

ESSB 6726 - H AMD 1453

By Representative Conway

ADOPTED 3/05/2010

1 On page 2, line 9, after "improved;" insert "access to services
2 is maintained or improved;"

3
4 On page 3, beginning on line 3, after "to:" strike all material
5 through "procedures" on line 7 and insert "(i) Economic
6 compensation, such as the manner and rate of payments; (ii)
7 professional development and training; (iii) labor-management
8 committees; and (iv) grievance procedures"

9
10 On page 7, line 36, after "broker," strike "foreign language"
11 and insert "language access"

12
13 On page 8, beginning on line 1, strike all of section 4 and
14 insert the following:

15
16 "Sec. 4. RCW 41.56.113 and 2007 c 184 s 3 are each amended to
17 read as follows:

18 (1) This subsection (1) applies only if the state makes the
19 payments directly to a provider.

20 (a) Upon the written authorization of an individual provider, a
21 family child care provider, ~~((or))~~ an adult family home provider, or a
22 language access provider within the bargaining unit and after the
23 certification or recognition of the bargaining unit's exclusive
24 bargaining representative, the state as payor, but not as the
25 employer, shall, subject to (c) of this subsection ~~((3) of this~~
26 ~~section))~~, deduct from the payments to an individual provider, a
27 family child care provider, ~~((or))~~ an adult family home provider, or a

1 language access provider the monthly amount of dues as certified by
2 the secretary of the exclusive bargaining representative and shall
3 transmit the same to the treasurer of the exclusive bargaining
4 representative.

5 ~~((+2))~~(b) If the governor and the exclusive bargaining
6 representative of a bargaining unit of individual providers, family
7 child care providers, ~~((or))~~ adult family home providers, or language
8 access providers enter into a collective bargaining agreement that:

9 ~~((+a))~~(i) Includes a union security provision authorized in RCW
10 41.56.122, the state as payor, but not as the employer, shall, subject
11 to (c) of this subsection ~~((+3) of this section)~~, enforce the
12 agreement by deducting from the payments to bargaining unit members
13 the dues required for membership in the exclusive bargaining
14 representative, or, for nonmembers thereof, a fee equivalent to the
15 dues; or

16 ~~((+b))~~(ii) Includes requirements for deductions of payments other
17 than the deduction under (a)(i) of this subsection, the state, as
18 payor, but not as the employer, shall, subject to (c) of this
19 subsection ~~((+3) of this section)~~, make such deductions upon written
20 authorization of the individual provider, family child care provider,
21 ~~((or))~~ adult family home provider, or language access provider.

22 ~~((+3)(a))~~ (c)(i) The initial additional costs to the state in
23 making deductions from the payments to individual providers, family
24 child care providers, ~~((and))~~ adult family home providers, and
25 language access providers under this section shall be negotiated,
26 agreed upon in advance, and reimbursed to the state by the exclusive
27 bargaining representative.

28 ~~((+b))~~(ii) The allocation of ongoing additional costs to the
29 state in making deductions from the payments to individual providers,
30 family child care providers, ~~((or))~~ adult family home providers, or
31 language access providers under this section shall be an appropriate
32 subject of collective bargaining between the exclusive bargaining
33 representative and the governor unless prohibited by another statute.
34 If no collective bargaining agreement containing a provision

1 allocating the ongoing additional cost is entered into between the
2 exclusive bargaining representative and the governor, or if the
3 legislature does not approve funding for the collective bargaining
4 agreement as provided in RCW 74.39A.300, 41.56.028, (~~(e)~~) 41.56.029,
5 or section 2 of this act, as applicable, the ongoing additional costs
6 to the state in making deductions from the payments to individual
7 providers, family child care providers, (~~(e)~~) adult family home
8 providers, or language access providers under this section shall be
9 negotiated, agreed upon in advance, and reimbursed to the state by the
10 exclusive bargaining representative.

11 (~~(4)~~) (d) The governor and the exclusive bargaining
12 representative of a bargaining unit of family child care providers may
13 not enter into a collective bargaining agreement that contains a union
14 security provision unless the agreement contains a process, to be
15 administered by the exclusive bargaining representative of a
16 bargaining unit of family child care providers, for hardship
17 dispensation for license-exempt family child care providers who are
18 also temporary assistance for needy families recipients or WorkFirst
19 participants.

20 (2) This subsection (2) applies only if the state does not make
21 the payments directly to a provider.

22 (a) Upon the written authorization of a language access provider
23 within the bargaining unit and after the certification or
24 recognition of the bargaining unit's exclusive bargaining
25 representative, the state shall require through its contracts with
26 third parties that:

27 (i) The monthly amount of dues as certified by the secretary of
28 the exclusive bargaining representative be deducted from the
29 payments to the language access provider and transmitted to the
30 treasurer of the exclusive bargaining representative; and

31 (ii) A record showing that dues have been deducted as specified
32 in (a)(i) of this subsection be provided to the state.

33 (b) If the governor and the exclusive bargaining representative
34 of the bargaining unit of language access providers enter into a

1 collective bargaining agreement that includes a union security
2 provision authorized in RCW 41.56.122, the state shall enforce the
3 agreement by requiring through its contracts with third parties
4 that:

5 (i) The monthly amount of dues required for membership in the
6 exclusive bargaining representative as certified by the secretary of
7 the exclusive bargaining representative, or, for nonmembers thereof,
8 a fee equivalent to the dues, be deducted from the payments to the
9 language access provider and transmitted to the treasurer of the
10 exclusive bargaining representative; and

11 (ii) A record showing that dues or fees have been deducted as
12 specified in (a)(i) of this subsection be provided to the state."

13
14 On page 10, beginning on line 18, after "with" strike all
15 material through "providers" on line 19 and insert "~~((interpreters))~~
16 language access providers, local agencies, or other community
17 resources"

18
19 On page 10, beginning on line 21, after "providers" strike all
20 material through "providers" on line 23 and insert "as needed to
21 maintain an adequate pool of providers"

22
23 On page 10, line 24, after "(5)" insert the following:
24 "The department shall require compliance with RCW 41.56.113(2)
25 through its contracts with third parties.

26 (6)"

27
28 On page 10, line 28, after "~~((5))~~" strike "(6)" and insert
29 "(7)"

30
31 On page 11, line 1, after "~~((6))~~" strike "(7)" and insert
32 "(8)"

33
34

1 On page 11, line 6, after "broker," strike "foreign language"
2 and insert "language access"

EFFECT:

Specifies that the working group's plan must describe the best possible means by which access to services is maintained or improved.

Modifies the mandatory subjects of bargaining. Provides that economic compensation is "such as the manner and rate of payments." Deletes rules and procedures regarding payments, work rules, and reimbursements. Also deletes certification procedures.

Specifies that, if a language access provider provides written authorization or the collective bargaining agreement includes a union security provision, the state must require through its contracts with third parties that: (1) dues be deducted from payments to language access providers and transmitted to the bargaining representative's treasurer; and (2) records showing that dues have been deducted be provided to the state. Makes this provision applicable only if the state does not make payments directly to providers.

Restores language specifying that bilingual services are provided through contracts with local agencies or other community resources (as well as language access providers).

Deletes the requirement that the Department of Social and Health Services certify providers in a manner consistent with any collective bargaining agreement.

Makes a technical correction.

--- END ---