

HOUSE BILL REPORT

HB 2691

As Passed Legislature

Title: An act relating to the scope of collective bargaining for language access providers.

Brief Description: Concerning the scope of collective bargaining for language access providers.

Sponsors: Representatives Valdez, Ryu, Frame, Doglio, Dolan, Slatter, Lovick, Ortiz-Self, Fitzgibbon, Davis, Pollet and Macri.

Brief History:

Committee Activity:

Labor & Workplace Standards: 1/20/20, 1/23/20 [DP];

Appropriations: 2/3/20, 2/8/20 [DP].

Floor Activity:

Passed House: 2/13/20, 57-40.

Senate Amended.

Passed Senate: 3/4/20, 32-15.

House Concurred.

Passed House: 3/9/20, 61-35.

Passed Legislature.

Brief Summary of Bill

- Expands the scope of collective bargaining for language access providers to include health and welfare benefits and other economic matters, and provides that bargaining over economic compensation includes tiered payments.
- Requires certain state agencies to report to the Legislature on the agency's procurement process for spoken language interpreters.

HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

Majority Report: Do pass. Signed by 4 members: Representatives Sells, Chair; Chapman, Vice Chair; Gregerson and Ormsby.

Minority Report: Do not pass. Signed by 3 members: Representatives Mosbrucker, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Hoff.

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.

Staff: Trudes Tango (786-7384).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass. Signed by 18 members: Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Chopp, Cody, Dolan, Fitzgibbon, Hansen, Hudgins, Kilduff, Macri, Pettigrew, Pollet, Ryu, Senn, Sullivan, Tarleton and Tharinger.

Minority Report: Do not pass. Signed by 13 members: Representatives Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier, Chandler, Dye, Hoff, Kraft, Mosbrucker, Schmick, Steele, Sutherland and Ybarra.

Staff: David Pringle (786-7310).

Background:

In general, 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). Language access providers have collective bargaining rights under the PECBA as well. Language access providers are defined as independent contractors who provide spoken language interpreter services for:

- the Department of Social and Health Services (DSHS) and the Department of Children, Youth, and Families (DCYF) appointments and Medicaid enrollee appointments or who provided those services on or after January 1, 2011, and before June 10, 2012;
- the Department of Labor and Industries (L&I) authorized medical and vocational providers or who provided those services on or after January 1, 2016, and before July 1, 2018; and
- state agencies who provide these services or who provided those services on or after January 1, 2016, and before July 1, 2018.

Managers and employees of brokers or language access agencies are not language access providers for the purposes of collective bargaining.

The scope of bargaining for language access providers is limited to:

- economic compensation, such as the manner and rate of payments;
- professional development and training;
- labor-management committees; and
- grievance procedures.

Language access providers may form three different statewide bargaining units, which include:

- providers for the DSHS appointments or Medicaid enrollee appointments;
- providers for injured workers or crime victims receiving benefits from the L&I; and
- other providers for any state agency through the Department of Enterprise Services (DES).

In 2018 legislation was enacted that changed the way the L&I and other agencies procure in-person spoken language interpreter services. The legislation requires certain agencies to purchase services directly from providers or contract with scheduling organizations.

Summary of Bill:

The scope of bargaining for language access providers is expanded to include "health and welfare benefits" and "other economic matters." Tiered payments are included in what is considered economic compensation for the purposes of scope of bargaining.

The dates when a person must have provided interpretive services to the L&I and other state agencies to be considered a language access provider are changed to include those who provided services on or after January 1, 2019.

The DSHS, L&I, DCYF, DES, and Health Care Authority must report to the Legislature, by December 1, 2020, on each agency's implementation of the 2018 legislation that made changes to the procurement process. The report must include recommendations on how to improve procurement and accessibility of language access providers.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony (Labor & Workplace Standards):

(In support) Interpreters have a narrower scope of bargaining compared to child care and home care providers, who can bargain for health benefits. The bill puts language access providers on par with the other providers. Interpreters are not allowed to negotiate with the state about job distribution and how appointments are allocated. Distribution of appointments can be a "bread and butter" issue for a provider.

(Opposed) None.

Staff Summary of Public Testimony (Appropriations):

(In support) The scope of bargaining for language access providers is broadened for a group that has the narrowest scope of bargaining with the state. This bill makes the scope of bargaining similar to most other groups by including health benefits and tiered payments. Interpreters will be able to negotiate job distribution by specialty. Interpreter representatives have been told those subjects are out-of-scope. The interpreters also don't have any say about the job website, which is not working very well. State jobs and private jobs are not clearly separated on the website. Interpreters need health insurance like the other quasi-employee groups. Interpreters are routinely working with medical patients, exposing workers to infectious diseases like the flu and tuberculosis. Keeping interpreters healthy helps keep the

state healthy. The computer system is inadequate as it doesn't prevent abuses of confidentiality.

(Opposed) None.

Persons Testifying (Labor & Workplace Standards): Representative Valdez, prime sponsor; Aida Sanchez-Vela, Alfonso Bautista, and Quan Tran, Interpreters United Local 1671; and Dennis Eagle, Washington Federation of State Employees.

Persons Testifying (Appropriations): Aida Sanchez-Vela and Quan Tran, Interpreters United and Washington Federation of State Employees; and Matt Zuvich, Washington Federation of State Employees.

Persons Signed In To Testify But Not Testifying (Labor & Workplace Standards): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.