
**Labor & Workplace Standards
Committee**

HB 1869

Brief Description: Regulating interpreter services.

Sponsors: Representatives Orwall, Gregerson, Ortiz-Self, Bergquist, Ryu, Stonier, Sawyer, Santos, Hudgins, Reeves, Goodman, Sells, Doglio, Macri, Pollet, McBride and Farrell.

Brief Summary of Bill

- Authorizes the Department of Labor and Industries (L&I) to purchase spoken language interpreter services for medical and vocational providers.
- Requires the L&I, the Department of Social and Health Services, the Health Care Authority, and the Department of Enterprise Services (DES) to purchase in-person spoken language interpreter services directly from language access providers or through contracts with scheduling and coordinating delivery organizations, or both.
- Requires the DES to develop a model that all executive branch state agencies must use to procure spoken language interpreter services.
- Provides for collective bargaining for language access providers who provide services for the L&I.

Hearing Date: 2/14/17

Staff: Trudes Tango (786-7384).

Background:

Interpreter Services.

Federal laws prohibit discrimination based on an individual's race, color, national origin, handicap, religion, or sex by any entity that receives federal financial assistance. Pursuant to these and other laws, the Department of Social and Health Services (DSHS) and the Health Care

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Authority (HCA) provide spoken language interpreter services to clients in medical settings and social service programs through contracts with brokers. These brokers schedule and connect clients and service providers with interpreters.

With certain exceptions, the Department of Enterprise Services (DES) establishes the policies and procedures for state agencies to procure goods and services. One exception is that the DSHS and the HCA are authorized to purchase interpreter services and interpreter brokerage services on behalf of limited-English speaking or sensory-impaired applicants and recipients of public assistance.

Collective Bargaining.

Employees of cities, counties, and other political subdivisions of the state, with limited exception, bargain their wages and working conditions under the Public Employees' Collective Bargaining Act (PECBA). Language access providers, defined as independent contractors who provide spoken language interpreter services for the DSHS appointments or Medicaid enrollee appointments, have the right to collectively bargain under PECBA. For collective bargaining purposes, the public employer of these providers is the Governor, and a single statewide unit exists, consisting of all language access providers. Language access providers are subject to mediation and binding interest arbitration if an impasse occurs in negotiations. 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.

The Department of Labor and Industries (L&I).

As a recipient of federal financial assistance, the L&I is required to take reasonable steps to ensure limited English proficient persons have meaningful access to L&I services. The L&I provides interpreter services for injured workers in the industrial insurance context and to crime victims in the context of administering the Crime Victims Compensation program. For injured workers, the health care or vocational provider determines the need for interpretive services for their own locations and schedules those services at no charge to the worker. To become an interpreter for the L&I, a person must be certified as an interpreter, obtain an L&I provider account number, and submit an application form.

Summary of Bill:

Interpreter Services.

The L&I is authorized to purchase interpreter services for medical and vocational providers to injured workers or crime victims. Upon the expiration of any existing contract, but no later than September 1, 2020, the L&I, the DSHS, and the HCA must purchase in-person spoken language interpreter services directly from language access providers or through contracts with scheduling and coordinating delivery organizations, or both.

Upon the expiration of any existing contract, but no later than September 1, 2020, the DES must develop and implement a model that all executive branch state agencies must use to procure spoken language interpreter services, by purchasing directly from language access providers or

through contracts with scheduling and coordinating providers, or both. The L&I, the DSHS, the HCA, and the DES must have at least one contract with an entity that provides interpreter services through telephone and video. State agencies do not include the institutions of higher education, the school for the blind, and the Center for Childhood Deafness and Hearing Loss.

The DES may jointly purchase services with the DSHS, the HCA, and the L&I if it is more cost effective or efficient. The L&I, the DSHS, and the HCA may procure interpreters through the DES if the demand for spoken language interpreters cannot be met through their contracts.

All language access providers procured by the agencies must be certified or authorized by the state or by a national certification board or commission. The agencies are not precluded from providing interpretive services through state employees or employees of medical or vocational providers. The procurement requirements do not apply to procurement of interpreters for sensory-impaired persons.

Collective Bargaining.

The definition of language access providers in the PECBA is expanded to include language access providers for the L&I, whether paid by a language access agency, broker, or the L&I.

Language access providers for the L&I, the DSHS, the HCA, and for any other state agency through the DES, are each in their own statewide unit for purposes of collective bargaining. If a single employee organization is the exclusive bargaining representative for two or more units, the units may be consolidated into a single larger unit, upon petition by the employee organization, if the PERC considers the larger unit to be appropriate and certifies the new unit. If a single employee organization is the exclusive bargaining representative for two or more bargaining units, the Governor and the employee organization may agree to negotiate a single collective bargaining agreement for all the units that the employee organization represents.

The collective bargaining provisions under PECBA that apply to the DSHS and HCA language access providers also apply to the L&I language access providers. The parties with whom the L&I and the DES contracts for language access services must provide to the departments a list of language access providers within 30 days of the effective date of the bill, and the departments, upon request, must provide a list of language access providers to a labor union seeking to represent them.

If a language access provider cannot be procured through a bargaining unit, a state agency may contract with any spoken language interpreter provider.

Appropriation: None.

Fiscal Note: Requested on February 7, 2017.

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