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SECOND SUBSTITUTE SENATE BILL 6245

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State of Washington

65th Legislature

2018 Regular Session

By Senate Ways & Means (originally sponsored by Senators Saldaña, Ranker, Conway, Hasegawa, McCoy, Hunt, and Keiser)

READ FIRST TIME 02/06/18.

1 AN ACT Relating to spoken language interpreter services; amending  
2 RCW 74.04.025, 39.26.100, 41.56.030, 41.56.030, 41.56.510, and  
3 41.56.510; adding a new section to chapter 39.26 RCW; creating new  
4 sections; providing an effective date; and providing an expiration  
5 date.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** It is the intent of the legislature to  
8 centralize and consolidate the procurement of spoken language  
9 interpreter services and expand the use of language access providers,  
10 thereby reducing administrative costs while protecting consumers. The  
11 legislature further intends to exclude interpreter services for  
12 sensory-impaired persons from the provisions of this act.

13 **Sec. 2.** RCW 74.04.025 and 2011 1st sp.s. c 15 s 63 are each  
14 amended to read as follows:

15 (1) The department, the authority, and the office of  
16 administrative hearings shall ensure that bilingual services are  
17 provided to non-English speaking applicants and recipients. The  
18 services shall be provided to the extent necessary to assure that  
19 non-English speaking persons are not denied, or unable to obtain or

1 maintain, services or benefits because of their inability to speak  
2 English.

3 (2) If the number of non-English speaking applicants or  
4 recipients sharing the same language served by any community service  
5 office client contact job classification equals or exceeds fifty  
6 percent of the average caseload of a full-time position in such  
7 classification, the department shall, through attrition, employ  
8 bilingual personnel to serve such applicants or recipients.

9 (3) Regardless of the applicant or recipient caseload of any  
10 community service office, each community service office shall ensure  
11 that bilingual services required to supplement the community service  
12 office staff are provided through contracts with language access  
13 providers, local agencies, or other community resources.

14 (4) The department shall certify, authorize, and qualify language  
15 access providers as needed to maintain an adequate pool of providers  
16 such that residents can access state services. Except as needed to  
17 certify, authorize, or qualify bilingual personnel per subsection (2)  
18 of this section, the department will only offer spoken language  
19 interpreter testing in the following manner:

20 (a) To individuals speaking languages for which ten percent or  
21 more of the requests for interpreter services in the prior year for  
22 department employees and the health care authority on behalf of  
23 limited English-speaking applicants and recipients of public  
24 assistance that went unfilled through the procurement process in  
25 section 3 of this act;

26 (b) To spoken language interpreters who were decertified or  
27 deauthorized due to noncompliance with any continuing education  
28 requirements; and

29 (c) To current department certified or authorized spoken language  
30 interpreters seeking to gain additional certification or  
31 authorization.

32 (5) The department shall require compliance with RCW 41.56.113(2)  
33 through its contracts with third parties.

34 (6) Initial client contact materials shall inform clients in all  
35 primary languages of the availability of interpretation services for  
36 non-English speaking persons. Basic informational pamphlets shall be  
37 translated into all primary languages.

38 (7) To the extent all written communications directed to  
39 applicants or recipients are not in the primary language of the  
40 applicant or recipient, the department and the office of

1 administrative hearings shall include with the written communication  
2 a notice in all primary languages of applicants or recipients  
3 describing the significance of the communication and specifically how  
4 the applicants or recipients may receive assistance in understanding,  
5 and responding to if necessary, the written communication. The  
6 department shall assure that sufficient resources are available to  
7 assist applicants and recipients in a timely fashion with  
8 understanding, responding to, and complying with the requirements of  
9 all such written communications.

10 (8) As used in this section:

11 (a) "Language access provider" means any independent contractor  
12 who provides spoken language interpreter services for department  
13 appointments or medicaid enrollee appointments, or provided these  
14 services on or after January 1, 2009, and before June 10, 2010,  
15 whether paid by a broker, language access agency, or the department.  
16 "Language access provider" does not mean an owner, manager, or  
17 employee of a broker or a language access agency.

18 (b) "Primary languages" includes but is not limited to Spanish,  
19 Vietnamese, Cambodian, Laotian, and Chinese.

20 NEW SECTION. **Sec. 3.** A new section is added to chapter 39.26  
21 RCW to read as follows:

22 (1) The department of social and health services and the health  
23 care authority are each authorized to purchase interpreter services  
24 on behalf of limited English-speaking applicants and recipients of  
25 public assistance.

26 (2) The department of labor and industries is authorized to  
27 purchase interpreter services for medical and vocational providers  
28 authorized to provide services to limited English-speaking injured  
29 workers or crime victims.

30 (3) Upon the expiration of any contract in effect on the  
31 effective date of this section, but no later than September 1, 2020,  
32 the department of social and health services, the health care  
33 authority, and the department of labor and industries must purchase  
34 in-person spoken language interpreter services directly from language  
35 access providers, or through contracts with scheduling and  
36 coordinating delivery organizations, or both. Each agency must have  
37 at least one contract with an entity that provides interpreter  
38 services through telephonic and video remote technologies.

1 (4) Notwithstanding subsection (3) of this section, the  
2 department of labor and industries may pay a language access provider  
3 directly for the costs of interpreter services when the services are  
4 necessary for use by a medical provider for emergency or urgent care,  
5 or where the medical provider determines that advanced notice is not  
6 feasible.

7 (5) Upon the expiration of any contract in effect on the  
8 effective date of this section, but no later than September 1, 2020,  
9 the department must develop and implement a model that all state  
10 agencies must use to procure spoken language interpreter services by  
11 purchasing directly from language access providers or through  
12 contracts with scheduling and coordinating entities, or both. The  
13 department must have at least one contract with an entity that  
14 provides interpreter services through telephonic and video remote  
15 technologies. If the department determines it is more cost-effective  
16 or efficient, it may jointly purchase these services with the  
17 department of social and health services, the health care authority,  
18 and the department of labor and industries as provided in subsection  
19 (3) of this section. The department of social and health services,  
20 the health care authority, and the department of labor and industries  
21 have the authority to procure interpreters through the department if  
22 the demand for spoken language interpreters cannot be met through  
23 their respective contracts.

24 (6) All interpreter services procured under this section must be  
25 provided by language access providers who are certified or authorized  
26 by the state, or nationally certified by the certification commission  
27 for health care interpreters or the national board for certification  
28 of medical interpreters. When a nationally certified, state-  
29 certified, or authorized language access provider is not available, a  
30 state agency is authorized to contract with a spoken language  
31 interpreter with other certifications or qualifications deemed to  
32 meet agency needs. Nothing in this subsection precludes providing  
33 interpretive services through state employees or employees of medical  
34 or vocational providers.

35 (7) Nothing in this section is intended to address how state  
36 agencies procure interpreters for sensory-impaired persons.

37 (8) For purposes of this section, "state agency" means any state  
38 office or activity of the executive branch of state government,  
39 including state agencies, departments, offices, divisions, boards,  
40 commissions, and correctional and other types of institutions, but

1 excludes institutions of higher education as defined in RCW  
2 28B.10.016, the school for the blind, and the center for childhood  
3 deafness and hearing loss.

4 **Sec. 4.** RCW 39.26.100 and 2013 2nd sp.s. c 33 s 2 are each  
5 amended to read as follows:

6 (1) The provisions of this chapter do not apply in any manner to  
7 the operation of the state legislature except as requested by the  
8 legislature.

9 (2) The provisions of this chapter do not apply to the  
10 contracting for services, equipment, and activities that are  
11 necessary to establish, operate, or manage the state data center,  
12 including architecture, design, engineering, installation, and  
13 operation of the facility, that are approved by the technology  
14 services board or the acquisition of proprietary software, equipment,  
15 and information technology services necessary for or part of the  
16 provision of services offered by the consolidated technology services  
17 agency.

18 (3) Primary authority for the purchase of specialized equipment,  
19 and instructional and research material, for their own use rests with  
20 the institutions of higher education as defined in RCW 28B.10.016.

21 (4) Universities operating hospitals with approval from the  
22 director, as the agent for state hospitals as defined in RCW  
23 72.23.010, and for health care programs provided in state  
24 correctional institutions as defined in RCW 72.65.010(3) and  
25 veterans' institutions as defined in RCW 72.36.010 and 72.36.070, may  
26 make purchases for hospital operation by participating in contracts  
27 for materials, supplies, and equipment entered into by nonprofit  
28 cooperative hospital group purchasing organizations if documented to  
29 be more cost-effective.

30 (5) Primary authority for the purchase of materials, supplies,  
31 and equipment, for resale to other than public agencies, rests with  
32 the state agency concerned.

33 (6) The authority for the purchase of insurance and bonds rests  
34 with the risk manager under RCW 43.19.769, except for institutions of  
35 higher education that choose to exercise independent purchasing  
36 authority under RCW 28B.10.029.

37 ~~(7) ((The authority to purchase interpreter services and  
38 interpreter brokerage services on behalf of limited-English speaking  
39 or sensory-impaired applicants and recipients of public assistance~~

1 ~~rests with the department of social and health services and the~~  
2 ~~health care authority.~~

3       (8)) The provisions of this chapter do not apply to information  
4 technology purchases by state agencies, other than institutions of  
5 higher education and agencies of the judicial branch, if (a) the  
6 purchase is less than one hundred thousand dollars, (b) the initial  
7 purchase is approved by the chief information officer of the state,  
8 and (c) the agency director and the chief information officer of the  
9 state jointly prepare a public document providing a detailed  
10 justification for the expenditure.

11       **Sec. 5.** RCW 41.56.030 and 2015 2nd sp.s. c 6 s 1 are each  
12 amended to read as follows:

13       As used in this chapter:

14       (1) "Adult family home provider" means a provider as defined in  
15 RCW 70.128.010 who receives payments from the medicaid and state-  
16 funded long-term care programs.

17       (2) "Bargaining representative" means any lawful organization  
18 which has as one of its primary purposes the representation of  
19 employees in their employment relations with employers.

20       (3) "Child care subsidy" means a payment from the state through a  
21 child care subsidy program established pursuant to RCW 74.12.340 (~~or~~  
22 ~~74.08A.340~~), 45 C.F.R. Sec. 98.1 through 98.17, or any successor  
23 program.

24       (4) "Collective bargaining" means the performance of the mutual  
25 obligations of the public employer and the exclusive bargaining  
26 representative to meet at reasonable times, to confer and negotiate  
27 in good faith, and to execute a written agreement with respect to  
28 grievance procedures and collective negotiations on personnel  
29 matters, including wages, hours and working conditions, which may be  
30 peculiar to an appropriate bargaining unit of such public employer,  
31 except that by such obligation neither party shall be compelled to  
32 agree to a proposal or be required to make a concession unless  
33 otherwise provided in this chapter.

34       (5) "Commission" means the public employment relations  
35 commission.

36       (6) "Executive director" means the executive director of the  
37 commission.

38       (7) "Family child care provider" means a person who: (a) Provides  
39 regularly scheduled care for a child or children in the home of the

1 provider or in the home of the child or children for periods of less  
2 than twenty-four hours or, if necessary due to the nature of the  
3 parent's work, for periods equal to or greater than twenty-four  
4 hours; (b) receives child care subsidies; and (c) is either licensed  
5 by the state under RCW 74.15.030 or is exempt from licensing under  
6 chapter 74.15 RCW.

7 (8) "Individual provider" means an individual provider as defined  
8 in RCW 74.39A.240(~~(+4)~~) (3) who, solely for the purposes of  
9 collective bargaining, is a public employee as provided in RCW  
10 74.39A.270.

11 (9) "Institution of higher education" means the University of  
12 Washington, Washington State University, Central Washington  
13 University, Eastern Washington University, Western Washington  
14 University, The Evergreen State College, and the various state  
15 community colleges.

16 (10)(a) "Language access provider" means any independent  
17 contractor who provides spoken language interpreter services (~~for~~  
18 ~~department of social and health services appointments or medicaid~~  
19 ~~enrollee appointments, or provided these services on or after January~~  
20 ~~1, 2009, and before June 10, 2010)), whether paid by a broker,~~  
21 language access agency, or the respective department:

22 (i) For department of social and health services appointments or  
23 medicaid enrollee appointments, or who provided these services on or  
24 after January 1, 2011, and before June 10, 2012;

25 (ii) For department of labor and industries authorized medical  
26 and vocational providers, or who provided these services on or after  
27 January 1, 2016, and before the effective date of this section; or

28 (iii) For state agencies, or who provided these services on or  
29 after January 1, 2016, and before the effective date of this section.

30 (b) "Language access provider" does not mean an owner, manager,  
31 or employee of a broker or a language access agency.

32 (11) "Public employee" means any employee of a public employer  
33 except any person (a) elected by popular vote, or (b) appointed to  
34 office pursuant to statute, ordinance or resolution for a specified  
35 term of office as a member of a multimember board, commission, or  
36 committee, whether appointed by the executive head or body of the  
37 public employer, or (c) whose duties as deputy, administrative  
38 assistant or secretary necessarily imply a confidential relationship  
39 to (i) the executive head or body of the applicable bargaining unit,  
40 or (ii) any person elected by popular vote, or (iii) any person

1 appointed to office pursuant to statute, ordinance or resolution for  
2 a specified term of office as a member of a multimember board,  
3 commission, or committee, whether appointed by the executive head or  
4 body of the public employer, or (d) who is a court commissioner or a  
5 court magistrate of superior court, district court, or a department  
6 of a district court organized under chapter 3.46 RCW, or (e) who is a  
7 personal assistant to a district court judge, superior court judge,  
8 or court commissioner. For the purpose of (e) of this subsection, no  
9 more than one assistant for each judge or commissioner may be  
10 excluded from a bargaining unit.

11 (12) "Public employer" means any officer, board, commission,  
12 council, or other person or body acting on behalf of any public body  
13 governed by this chapter, or any subdivision of such public body. For  
14 the purposes of this section, the public employer of district court  
15 or superior court employees for wage-related matters is the  
16 respective county legislative authority, or person or body acting on  
17 behalf of the legislative authority, and the public employer for  
18 nonwage-related matters is the judge or judge's designee of the  
19 respective district court or superior court.

20 (13) "Uniformed personnel" means: (a) Law enforcement officers as  
21 defined in RCW 41.26.030 employed by the governing body of any city  
22 or town with a population of two thousand five hundred or more and  
23 law enforcement officers employed by the governing body of any county  
24 with a population of ten thousand or more; (b) correctional employees  
25 who are uniformed and nonuniformed, commissioned and noncommissioned  
26 security personnel employed in a jail as defined in RCW 70.48.020(9),  
27 by a county with a population of seventy thousand or more, and who  
28 are trained for and charged with the responsibility of controlling  
29 and maintaining custody of inmates in the jail and safeguarding  
30 inmates from other inmates; (c) general authority Washington peace  
31 officers as defined in RCW 10.93.020 employed by a port district in a  
32 county with a population of one million or more; (d) security forces  
33 established under RCW 43.52.520; (e) firefighters as that term is  
34 defined in RCW 41.26.030; (f) employees of a port district in a  
35 county with a population of one million or more whose duties include  
36 crash fire rescue or other firefighting duties; (g) employees of fire  
37 departments of public employers who dispatch exclusively either fire  
38 or emergency medical services, or both; (h) employees in the several  
39 classes of advanced life support technicians, as defined in RCW  
40 18.71.200, who are employed by a public employer; or (i) court



1 marshals of any county who are employed by, trained for, and  
2 commissioned by the county sheriff and charged with the  
3 responsibility of enforcing laws, protecting and maintaining security  
4 in all county-owned or contracted property, and performing any other  
5 duties assigned to them by the county sheriff or mandated by judicial  
6 order.

7 **Sec. 6.** RCW 41.56.030 and 2017 3rd sp.s. c 6 s 808 are each  
8 amended to read as follows:

9 As used in this chapter:

10 (1) "Adult family home provider" means a provider as defined in  
11 RCW 70.128.010 who receives payments from the medicaid and state-  
12 funded long-term care programs.

13 (2) "Bargaining representative" means any lawful organization  
14 which has as one of its primary purposes the representation of  
15 employees in their employment relations with employers.

16 (3) "Child care subsidy" means a payment from the state through a  
17 child care subsidy program established pursuant to RCW 74.12.340 (~~or~~  
18 ~~74.08A.340~~), 45 C.F.R. Sec. 98.1 through 98.17, or any successor  
19 program.

20 (4) "Collective bargaining" means the performance of the mutual  
21 obligations of the public employer and the exclusive bargaining  
22 representative to meet at reasonable times, to confer and negotiate  
23 in good faith, and to execute a written agreement with respect to  
24 grievance procedures and collective negotiations on personnel  
25 matters, including wages, hours and working conditions, which may be  
26 peculiar to an appropriate bargaining unit of such public employer,  
27 except that by such obligation neither party shall be compelled to  
28 agree to a proposal or be required to make a concession unless  
29 otherwise provided in this chapter.

30 (5) "Commission" means the public employment relations  
31 commission.

32 (6) "Executive director" means the executive director of the  
33 commission.

34 (7) "Family child care provider" means a person who: (a) Provides  
35 regularly scheduled care for a child or children in the home of the  
36 provider or in the home of the child or children for periods of less  
37 than twenty-four hours or, if necessary due to the nature of the  
38 parent's work, for periods equal to or greater than twenty-four  
39 hours; (b) receives child care subsidies; and (c) under chapter

1 43.216 RCW, is either licensed by the state or is exempt from  
2 licensing.

3 (8) "Individual provider" means an individual provider as defined  
4 in RCW 74.39A.240(~~(+4)~~) (3) who, solely for the purposes of  
5 collective bargaining, is a public employee as provided in RCW  
6 74.39A.270.

7 (9) "Institution of higher education" means the University of  
8 Washington, Washington State University, Central Washington  
9 University, Eastern Washington University, Western Washington  
10 University, The Evergreen State College, and the various state  
11 community colleges.

12 (10)(a) "Language access provider" means any independent  
13 contractor who provides spoken language interpreter services (~~for~~  
14 ~~department of social and health services appointments or medicaid~~  
15 ~~enrollee appointments, or department of children, youth, and families~~  
16 ~~appointments, or provided these services on or after January 1, 2009,~~  
17 ~~and before June 10, 2010)), whether paid by a broker, language access  
18 agency, or the respective department:~~

19 (i) For department of social and health services appointments or  
20 medicaid enrollee appointments, or who provided these services on or  
21 after January 1, 2011, and before June 10, 2012;

22 (ii) For department of labor and industries authorized medical  
23 and vocational providers, or who provided these services on or after  
24 January 1, 2016, and before the effective date of this section; or

25 (iii) For state agencies, or who provided these services on or  
26 after January 1, 2016, and before the effective date of this section.

27 (b) "Language access provider" does not mean an owner, manager,  
28 or employee of a broker or a language access agency.

29 (11) "Public employee" means any employee of a public employer  
30 except any person (a) elected by popular vote, or (b) appointed to  
31 office pursuant to statute, ordinance or resolution for a specified  
32 term of office as a member of a multimember board, commission, or  
33 committee, whether appointed by the executive head or body of the  
34 public employer, or (c) whose duties as deputy, administrative  
35 assistant or secretary necessarily imply a confidential relationship  
36 to (i) the executive head or body of the applicable bargaining unit,  
37 or (ii) any person elected by popular vote, or (iii) any person  
38 appointed to office pursuant to statute, ordinance or resolution for  
39 a specified term of office as a member of a multimember board,  
40 commission, or committee, whether appointed by the executive head or

1 body of the public employer, or (d) who is a court commissioner or a  
2 court magistrate of superior court, district court, or a department  
3 of a district court organized under chapter 3.46 RCW, or (e) who is a  
4 personal assistant to a district court judge, superior court judge,  
5 or court commissioner. For the purpose of (e) of this subsection, no  
6 more than one assistant for each judge or commissioner may be  
7 excluded from a bargaining unit.

8 (12) "Public employer" means any officer, board, commission,  
9 council, or other person or body acting on behalf of any public body  
10 governed by this chapter, or any subdivision of such public body. For  
11 the purposes of this section, the public employer of district court  
12 or superior court employees for wage-related matters is the  
13 respective county legislative authority, or person or body acting on  
14 behalf of the legislative authority, and the public employer for  
15 nonwage-related matters is the judge or judge's designee of the  
16 respective district court or superior court.

17 (13) "Uniformed personnel" means: (a) Law enforcement officers as  
18 defined in RCW 41.26.030 employed by the governing body of any city  
19 or town with a population of two thousand five hundred or more and  
20 law enforcement officers employed by the governing body of any county  
21 with a population of ten thousand or more; (b) correctional employees  
22 who are uniformed and nonuniformed, commissioned and noncommissioned  
23 security personnel employed in a jail as defined in RCW 70.48.020(9),  
24 by a county with a population of seventy thousand or more, and who  
25 are trained for and charged with the responsibility of controlling  
26 and maintaining custody of inmates in the jail and safeguarding  
27 inmates from other inmates; (c) general authority Washington peace  
28 officers as defined in RCW 10.93.020 employed by a port district in a  
29 county with a population of one million or more; (d) security forces  
30 established under RCW 43.52.520; (e) firefighters as that term is  
31 defined in RCW 41.26.030; (f) employees of a port district in a  
32 county with a population of one million or more whose duties include  
33 crash fire rescue or other firefighting duties; (g) employees of fire  
34 departments of public employers who dispatch exclusively either fire  
35 or emergency medical services, or both; (h) employees in the several  
36 classes of advanced life support technicians, as defined in RCW  
37 18.71.200, who are employed by a public employer; or (i) court  
38 marshals of any county who are employed by, trained for, and  
39 commissioned by the county sheriff and charged with the  
40 responsibility of enforcing laws, protecting and maintaining security

1 in all county-owned or contracted property, and performing any other  
2 duties assigned to them by the county sheriff or mandated by judicial  
3 order.

4 **Sec. 7.** RCW 41.56.510 and 2010 c 296 s 2 are each amended to  
5 read as follows:

6 (1) In addition to the entities listed in RCW 41.56.020, this  
7 chapter applies to the governor with respect to language access  
8 providers. Solely for the purposes of collective bargaining and as  
9 expressly limited under subsections (2) and (3) of this section, the  
10 governor is the public employer of language access providers who,  
11 solely for the purposes of collective bargaining, are public  
12 employees. The governor or the governor's designee shall represent  
13 the public employer for bargaining purposes.

14 (2) There shall be collective bargaining, as defined in RCW  
15 41.56.030, between the governor and language access providers, except  
16 as follows:

17 (a) (~~A statewide unit of all language access providers is~~) The  
18 only units appropriate for purposes of collective bargaining under  
19 RCW 41.56.060 are:

20 (i) A statewide unit for language access providers who provide  
21 spoken language interpreter services for department of social and  
22 health services appointments, or medicaid enrollee appointments;

23 (ii) A statewide unit for language access providers who provide  
24 spoken language interpreter services for injured workers or crime  
25 victims receiving benefits from the department of labor and  
26 industries; and

27 (iii) A statewide unit for language access providers who provide  
28 spoken language interpreter services for any state agency through the  
29 department of enterprise services, excluding language access  
30 providers included in (a)(i) and (ii) of this subsection;

31 (b) The exclusive bargaining representative of language access  
32 providers in the unit specified in (a) of this subsection shall be  
33 the representative chosen in an election conducted pursuant to RCW  
34 41.56.070.

35 Bargaining authorization cards furnished as the showing of  
36 interest in support of any representation petition or motion for  
37 intervention filed under this section are exempt from disclosure  
38 under chapter 42.56 RCW;

1 (c) Notwithstanding the definition of "collective bargaining" in  
2 RCW 41.56.030(4), the scope of collective bargaining for language  
3 access providers under this section is limited solely to: (i)  
4 Economic compensation, such as the manner and rate of payments; (ii)  
5 professional development and training; (iii) labor-management  
6 committees; and (iv) grievance procedures. Retirement benefits are  
7 not subject to collective bargaining. By such obligation neither  
8 party may be compelled to agree to a proposal or be required to make  
9 a concession unless otherwise provided in this chapter;

10 (d) In addition to the entities listed in the mediation and  
11 interest arbitration provisions of RCW 41.56.430 through 41.56.470  
12 and 41.56.480, the provisions apply to the governor or the governor's  
13 designee and the exclusive bargaining representative of language  
14 access providers, except that:

15 (i) In addition to the factors to be taken into consideration by  
16 an interest arbitration panel under RCW 41.56.465, the panel shall  
17 consider the financial ability of the state to pay for the  
18 compensation and benefit provisions of a collective bargaining  
19 agreement;

20 (ii) The decision of the arbitration panel is not binding on the  
21 legislature and, if the legislature does not approve the request for  
22 funds necessary to implement the compensation and benefit provisions  
23 of the arbitrated collective bargaining agreement, the decision is  
24 not binding on the state;

25 (e) Language access providers do not have the right to strike;

26 (f) If a single employee organization is the exclusive bargaining  
27 representative for two or more units, upon petition by the employee  
28 organization, the units may be consolidated into a single larger unit  
29 if the commission considers the larger unit to be appropriate. If  
30 consolidation is appropriate, the commission shall certify the  
31 employee organization as the exclusive bargaining representative of  
32 the new unit;

33 (g) If a single employee organization is the exclusive bargaining  
34 representative for two or more bargaining units, the governor and the  
35 employee organization may agree to negotiate a single collective  
36 bargaining agreement for all of the bargaining units that the  
37 employee organization represents.

38 (3) Language access providers who are public employees solely for  
39 the purposes of collective bargaining under subsection (1) of this  
40 section are not, for that reason, employees of the state for any

1 other purpose. This section applies only to the governance of the  
2 collective bargaining relationship between the employer and language  
3 access providers as provided in subsections (1) and (2) of this  
4 section.

5 (4) Each party with whom the department of social and health  
6 services, the department of labor and industries, and the department  
7 of enterprise services contracts for language access services and  
8 each of their subcontractors shall provide to the respective  
9 department an accurate list of language access providers, as defined  
10 in RCW 41.56.030, including their names, addresses, and other contact  
11 information, annually by January 30th, except that initially the  
12 lists must be provided within thirty days of (~~June 10, 2010~~) the  
13 effective date of this section. The department shall, upon request,  
14 provide a list of all language access providers, including their  
15 names, addresses, and other contact information, to a labor union  
16 seeking to represent language access providers.

17 (5) This section does not create or modify:

18 (a) The (~~department's~~) obligation of any state agency to comply  
19 with (~~the~~) federal statute and regulations; and

20 (b) The legislature's right to make programmatic modifications to  
21 the delivery of state services under chapter 74.04 or 39.26 RCW or  
22 Title 51 RCW. The governor may not enter into, extend, or renew any  
23 agreement under this chapter that does not expressly reserve the  
24 legislative rights described in this subsection.

25 (6) Upon meeting the requirements of subsection (7) of this  
26 section, the governor must submit, as a part of the proposed biennial  
27 or supplemental operating budget submitted to the legislature under  
28 RCW 43.88.030, a request for funds necessary to implement the  
29 compensation and benefit provisions of a collective bargaining  
30 agreement entered into under this section or for legislation  
31 necessary to implement the agreement.

32 (7) A request for funds necessary to implement the compensation  
33 and benefit provisions of a collective bargaining agreement entered  
34 into under this section may not be submitted by the governor to the  
35 legislature unless the request has been:

36 (a) Submitted to the director of financial management by October  
37 1st prior to the legislative session at which the requests are to be  
38 considered, except that, for initial negotiations under this section,  
39 the request may not be submitted before July 1, 2011; and

1 (b) Certified by the director of financial management as  
2 financially feasible for the state or reflective of a binding  
3 decision of an arbitration panel reached under subsection (2)(d) of  
4 this section.

5 (8) The legislature must approve or reject the submission of the  
6 request for funds as a whole. If the legislature rejects or fails to  
7 act on the submission, any collective bargaining agreement must be  
8 reopened for the sole purpose of renegotiating the funds necessary to  
9 implement the agreement.

10 (9) If, after the compensation and benefit provisions of an  
11 agreement are approved by the legislature, a significant revenue  
12 shortfall occurs resulting in reduced appropriations, as declared by  
13 proclamation of the governor or by resolution of the legislature,  
14 both parties shall immediately enter into collective bargaining for a  
15 mutually agreed upon modification of the agreement.

16 (10) After the expiration date of any collective bargaining  
17 agreement entered into under this section, all of the terms and  
18 conditions specified in the agreement remain in effect until the  
19 effective date of a subsequent agreement, not to exceed one year from  
20 the expiration date stated in the agreement.

21 (11) In enacting this section, the legislature intends to provide  
22 state action immunity under federal and state antitrust laws for the  
23 joint activities of language access providers and their exclusive  
24 bargaining representative to the extent the activities are authorized  
25 by this chapter.

26 **Sec. 8.** RCW 41.56.510 and 2017 3rd sp.s. c 6 s 809 are each  
27 amended to read as follows:

28 (1) In addition to the entities listed in RCW 41.56.020, this  
29 chapter applies to the governor with respect to language access  
30 providers. Solely for the purposes of collective bargaining and as  
31 expressly limited under subsections (2) and (3) of this section, the  
32 governor is the public employer of language access providers who,  
33 solely for the purposes of collective bargaining, are public  
34 employees. The governor or the governor's designee shall represent  
35 the public employer for bargaining purposes.

36 (2) There shall be collective bargaining, as defined in RCW  
37 41.56.030, between the governor and language access providers, except  
38 as follows:

1       (a) (~~A statewide unit of all language access providers is~~) The  
2 only units appropriate for purposes of collective bargaining under  
3 RCW 41.56.060 are:

4       (i) A statewide unit for language access providers who provide  
5 spoken language interpreter services for department of social and  
6 health services appointments, or medicaid enrollee appointments;

7       (ii) A statewide unit for language access providers who provide  
8 spoken language interpreter services for injured workers or crime  
9 victims receiving benefits from the department of labor and  
10 industries; and

11       (iii) A statewide unit for language access providers who provide  
12 spoken language interpreter services for any state agency through the  
13 department of enterprise services, excluding language access  
14 providers included in (a)(i) and (ii) of this subsection;

15       (b) The exclusive bargaining representative of language access  
16 providers in the unit specified in (a) of this subsection shall be  
17 the representative chosen in an election conducted pursuant to RCW  
18 41.56.070.

19       Bargaining authorization cards furnished as the showing of  
20 interest in support of any representation petition or motion for  
21 intervention filed under this section are exempt from disclosure  
22 under chapter 42.56 RCW;

23       (c) Notwithstanding the definition of "collective bargaining" in  
24 RCW 41.56.030(4), the scope of collective bargaining for language  
25 access providers under this section is limited solely to: (i)  
26 Economic compensation, such as the manner and rate of payments; (ii)  
27 professional development and training; (iii) labor-management  
28 committees; and (iv) grievance procedures. Retirement benefits are  
29 not subject to collective bargaining. By such obligation neither  
30 party may be compelled to agree to a proposal or be required to make  
31 a concession unless otherwise provided in this chapter;

32       (d) In addition to the entities listed in the mediation and  
33 interest arbitration provisions of RCW 41.56.430 through 41.56.470  
34 and 41.56.480, the provisions apply to the governor or the governor's  
35 designee and the exclusive bargaining representative of language  
36 access providers, except that:

37       (i) In addition to the factors to be taken into consideration by  
38 an interest arbitration panel under RCW 41.56.465, the panel shall  
39 consider the financial ability of the state to pay for the



1 compensation and benefit provisions of a collective bargaining  
2 agreement;

3 (ii) The decision of the arbitration panel is not binding on the  
4 legislature and, if the legislature does not approve the request for  
5 funds necessary to implement the compensation and benefit provisions  
6 of the arbitrated collective bargaining agreement, the decision is  
7 not binding on the state;

8 (e) Language access providers do not have the right to strike;

9 (f) If a single employee organization is the exclusive bargaining  
10 representative for two or more units, upon petition by the employee  
11 organization, the units may be consolidated into a single larger unit  
12 if the commission considers the larger unit to be appropriate. If  
13 consolidation is appropriate, the commission shall certify the  
14 employee organization as the exclusive bargaining representative of  
15 the new unit;

16 (g) If a single employee organization is the exclusive bargaining  
17 representative for two or more bargaining units, the governor and the  
18 employee organization may agree to negotiate a single collective  
19 bargaining agreement for all of the bargaining units that the  
20 employee organization represents.

21 (3) Language access providers who are public employees solely for  
22 the purposes of collective bargaining under subsection (1) of this  
23 section are not, for that reason, employees of the state for any  
24 other purpose. This section applies only to the governance of the  
25 collective bargaining relationship between the employer and language  
26 access providers as provided in subsections (1) and (2) of this  
27 section.

28 (4) Each party with whom the department of social and health  
29 services ~~((or))~~, the department of children, youth, and families, the  
30 department of labor and industries, and the department of enterprise  
31 services contracts for language access services and each of their  
32 subcontractors shall provide to the respective department an accurate  
33 list of language access providers, as defined in RCW 41.56.030,  
34 including their names, addresses, and other contact information,  
35 annually by January 30th, except that initially the lists must be  
36 provided within thirty days of ~~((June 10, 2010))~~ the effective date  
37 of this section. The department shall, upon request, provide a list  
38 of all language access providers, including their names, addresses,  
39 and other contact information, to a labor union seeking to represent  
40 language access providers.

1 (5) This section does not create or modify:

2 (a) The (~~department's~~) obligation of any state agency to comply  
3 with (~~the~~) federal statute and regulations; and

4 (b) The legislature's right to make programmatic modifications to  
5 the delivery of state services under chapter 74.04 or 39.26 RCW or  
6 Title 51 RCW. The governor may not enter into, extend, or renew any  
7 agreement under this chapter that does not expressly reserve the  
8 legislative rights described in this subsection.

9 (6) Upon meeting the requirements of subsection (7) of this  
10 section, the governor must submit, as a part of the proposed biennial  
11 or supplemental operating budget submitted to the legislature under  
12 RCW 43.88.030, a request for funds necessary to implement the  
13 compensation and benefit provisions of a collective bargaining  
14 agreement entered into under this section or for legislation  
15 necessary to implement the agreement.

16 (7) A request for funds necessary to implement the compensation  
17 and benefit provisions of a collective bargaining agreement entered  
18 into under this section may not be submitted by the governor to the  
19 legislature unless the request has been:

20 (a) Submitted to the director of financial management by October  
21 1st prior to the legislative session at which the requests are to be  
22 considered, except that, for initial negotiations under this section,  
23 the request may not be submitted before July 1, 2011; and

24 (b) Certified by the director of financial management as  
25 financially feasible for the state or reflective of a binding  
26 decision of an arbitration panel reached under subsection (2)(d) of  
27 this section.

28 (8) The legislature must approve or reject the submission of the  
29 request for funds as a whole. If the legislature rejects or fails to  
30 act on the submission, any collective bargaining agreement must be  
31 reopened for the sole purpose of renegotiating the funds necessary to  
32 implement the agreement.

33 (9) If, after the compensation and benefit provisions of an  
34 agreement are approved by the legislature, a significant revenue  
35 shortfall occurs resulting in reduced appropriations, as declared by  
36 proclamation of the governor or by resolution of the legislature,  
37 both parties shall immediately enter into collective bargaining for a  
38 mutually agreed upon modification of the agreement.

39 (10) After the expiration date of any collective bargaining  
40 agreement entered into under this section, all of the terms and

1 conditions specified in the agreement remain in effect until the  
2 effective date of a subsequent agreement, not to exceed one year from  
3 the expiration date stated in the agreement.

4 (11) In enacting this section, the legislature intends to provide  
5 state action immunity under federal and state antitrust laws for the  
6 joint activities of language access providers and their exclusive  
7 bargaining representative to the extent the activities are authorized  
8 by this chapter.

9 NEW SECTION. **Sec. 9.** If any part of this act is found to be in  
10 conflict with federal requirements that are a prescribed condition to  
11 the allocation of federal funds to the state, the conflicting part of  
12 this act is inoperative solely to the extent of the conflict and with  
13 respect to the agencies directly affected, and this finding does not  
14 affect the operation of the remainder of this act in its application  
15 to the agencies concerned. Rules adopted under this act must meet  
16 federal requirements that are a necessary condition to the receipt of  
17 federal funds by the state. Nothing in this act may restrict an  
18 agency's ability to serve limited English proficient clients in a  
19 timely manner.

20 NEW SECTION. **Sec. 10.** Sections 5 and 7 of this act expire July  
21 1, 2018.

22 NEW SECTION. **Sec. 11.** Sections 6 and 8 of this act take effect  
23 July 1, 2018.

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