

# SENATE BILL REPORT

## HB 2691

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As of February 20, 2020

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

**Committee Activity:** Labor & Commerce: 2/20/20.

### Brief Summary of Bill

- Expands the scope of bargaining for language access providers to include health and welfare benefits and other economic matters.

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## SENATE COMMITTEE ON LABOR & COMMERCE

**Staff:** Jarrett Sacks (786-7448)

**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), which is administered by the Public Employment Relations Commission. Under PECBA, the employer and the exclusive bargaining representative have an obligation to negotiate in good faith over specified mandatory subjects of bargaining.

In 2010, the Legislature granted collective bargaining rights under PECBA to language access providers. Language access providers are defined as independent contractors who provide spoken language interpreter services for:

- DSHS and Department of Children, Youth, and Families appointments and Medicaid enrollee appointments;
- Department of Labor and Industries (L&I) authorized medical and vocational providers; and
- state agencies who provide these services.

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*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.*

Owners, managers, or employees of brokers or language access agencies are not language access providers for the purposes of collective bargaining.

Mandatory subjects of bargaining for language access providers are limited to:

- economic compensation;
- professional development and training;
- labor-management committees; and
- grievance procedures.

Retirement benefits are not subject to collective bargaining.

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

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

Language access providers are subject to binding arbitration if negotiations for a contract reach an impasse and cannot be resolved through mediation.

**Summary of Bill:** The scope of bargaining for language access providers is expanded to include: (1) health and welfare benefits; and (2) other economic matters. Tiered payments are included in what is considered economic compensation for the purposes of the scope of bargaining.

Clarifying changes are made to the dates when interpreter services must be provided to L&I and other state agencies to be considered a language access provider for the purposes of collective bargaining

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: Four groups that are not state employees bargain with the state, including interpreters. Bill brings parity between language access providers with the other groups. Of non-state employees that bargain, language access providers have the narrowest scope of bargaining. The bill gives them same the opportunities as the others.

**Persons Testifying:** PRO: Representative Javier Valdez, Prime Sponsor; Dennis Eagle, Washington Federation of State Employees.

**Persons Signed In To Testify But Not Testifying:** No one.