

SENATE BILL REPORT

SB 5810

As of February 2, 2024

Title: An act relating to clarifying the collective bargaining unit for interpreters providing language access services to certain state agencies.

Brief Description: Clarifying the collective bargaining unit for interpreters providing language access services to certain state agencies.

Sponsors: Senators Saldaña, Valdez, Lovick, Dhingra, Holy, Robinson, Conway, Hasegawa, Hunt, Keiser, Nguyen, Nobles, Salomon, Trudeau and Wilson, C..

Brief History:

Committee Activity: Labor & Commerce: 1/11/24, 1/23/24 [DPS-WM, DNP, w/oRec].
Ways & Means: 2/02/24.

Brief Summary of First Substitute Bill

- Removes references to appointments from the statutes relating to collective bargaining for language access providers providing services for the Department of Social and Health Services, Department of Children, Youth, and Families, and Medicaid enrollees.

SENATE COMMITTEE ON LABOR & COMMERCE

Majority Report: That Substitute Senate Bill No. 5810 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, Vice Chair; Hansen, Schoesler and Stanford.

Minority Report: Do not pass.

Signed by Senator MacEwen.

Minority Report: That it be referred without recommendation.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Signed by Senators King, Ranking Member; Braun.

Staff: Jarrett Sacks (786-7448)

SENATE COMMITTEE ON WAYS & MEANS

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). Language access providers also have collective bargaining rights under PECBA.

A language access provider is any independent contractor who provides spoken language interpreter services whether paid by a broker, language access agency, or the respective department:

- for Department of Social and Health Services (DSHS) appointments, Department of Children, Youth, and Families (DCYF) appointments, Medicaid enrollee appointments, or who provided these services on or after January 1, 2011, and before June 10, 2012;
- for Department of Labor and Industries (L&I) authorized medical and vocational providers who provided these services on or after January 1, 2019; or
- for state agencies who provided these services on or after January 1, 2019.

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

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

- providers for DSHS appointments, DCYF 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.

Summary of Bill (First Substitute): References to appointments are removed from the statute relating to the appropriate bargaining unit for spoken language interpreters providing services for DSHS, DCYF, and Medicaid enrollees, so the appropriate bargaining unit is a statewide unit of language access providers who provide spoken language interpreter services for DSHS, DCYF, or Medicaid enrollees.

The definition of language access provider is also modified to remove references to appointments. The dates in which an individual must provide services to DSHS, DCYF, and Medicaid enrollees to be considered a language access provider is changed to on or after January 1, 2011, rather than between January 1, 2011 and June 10, 2012. The date after

which an individual must provide services to other state agencies to be considered a language access provider is changed from January 1, 2019, to January 1, 2023.

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

References to appointments in the definition of language access provider are removed. The dates when an independent contractor must provide interpreter services to be considered a language access provider for the purposes of collective bargaining are modified.

Appropriation: None.

Fiscal Note: Requested on December 15, 2023.

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: There is a growing need for interpreters in recent years and the workforce is generally invisible. Agencies have done a good job providing interpreters to people who need those services. The bill is not expanding who can collectively bargain, it is clarifying an ambiguity in the law related to bargaining units. Newer bargaining units do not use the term appointment, so there is confusion around the statutes that use the term.

Persons Testifying (Labor & Commerce): PRO: Senator Rebecca Saldaña, Prime Sponsor.

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

Staff Summary of Public Testimony (Ways & Means): PRO: Fourteen years ago the Legislature gave language access providers the right to collectively bargain and a rate for this service was negotiated. A couple of years ago, the word “appointment” was added to the law and this gave DSHS the ability to circumvent the collective bargaining agreement and outsource this work. WFSE does not know if these outsourced interpreters have credentials, if they are certified, or even if they are qualified. This bill stops DSHS from acting in callous disregard to the immigrant community with substandard language access services to save money. The language access population is growing and more interpreters are needed. However, DSHS has arbitrarily stopped testing and certifying new interpreters.

CON: DSHS is opposed to this bill because of concerns that it will limit services to clients. The bill removes appointments and this would redefine the scope of work. The increase in on-demand requests will overwhelm interpreters and increase the number of unfilled

requests. Non-collectively bargained interpreters have a larger scope of languages and 24-hour availability.

OTHER: Immigrants and refugees in the state represent 230 different languages. It is necessary for our providers to have access to the broadest scope of languages. The state is largely unable to meet community health center patients language access needs. Almost half are unfilled or are cancelled. Some community health centers have to pay out of pocket for this service. Providers are required by law to provide these services and we fear that patients will have even less chance to access these services if the scope of work expands significantly.

Persons Testifying (Ways & Means): PRO: Senator Rebecca Saldaña, Prime Sponsor; Dennis Eagle, WA Federation of State Employees; QUAN TRAN, Interpreters United (WFSE) President.

CON: Lara Stambaugh, DSHS.

OTHER: Joana Ramos, Washington State Coalition for Language Access; Kate White Tudor, WA Association for Community Health.

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