (h) employees in the several
32 classes of advanced life support technicians, as defined in RCW
33 18.71.200, who are employed by a public employer; or (i) court
34 marshals of any county who are employed by, trained for, and
35 commissioned by the county sheriff and charged with the
36 responsibility of enforcing laws, protecting and maintaining security
37 in all county-owned or contracted property, and performing any other
38 duties assigned to them by the county sheriff or mandated by judicial
39 order.

1 **Sec. 6.** RCW 41.56.030 and 2017 3rd sp.s. c 6 s 808 are each
2 amended to read as follows:

3 As used in this chapter:

4 (1) "Adult family home provider" means a provider as defined in
5 RCW 70.128.010 who receives payments from the medicaid and state-
6 funded long-term care programs.

7 (2) "Bargaining representative" means any lawful organization
8 which has as one of its primary purposes the representation of
9 employees in their employment relations with employers.

10 (3) "Child care subsidy" means a payment from the state through a
11 child care subsidy program established pursuant to RCW 74.12.340 (~~or~~
12 ~~74.08A.340~~)), 45 C.F.R. Sec. 98.1 through 98.17, or any successor
13 program.

14 (4) "Collective bargaining" means the performance of the mutual
15 obligations of the public employer and the exclusive bargaining
16 representative to meet at reasonable times, to confer and negotiate
17 in good faith, and to execute a written agreement with respect to
18 grievance procedures and collective negotiations on personnel
19 matters, including wages, hours and working conditions, which may be
20 peculiar to an appropriate bargaining unit of such public employer,
21 except that by such obligation neither party shall be compelled to
22 agree to a proposal or be required to make a concession unless
23 otherwise provided in this chapter.

24 (5) "Commission" means the public employment relations
25 commission.

26 (6) "Executive director" means the executive director of the
27 commission.

28 (7) "Family child care provider" means a person who: (a) Provides
29 regularly scheduled care for a child or children in the home of the
30 provider or in the home of the child or children for periods of less
31 than twenty-four hours or, if necessary due to the nature of the
32 parent's work, for periods equal to or greater than twenty-four
33 hours; (b) receives child care subsidies; and (c) under chapter
34 43.216 RCW, is either licensed by the state or is exempt from
35 licensing.

36 (8) "Individual provider" means an individual provider as defined
37 in RCW 74.39A.240(~~(+4)~~) (3) who, solely for the purposes of
38 collective bargaining, is a public employee as provided in RCW
39 74.39A.270.

1 (9) "Institution of higher education" means the University of
2 Washington, Washington State University, Central Washington
3 University, Eastern Washington University, Western Washington
4 University, The Evergreen State College, and the various state
5 community colleges.

6 (10)(a) "Language access provider" means any independent
7 contractor who provides spoken language interpreter services (~~for~~
8 ~~department of social and health services appointments or medicaid~~
9 ~~enrollee appointments, or department of children, youth, and families~~
10 ~~appointments, or provided these services on or after January 1, 2009,~~
11 ~~and before June 10, 2010)), whether paid by a broker, language access~~
12 agency, or the respective department:

13 (i) For department of social and health services appointments,
14 department of children, youth, and families appointments, medicaid
15 enrollee appointments, or who provided these services on or after
16 January 1, 2011, and before June 10, 2012;

17 (ii) For department of labor and industries authorized medical
18 and vocational providers, or who provided these services on or after
19 January 1, 2016, and before the effective date of this section; or

20 (iii) For state agencies, or who provided these services on or
21 after January 1, 2016, and before the effective date of this section.

22 (b) "Language access provider" does not mean an owner, manager,
23 or employee of a broker or a language access agency.

24 (11) "Public employee" means any employee of a public employer
25 except any person (a) elected by popular vote, or (b) appointed to
26 office pursuant to statute, ordinance or resolution for a specified
27 term of office as a member of a multimember board, commission, or
28 committee, whether appointed by the executive head or body of the
29 public employer, or (c) whose duties as deputy, administrative
30 assistant or secretary necessarily imply a confidential relationship
31 to (i) the executive head or body of the applicable bargaining unit,
32 or (ii) any person elected by popular vote, or (iii) any person
33 appointed to office pursuant to statute, ordinance or resolution for
34 a specified term of office as a member of a multimember board,
35 commission, or committee, whether appointed by the executive head or
36 body of the public employer, or (d) who is a court commissioner or a
37 court magistrate of superior court, district court, or a department
38 of a district court organized under chapter 3.46 RCW, or (e) who is a
39 personal assistant to a district court judge, superior court judge,
40 or court commissioner. For the purpose of (e) of this subsection, no

1 more than one assistant for each judge or commissioner may be
2 excluded from a bargaining unit.

3 (12) "Public employer" means any officer, board, commission,
4 council, or other person or body acting on behalf of any public body
5 governed by this chapter, or any subdivision of such public body. For
6 the purposes of this section, the public employer of district court
7 or superior court employees for wage-related matters is the
8 respective county legislative authority, or person or body acting on
9 behalf of the legislative authority, and the public employer for
10 nonwage-related matters is the judge or judge's designee of the
11 respective district court or superior court.

12 (13) "Uniformed personnel" means: (a) Law enforcement officers as
13 defined in RCW 41.26.030 employed by the governing body of any city
14 or town with a population of two thousand five hundred or more and
15 law enforcement officers employed by the governing body of any county
16 with a population of ten thousand or more; (b) correctional employees
17 who are uniformed and nonuniformed, commissioned and noncommissioned
18 security personnel employed in a jail as defined in RCW 70.48.020(9),
19 by a county with a population of seventy thousand or more, and who
20 are trained for and charged with the responsibility of controlling
21 and maintaining custody of inmates in the jail and safeguarding
22 inmates from other inmates; (c) general authority Washington peace
23 officers as defined in RCW 10.93.020 employed by a port district in a
24 county with a population of one million or more; (d) security forces
25 established under RCW 43.52.520; (e) firefighters as that term is
26 defined in RCW 41.26.030; (f) employees of a port district in a
27 county with a population of one million or more whose duties include
28 crash fire rescue or other firefighting duties; (g) employees of fire
29 departments of public employers who dispatch exclusively either fire
30 or emergency medical services, or both; (h) employees in the several
31 classes of advanced life support technicians, as defined in RCW
32 18.71.200, who are employed by a public employer; or (i) court
33 marshals of any county who are employed by, trained for, and
34 commissioned by the county sheriff and charged with the
35 responsibility of enforcing laws, protecting and maintaining security
36 in all county-owned or contracted property, and performing any other
37 duties assigned to them by the county sheriff or mandated by judicial
38 order.

1 **Sec. 7.** RCW 41.56.510 and 2010 c 296 s 2 are each amended to
2 read as follows:

3 (1) In addition to the entities listed in RCW 41.56.020, this
4 chapter applies to the governor with respect to language access
5 providers. Solely for the purposes of collective bargaining and as
6 expressly limited under subsections (2) and (3) of this section, the
7 governor is the public employer of language access providers who,
8 solely for the purposes of collective bargaining, are public
9 employees. The governor or the governor's designee shall represent
10 the public employer for bargaining purposes.

11 (2) There shall be collective bargaining, as defined in RCW
12 41.56.030, between the governor and language access providers, except
13 as follows:

14 (a) (~~A statewide unit of all language access providers is~~) The
15 only units appropriate for purposes of collective bargaining under
16 RCW 41.56.060 are:

17 (i) A statewide unit for language access providers who provide
18 spoken language interpreter services for department of social and
19 health services appointments, department of children, youth, and
20 families appointments, or medicaid enrollee appointments;

21 (ii) A statewide unit for language access providers who provide
22 spoken language interpreter services for injured workers or crime
23 victims receiving benefits from the department of labor and
24 industries; and

25 (iii) A statewide unit for language access providers who provide
26 spoken language interpreter services for any state agency through the
27 department of enterprise services, excluding language access
28 providers included in (a)(i) and (ii) of this subsection;

29 (b) The exclusive bargaining representative of language access
30 providers in the unit specified in (a) of this subsection shall be
31 the representative chosen in an election conducted pursuant to RCW
32 41.56.070.

33 Bargaining authorization cards furnished as the showing of
34 interest in support of any representation petition or motion for
35 intervention filed under this section are exempt from disclosure
36 under chapter 42.56 RCW;

37 (c) Notwithstanding the definition of "collective bargaining" in
38 RCW 41.56.030(4), the scope of collective bargaining for language
39 access providers under this section is limited solely to: (i)
40 Economic compensation, such as the manner and rate of payments; (ii)

1 professional development and training; (iii) labor-management
2 committees; and (iv) grievance procedures. Retirement benefits are
3 not subject to collective bargaining. By such obligation neither
4 party may be compelled to agree to a proposal or be required to make
5 a concession unless otherwise provided in this chapter;

6 (d) In addition to the entities listed in the mediation and
7 interest arbitration provisions of RCW 41.56.430 through 41.56.470
8 and 41.56.480, the provisions apply to the governor or the governor's
9 designee and the exclusive bargaining representative of language
10 access providers, except that:

11 (i) In addition to the factors to be taken into consideration by
12 an interest arbitration panel under RCW 41.56.465, the panel shall
13 consider the financial ability of the state to pay for the
14 compensation and benefit provisions of a collective bargaining
15 agreement;

16 (ii) The decision of the arbitration panel is not binding on the
17 legislature and, if the legislature does not approve the request for
18 funds necessary to implement the compensation and benefit provisions
19 of the arbitrated collective bargaining agreement, the decision is
20 not binding on the state;

21 (e) Language access providers do not have the right to strike;

22 (f) If a single employee organization is the exclusive bargaining
23 representative for two or more units, upon petition by the employee
24 organization, the units may be consolidated into a single larger unit
25 if the commission considers the larger unit to be appropriate. If
26 consolidation is appropriate, the commission shall certify the
27 employee organization as the exclusive bargaining representative of
28 the new unit;

29 (g) If a single employee organization is the exclusive bargaining
30 representative for two or more bargaining units, the governor and the
31 employee organization may agree to negotiate a single collective
32 bargaining agreement for all of the bargaining units that the
33 employee organization represents.

34 (3) Language access providers who are public employees solely for
35 the purposes of collective bargaining under subsection (1) of this
36 section are not, for that reason, employees of the state for any
37 other purpose. This section applies only to the governance of the
38 collective bargaining relationship between the employer and language
39 access providers as provided in subsections (1) and (2) of this
40 section.

1 (4) Each party with whom the department of social and health
2 services, the department of labor and industries, and the department
3 of enterprise services contracts for language access services and
4 each of their subcontractors shall provide to the respective
5 department an accurate list of language access providers, as defined
6 in RCW 41.56.030, including their names, addresses, and other contact
7 information, annually by January 30th, except that initially the
8 lists must be provided within thirty days of (~~June 10, 2010~~) the
9 effective date of this section. The department shall, upon request,
10 provide a list of all language access providers, including their
11 names, addresses, and other contact information, to a labor union
12 seeking to represent language access providers.

13 (5) This section does not create or modify:

14 (a) The (~~department's~~) obligation of any state agency to comply
15 with (~~the~~) federal statute and regulations; and

16 (b) The legislature's right to make programmatic modifications to
17 the delivery of state services under chapter 74.04 or 39.26 RCW or
18 Title 51 RCW. The governor may not enter into, extend, or renew any
19 agreement under this chapter that does not expressly reserve the
20 legislative rights described in this subsection.

21 (6) Upon meeting the requirements of subsection (7) of this
22 section, the governor must submit, as a part of the proposed biennial
23 or supplemental operating budget submitted to the legislature under
24 RCW 43.88.030, a request for funds necessary to implement the
25 compensation and benefit provisions of a collective bargaining
26 agreement entered into under this section or for legislation
27 necessary to implement the agreement.

28 (7) A request for funds necessary to implement the compensation
29 and benefit provisions of a collective bargaining agreement entered
30 into under this section may not be submitted by the governor to the
31 legislature unless the request has been:

32 (a) Submitted to the director of financial management by October
33 1st prior to the legislative session at which the requests are to be
34 considered, except that, for initial negotiations under this section,
35 the request may not be submitted before July 1, 2011; and

36 (b) Certified by the director of financial management as
37 financially feasible for the state or reflective of a binding
38 decision of an arbitration panel reached under subsection (2)(d) of
39 this section.

1 (8) The legislature must approve or reject the submission of the
2 request for funds as a whole. If the legislature rejects or fails to
3 act on the submission, any collective bargaining agreement must be
4 reopened for the sole purpose of renegotiating the funds necessary to
5 implement the agreement.

6 (9) If, after the compensation and benefit provisions of an
7 agreement are approved by the legislature, a significant revenue
8 shortfall occurs resulting in reduced appropriations, as declared by
9 proclamation of the governor or by resolution of the legislature,
10 both parties shall immediately enter into collective bargaining for a
11 mutually agreed upon modification of the agreement.

12 (10) After the expiration date of any collective bargaining
13 agreement entered into under this section, all of the terms and
14 conditions specified in the agreement remain in effect until the
15 effective date of a subsequent agreement, not to exceed one year from
16 the expiration date stated in the agreement.

17 (11) In enacting this section, the legislature intends to provide
18 state action immunity under federal and state antitrust laws for the
19 joint activities of language access providers and their exclusive
20 bargaining representative to the extent the activities are authorized
21 by this chapter.

22 **Sec. 8.** RCW 41.56.510 and 2017 3rd sp.s. c 6 s 809 are each
23 amended to read as follows:

24 (1) In addition to the entities listed in RCW 41.56.020, this
25 chapter applies to the governor with respect to language access
26 providers. Solely for the purposes of collective bargaining and as
27 expressly limited under subsections (2) and (3) of this section, the
28 governor is the public employer of language access providers who,
29 solely for the purposes of collective bargaining, are public
30 employees. The governor or the governor's designee shall represent
31 the public employer for bargaining purposes.

32 (2) There shall be collective bargaining, as defined in RCW
33 41.56.030, between the governor and language access providers, except
34 as follows:

35 (a) (~~A statewide unit of all language access providers is~~) The
36 only units appropriate for purposes of collective bargaining under
37 RCW 41.56.060 are:

38 (i) A statewide unit for language access providers who provide
39 spoken language interpreter services for department of social and

1 health services appointments, department of children, youth, and
2 families appointments, or medicaid enrollee appointments;

3 (ii) A statewide unit for language access providers who provide
4 spoken language interpreter services for injured workers or crime
5 victims receiving benefits from the department of labor and
6 industries; and

7 (iii) A statewide unit for language access providers who provide
8 spoken language interpreter services for any state agency through the
9 department of enterprise services, excluding language access
10 providers included in (a)(i) and (ii) of this subsection;

11 (b) The exclusive bargaining representative of language access
12 providers in the unit specified in (a) of this subsection shall be
13 the representative chosen in an election conducted pursuant to RCW
14 41.56.070.

15 Bargaining authorization cards furnished as the showing of
16 interest in support of any representation petition or motion for
17 intervention filed under this section are exempt from disclosure
18 under chapter 42.56 RCW;

19 (c) Notwithstanding the definition of "collective bargaining" in
20 RCW 41.56.030(4), the scope of collective bargaining for language
21 access providers under this section is limited solely to: (i)
22 Economic compensation, such as the manner and rate of payments; (ii)
23 professional development and training; (iii) labor-management
24 committees; and (iv) grievance procedures. Retirement benefits are
25 not subject to collective bargaining. By such obligation neither
26 party may be compelled to agree to a proposal or be required to make
27 a concession unless otherwise provided in this chapter;

28 (d) In addition to the entities listed in the mediation and
29 interest arbitration provisions of RCW 41.56.430 through 41.56.470
30 and 41.56.480, the provisions apply to the governor or the governor's
31 designee and the exclusive bargaining representative of language
32 access providers, except that:

33 (i) In addition to the factors to be taken into consideration by
34 an interest arbitration panel under RCW 41.56.465, the panel shall
35 consider the financial ability of the state to pay for the
36 compensation and benefit provisions of a collective bargaining
37 agreement;

38 (ii) The decision of the arbitration panel is not binding on the
39 legislature and, if the legislature does not approve the request for
40 funds necessary to implement the compensation and benefit provisions

1 of the arbitrated collective bargaining agreement, the decision is
2 not binding on the state;

3 (e) Language access providers do not have the right to strike;

4 (f) If a single employee organization is the exclusive bargaining
5 representative for two or more units, upon petition by the employee
6 organization, the units may be consolidated into a single larger unit
7 if the commission considers the larger unit to be appropriate. If
8 consolidation is appropriate, the commission shall certify the
9 employee organization as the exclusive bargaining representative of
10 the new unit;

11 (g) If a single employee organization is the exclusive bargaining
12 representative for two or more bargaining units, the governor and the
13 employee organization may agree to negotiate a single collective
14 bargaining agreement for all of the bargaining units that the
15 employee organization represents.

16 (3) Language access providers who are public employees solely for
17 the purposes of collective bargaining under subsection (1) of this
18 section are not, for that reason, employees of the state for any
19 other purpose. This section applies only to the governance of the
20 collective bargaining relationship between the employer and language
21 access providers as provided in subsections (1) and (2) of this
22 section.

23 (4) Each party with whom the department of social and health
24 services (~~(the)~~), the department of children, youth, and families, the
25 department of labor and industries, and the department of enterprise
26 services contracts for language access services and each of their
27 subcontractors shall provide to the respective department an accurate
28 list of language access providers, as defined in RCW 41.56.030,
29 including their names, addresses, and other contact information,
30 annually by January 30th, except that initially the lists must be
31 provided within thirty days of (~~(June 10, 2010)~~) the effective date
32 of this section. The department shall, upon request, provide a list
33 of all language access providers, including their names, addresses,
34 and other contact information, to a labor union seeking to represent
35 language access providers.

36 (5) This section does not create or modify:

37 (a) The (~~(department's)~~) obligation of any state agency to comply
38 with ((the)) federal statute and regulations; and

39 (b) The legislature's right to make programmatic modifications to
40 the delivery of state services under chapter 74.04 or 39.26 RCW or

1 Title 51 RCW. The governor may not enter into, extend, or renew any
2 agreement under this chapter that does not expressly reserve the
3 legislative rights described in this subsection.

4 (6) Upon meeting the requirements of subsection (7) of this
5 section, the governor must submit, as a part of the proposed biennial
6 or supplemental operating budget submitted to the legislature under
7 RCW 43.88.030, a request for funds necessary to implement the
8 compensation and benefit provisions of a collective bargaining
9 agreement entered into under this section or for legislation
10 necessary to implement the agreement.

11 (7) A request for funds necessary to implement the compensation
12 and benefit provisions of a collective bargaining agreement entered
13 into under this section may not be submitted by the governor to the
14 legislature unless the request has been:

15 (a) Submitted to the director of financial management by October
16 1st prior to the legislative session at which the requests are to be
17 considered, except that, for initial negotiations under this section,
18 the request may not be submitted before July 1, 2011; and

19 (b) Certified by the director of financial management as
20 financially feasible for the state or reflective of a binding
21 decision of an arbitration panel reached under subsection (2)(d) of
22 this section.

23 (8) The legislature must approve or reject the submission of the
24 request for funds as a whole. If the legislature rejects or fails to
25 act on the submission, any collective bargaining agreement must be
26 reopened for the sole purpose of renegotiating the funds necessary to
27 implement the agreement.

28 (9) If, after the compensation and benefit provisions of an
29 agreement are approved by the legislature, a significant revenue
30 shortfall occurs resulting in reduced appropriations, as declared by
31 proclamation of the governor or by resolution of the legislature,
32 both parties shall immediately enter into collective bargaining for a
33 mutually agreed upon modification of the agreement.

34 (10) After the expiration date of any collective bargaining
35 agreement entered into under this section, all of the terms and
36 conditions specified in the agreement remain in effect until the
37 effective date of a subsequent agreement, not to exceed one year from
38 the expiration date stated in the agreement.

39 (11) In enacting this section, the legislature intends to provide
40 state action immunity under federal and state antitrust laws for the

1 joint activities of language access providers and their exclusive
2 bargaining representative to the extent the activities are authorized
3 by this chapter.

4 NEW SECTION. **Sec. 9.** If any part of this act is found to be in
5 conflict with federal requirements that are a prescribed condition to
6 the allocation of federal funds to the state, the conflicting part of
7 this act is inoperative solely to the extent of the conflict and with
8 respect to the agencies directly affected, and this finding does not
9 affect the operation of the remainder of this act in its application
10 to the agencies concerned. Rules adopted under this act must meet
11 federal requirements that are a necessary condition to the receipt of
12 federal funds by the state. Nothing in this act may restrict an
13 agency's ability to serve limited English proficient clients in a
14 timely manner.

15 NEW SECTION. **Sec. 10.** Sections 5 and 7 of this act expire July
16 1, 2018.

17 NEW SECTION. **Sec. 11.** Sections 6 and 8 of this act take effect
18 July 1, 2018."

19 Correct the title.

EFFECT: 1. Explicitly states that the Department of Labor and
Industries (L&I) is not precluded from purchasing in-person spoken
language interpreter services directly from language access providers
and from directly reimbursing language access providers.

2. Specifies that the L&I may purchase interpreter services
through limited contracts with scheduling and coordinating delivery
organizations.

3. Specifies that the agencies must purchase interpreter services
through the new procurement process no later than September 1, 2020
(as opposed to upon expiration of any contract in effect on the
effective date of the bill).

4. Adds the Department of Children, Youth, and Families to
provisions of the bill that inadvertently deleted or excluded the
Department.

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