

SENATE BILL REPORT

SB 6207

As Reported by Senate Committee On:
Labor & Commerce, February 3, 2020
Ways & Means, February 11, 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: Senators Saldaña, Conway, Das, Hasegawa, Hunt, Kuderer, Stanford and Wilson, C.

Brief History:

Committee Activity: Labor & Commerce: 1/20/20, 2/03/20 [DPS-WM, DNP, w/oRec].
Ways & Means: 2/10/20, 2/11/20 [DPS (LBRC), DNP, w/oRec].

Brief Summary of First Substitute Bill

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

SENATE COMMITTEE ON LABOR & COMMERCE

Majority Report: That Substitute Senate Bill No. 6207 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Keiser, Chair; Conway, Vice Chair; Saldaña, Stanford and Wellman.

Minority Report: Do not pass.

Signed by Senators King, Ranking Member; Braun.

Minority Report: That it be referred without recommendation.

Signed by Senators Schoesler and Walsh.

Staff: Jarrett Sacks (786-7448)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

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.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig, Carlyle, Conway, Darneille, Dhingra, Hasegawa, Hunt, Keiser, Liias, Pedersen and Van De Wege.

Minority Report: Do not pass.

Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker, Muzzall, Wagoner and Wilson, L..

Minority Report: That it be referred without recommendation.

Signed by Senators Rivers, Schoesler and Warnick.

Staff: Amanda Cecil (786-7460)

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.

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 (First Substitute): 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.

EFFECT OF CHANGES MADE BY LABOR & COMMERCE COMMITTEE (First Substitute):

- Modifies the date after which an individual must provide interpreter services to be considered a language access provider for collective bargaining purposes from January 1, 2020 to January 1, 2019.

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 on Original Bill (Labor & Commerce): *The committee recommended a different version of the bill than what was heard.* PRO: The bill brings parity to language access providers by expanding the areas they can negotiate. The bill will allow them to negotiate and improve the system of pay they receive. The scope of bargaining for language access providers is narrower than other similar employees. The bill will allow language access providers to negotiate over items that will improve patient outcomes.

Persons Testifying (Labor & Commerce): PRO: Senator Rebecca Saldaña, Prime Sponsor; Dennis Eagle, Washington Federation of State Employees; Alfonso Bautista, Interpreters United Local 1671; Aida Sanchez-Vela, Interpreters United.

Persons Signed In To Testify But Not Testifying (Labor & Commerce): No one.

Staff Summary of Public Testimony on First Substitute (Ways & Means): PRO: This simply provides language access providers with the same rights as childcare providers and adult family homes. These are the people that ensure quality health care outcomes for non-English speakers.

Persons Testifying (Ways & Means): PRO: Dennis Eagle, Washington Federation of State Employees.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.