

CERTIFICATION OF ENROLLMENT

SECOND SUBSTITUTE SENATE BILL 6245

Chapter 253, Laws of 2018

65th Legislature
2018 Regular Session

SPOKEN LANGUAGE INTERPRETER SERVICES

EFFECTIVE DATE: June 7, 2018—Except for sections 6 and 8, which become effective July 1, 2018.

Passed by the Senate March 6, 2018
Yeas 32 Nays 16

CYRUS HABIB

President of the Senate

Passed by the House March 1, 2018
Yeas 53 Nays 44

FRANK CHOPP

Speaker of the House of Representatives

Approved March 23, 2018 9:25 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE SENATE BILL 6245** as passed by Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

Secretary

FILED

March 26, 2018

**Secretary of State
State of Washington**

SECOND SUBSTITUTE SENATE BILL 6245

AS AMENDED BY THE HOUSE

Passed Legislature - 2018 Regular Session

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 state agencies, injured worker, or crime victim appointments through
14 the department of labor and industries, or medicaid enrollee
15 appointments, or provided these services on or after January 1, 2009,
16 and before June 10, 2010, whether paid by a broker, language access
17 agency, or (~~the department~~) a state agency. "Language access
18 provider" does not mean (~~an owner,~~) a manager(~~(r)~~) or employee of a
19 broker or a language access agency.

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

22 NEW SECTION. Sec. 3. A new section is added to chapter 39.26
23 RCW to read as follows:

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

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

32 (3) No later than September 1, 2020, the department of social and
33 health services, the department of children, youth, and families, the
34 health care authority, and the department of labor and industries
35 must purchase in-person spoken language interpreter services directly
36 from language access providers as defined in RCW 74.04.025, or
37 through limited contracts with scheduling and coordinating delivery
38 organizations, or both. Each state agency must have at least one
39 contract with an entity that provides interpreter services through

1 telephonic and video remote technologies. Nothing in this section
2 precludes the department of labor and industries from purchasing in-
3 person spoken language interpreter services directly from language
4 access providers or from directly reimbursing language access
5 providers.

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

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

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

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

3 (8) For purposes of this section, "state agency" means any state
4 office or activity of the executive branch of state government,
5 including state agencies, departments, offices, divisions, boards,
6 commissions, and correctional and other types of institutions, but
7 excludes institutions of higher education as defined in RCW
8 28B.10.016, the school for the blind, and the center for childhood
9 deafness and hearing loss.

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

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

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

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

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

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

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

5 ~~(7) ((The authority to purchase interpreter services and
6 interpreter brokerage services on behalf of limited English speaking
7 or sensory impaired applicants and recipients of public assistance
8 rests with the department of social and health services and the
9 health care authority.~~

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

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

20 As used in this chapter:

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

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

27 (3) "Child care subsidy" means a payment from the state through a
28 child care subsidy program established pursuant to RCW 74.12.340 (~~or~~
29 ~~74.08A.340~~), 45 C.F.R. Sec. 98.1 through 98.17, or any successor
30 program.

31 (4) "Collective bargaining" means the performance of the mutual
32 obligations of the public employer and the exclusive bargaining
33 representative to meet at reasonable times, to confer and negotiate
34 in good faith, and to execute a written agreement with respect to
35 grievance procedures and collective negotiations on personnel
36 matters, including wages, hours and working conditions, which may be
37 peculiar to an appropriate bargaining unit of such public employer,
38 except that by such obligation neither party shall be compelled to

1 agree to a proposal or be required to make a concession unless
2 otherwise provided in this chapter.

3 (5) "Commission" means the public employment relations
4 commission.

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

7 (7) "Family child care provider" means a person who: (a) Provides
8 regularly scheduled care for a child or children in the home of the
9 provider or in the home of the child or children for periods of less
10 than twenty-four hours or, if necessary due to the nature of the
11 parent's work, for periods equal to or greater than twenty-four
12 hours; (b) receives child care subsidies; and (c) is either licensed
13 by the state under RCW 74.15.030 or is exempt from licensing under
14 chapter 74.15 RCW.

15 (8) "Individual provider" means an individual provider as defined
16 in RCW 74.39A.240(~~(+4)~~) (3) who, solely for the purposes of
17 collective bargaining, is a public employee as provided in RCW
18 74.39A.270.

19 (9) "Institution of higher education" means the University of
20 Washington, Washington State University, Central Washington
21 University, Eastern Washington University, Western Washington
22 University, The Evergreen State College, and the various state
23 community colleges.

24 (10)(a) "Language access provider" means any independent
25 contractor who provides spoken language interpreter services (~~for~~
26 ~~department of social and health services appointments or medicaid~~
27 ~~enrollee appointments, or provided these services on or after January~~
28 ~~1, 2009, and before June 10, 2010)), whether paid by a broker,~~
29 language access agency, or the respective department:

30 (i) For department of social and health services appointments,
31 department of children, youth, and families appointments, medicaid
32 enrollee appointments, or who provided these services on or after
33 January 1, 2011, and before June 10, 2012;

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

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

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

1 (11) "Public employee" means any employee of a public employer
2 except any person (a) elected by popular vote, or (b) appointed to
3 office pursuant to statute, ordinance or resolution for a specified
4 term of office as a member of a multimember board, commission, or
5 committee, whether appointed by the executive head or body of the
6 public employer, or (c) whose duties as deputy, administrative
7 assistant or secretary necessarily imply a confidential relationship
8 to (i) the executive head or body of the applicable bargaining unit,
9 or (ii) any person elected by popular vote, or (iii) any person
10 appointed to office pursuant to statute, ordinance or resolution for
11 a specified term of office as a member of a multimember board,
12 commission, or committee, whether appointed by the executive head or
13 body of the public employer, or (d) who is a court commissioner or a
14 court magistrate of superior court, district court, or a department
15 of a district court organized under chapter 3.46 RCW, or (e) who is a
16 personal assistant to a district court judge, superior court judge,
17 or court commissioner. For the purpose of (e) of this subsection, no
18 more than one assistant for each judge or commissioner may be
19 excluded from a bargaining unit.

20 (12) "Public employer" means any officer, board, commission,
21 council, or other person or body acting on behalf of any public body
22 governed by this chapter, or any subdivision of such public body. For
23 the purposes of this section, the public employer of district court
24 or superior court employees for wage-related matters is the
25 respective county legislative authority, or person or body acting on
26 behalf of the legislative authority, and the public employer for
27 nonwage-related matters is the judge or judge's designee of the
28 respective district court or superior court.

29 (13) "Uniformed personnel" means: (a) Law enforcement officers as
30 defined in RCW 41.26.030 employed by the governing body of any city
31 or town with a population of two thousand five hundred or more and
32 law enforcement officers employed by the governing body of any county
33 with a population of ten thousand or more; (b) correctional employees
34 who are uniformed and nonuniformed, commissioned and noncommissioned
35 security personnel employed in a jail as defined in RCW 70.48.020(9),
36 by a county with a population of seventy thousand or more, and who
37 are trained for and charged with the responsibility of controlling
38 and maintaining custody of inmates in the jail and safeguarding
39 inmates from other inmates; (c) general authority Washington peace
40 officers as defined in RCW 10.93.020 employed by a port district in a

1 county with a population of one million or more; (d) security forces
2 established under RCW 43.52.520; (e) firefighters as that term is
3 defined in RCW 41.26.030; (f) employees of a port district in a
4 county with a population of one million or more whose duties include
5 crash fire rescue or other firefighting duties; (g) employees of fire
6 departments of public employers who dispatch exclusively either fire
7 or emergency medical services, or both; (h) employees in the several
8 classes of advanced life support technicians, as defined in RCW
9 18.71.200, who are employed by a public employer; or (i) court
10 marshals of any county who are employed by, trained for, and
11 commissioned by the county sheriff and charged with the
12 responsibility of enforcing laws, protecting and maintaining security
13 in all county-owned or contracted property, and performing any other
14 duties assigned to them by the county sheriff or mandated by judicial
15 order.

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

18 As used in this chapter:

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

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

25 (3) "Child care subsidy" means a payment from the state through a
26 child care subsidy program established pursuant to RCW 74.12.340 (~~or~~
27 ~~74.08A.340~~), 45 C.F.R. Sec. 98.1 through 98.17, or any successor
28 program.

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

1 (5) "Commission" means the public employment relations
2 commission.

3 (6) "Executive director" means the executive director of the
4 commission.

5 (7) "Family child care provider" means a person who: (a) Provides
6 regularly scheduled care for a child or children in the home of the
7 provider or in the home of the child or children for periods of less
8 than twenty-four hours or, if necessary due to the nature of the
9 parent's work, for periods equal to or greater than twenty-four
10 hours; (b) receives child care subsidies; and (c) under chapter
11 43.216 RCW, is either licensed by the state or is exempt from
12 licensing.

13 (8) "Individual provider" means an individual provider as defined
14 in RCW 74.39A.240(~~((+4))~~) (3) who, solely for the purposes of
15 collective bargaining, is a public employee as provided in RCW
16 74.39A.270.

17 (9) "Institution of higher education" means the University of
18 Washington, Washington State University, Central Washington
19 University, Eastern Washington University, Western Washington
20 University, The Evergreen State College, and the various state
21 community colleges.

22 (10)(a) "Language access provider" means any independent
23 contractor who provides spoken language interpreter services (~~((for~~
24 ~~department of social and health services appointments or medicaid~~
25 ~~enrollee appointments, or department of children, youth, and families~~
26 ~~appointments, or provided these services on or after January 1, 2009,~~
27 ~~and before June 10, 2010))), whether paid by a broker, language access
28 agency, or the respective department:~~

29 (i) For department of social and health services appointments,
30 department of children, youth, and families appointments, medicaid
31 enrollee appointments, or who provided these services on or after
32 January 1, 2011, and before June 10, 2012;

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

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

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

1 (11) "Public employee" means any employee of a public employer
2 except any person (a) elected by popular vote, or (b) appointed to
3 office pursuant to statute, ordinance or resolution for a specified
4 term of office as a member of a multimember board, commission, or
5 committee, whether appointed by the executive head or body of the
6 public employer, or (c) whose duties as deputy, administrative
7 assistant or secretary necessarily imply a confidential relationship
8 to (i) the executive head or body of the applicable bargaining unit,
9 or (ii) any person elected by popular vote, or (iii) any person
10 appointed to office pursuant to statute, ordinance or resolution for
11 a specified term of office as a member of a multimember board,
12 commission, or committee, whether appointed by the executive head or
13 body of the public employer, or (d) who is a court commissioner or a
14 court magistrate of superior court, district court, or a department
15 of a district court organized under chapter 3.46 RCW, or (e) who is a
16 personal assistant to a district court judge, superior court judge,
17 or court commissioner. For the purpose of (e) of this subsection, no
18 more than one assistant for each judge or commissioner may be
19 excluded from a bargaining unit.

20 (12) "Public employer" means any officer, board, commission,
21 council, or other person or body acting on behalf of any public body
22 governed by this chapter, or any subdivision of such public body. For
23 the purposes of this section, the public employer of district court
24 or superior court employees for wage-related matters is the
25 respective county legislative authority, or person or body acting on
26 behalf of the legislative authority, and the public employer for
27 nonwage-related matters is the judge or judge's designee of the
28 respective district court or superior court.

29 (13) "Uniformed personnel" means: (a) Law enforcement officers as
30 defined in RCW 41.26.030 employed by the governing body of any city
31 or town with a population of two thousand five hundred or more and
32 law enforcement officers employed by the governing body of any county
33 with a population of ten thousand or more; (b) correctional employees
34 who are uniformed and nonuniformed, commissioned and noncommissioned
35 security personnel employed in a jail as defined in RCW 70.48.020(9),
36 by a county with a population of seventy thousand or more, and who
37 are trained for and charged with the responsibility of controlling
38 and maintaining custody of inmates in the jail and safeguarding
39 inmates from other inmates; (c) general authority Washington peace
40 officers as defined in RCW 10.93.020 employed by a port district in a

1 county with a population of one million or more; (d) security forces
2 established under RCW 43.52.520; (e) firefighters as that term is
3 defined in RCW 41.26.030; (f) employees of a port district in a
4 county with a population of one million or more whose duties include
5 crash fire rescue or other firefighting duties; (g) employees of fire
6 departments of public employers who dispatch exclusively either fire
7 or emergency medical services, or both; (h) employees in the several
8 classes of advanced life support technicians, as defined in RCW
9 18.71.200, who are employed by a public employer; or (i) court
10 marshals of any county who are employed by, trained for, and
11 commissioned by the county sheriff and charged with the
12 responsibility of enforcing laws, protecting and maintaining security
13 in all county-owned or contracted property, and performing any other
14 duties assigned to them by the county sheriff or mandated by judicial
15 order.

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

18 (1) In addition to the entities listed in RCW 41.56.020, this
19 chapter applies to the governor with respect to language access
20 providers. Solely for the purposes of collective bargaining and as
21 expressly limited under subsections (2) and (3) of this section, the
22 governor is the public employer of language access providers who,
23 solely for the purposes of collective bargaining, are public
24 employees. The governor or the governor's designee shall represent
25 the public employer for bargaining purposes.

26 (2) There shall be collective bargaining, as defined in RCW
27 41.56.030, between the governor and language access providers, except
28 as follows:

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

32 (i) A statewide unit for language access providers who provide
33 spoken language interpreter services for department of social and
34 health services appointments, department of children, youth, and
35 families appointments, or medicaid enrollee appointments;

36 (ii) A statewide unit for language access providers who provide
37 spoken language interpreter services for injured workers or crime
38 victims receiving benefits from the department of labor and
39 industries; and

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

5 (b) The exclusive bargaining representative of language access
6 providers in the unit specified in (a) of this subsection shall be
7 the representative chosen in an election conducted pursuant to RCW
8 41.56.070.

9 Bargaining authorization cards furnished as the showing of
10 interest in support of any representation petition or motion for
11 intervention filed under this section are exempt from disclosure
12 under chapter 42.56 RCW;

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

22 (d) In addition to the entities listed in the mediation and
23 interest arbitration provisions of RCW 41.56.430 through 41.56.470
24 and 41.56.480, the provisions apply to the governor or the governor's
25 designee and the exclusive bargaining representative of language
26 access providers, except that:

27 (i) In addition to the factors to be taken into consideration by
28 an interest arbitration panel under RCW 41.56.465, the panel shall
29 consider the financial ability of the state to pay for the
30 compensation and benefit provisions of a collective bargaining
31 agreement;

32 (ii) The decision of the arbitration panel is not binding on the
33 legislature and, if the legislature does not approve the request for
34 funds necessary to implement the compensation and benefit provisions
35 of the arbitrated collective bargaining agreement, the decision is
36 not binding on the state;

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

38 (f) If a single employee organization is the exclusive bargaining
39 representative for two or more units, upon petition by the employee
40 organization, the units may be consolidated into a single larger unit

1 if the commission considers the larger unit to be appropriate. If
2 consolidation is appropriate, the commission shall certify the
3 employee organization as the exclusive bargaining representative of
4 the new unit;

5 (g) If a single employee organization is the exclusive bargaining
6 representative for two or more bargaining units, the governor and the
7 employee organization may agree to negotiate a single collective
8 bargaining agreement for all of the bargaining units that the
9 employee organization represents.

10 (3) Language access providers who are public employees solely for
11 the purposes of collective bargaining under subsection (1) of this
12 section are not, for that reason, employees of the state for any
13 other purpose. This section applies only to the governance of the
14 collective bargaining relationship between the employer and language
15 access providers as provided in subsections (1) and (2) of this
16 section.

17 (4) Each party with whom the department of social and health
18 services, the department of labor and industries, and the department
19 of enterprise services contracts for language access services and
20 each of their subcontractors shall provide to the respective
21 department an accurate list of language access providers, as defined
22 in RCW 41.56.030, including their names, addresses, and other contact
23 information, annually by January 30th, except that initially the
24 lists must be provided within thirty days of ~~((June 10, 2010))~~ the
25 effective date of this section. The department shall, upon request,
26 provide a list of all language access providers, including their
27 names, addresses, and other contact information, to a labor union
28 seeking to represent language access providers.

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

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

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

37 (6) Upon meeting the requirements of subsection (7) of this
38 section, the governor must submit, as a part of the proposed biennial
39 or supplemental operating budget submitted to the legislature under
40 RCW 43.88.030, a request for funds necessary to implement the

1 compensation and benefit provisions of a collective bargaining
2 agreement entered into under this section or for legislation
3 necessary to implement the agreement.

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

8 (a) Submitted to the director of financial management by October
9 1st prior to the legislative session at which the requests are to be
10 considered, except that, for initial negotiations under this section,
11 the request may not be submitted before July 1, 2011; and

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

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

21 (9) If, after the compensation and benefit provisions of an
22 agreement are approved by the legislature, a significant revenue
23 shortfall occurs resulting in reduced appropriations, as declared by
24 proclamation of the governor or by resolution of the legislature,
25 both parties shall immediately enter into collective bargaining for a
26 mutually agreed upon modification of the agreement.

27 (10) After the expiration date of any collective bargaining
28 agreement entered into under this section, all of the terms and
29 conditions specified in the agreement remain in effect until the
30 effective date of a subsequent agreement, not to exceed one year from
31 the expiration date stated in the agreement.

32 (11) In enacting this section, the legislature intends to provide
33 state action immunity under federal and state antitrust laws for the
34 joint activities of language access providers and their exclusive
35 bargaining representative to the extent the activities are authorized
36 by this chapter.

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

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

9 (2) There shall be collective bargaining, as defined in RCW
10 41.56.030, between the governor and language access providers, except
11 as follows:

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

15 (i) A statewide unit for language access providers who provide
16 spoken language interpreter services for department of social and
17 health services appointments, department of children, youth, and
18 families appointments, or medicaid enrollee appointments;

19 (ii) A statewide unit for language access providers who provide
20 spoken language interpreter services for injured workers or crime
21 victims receiving benefits from the department of labor and
22 industries; and

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

27 (b) The exclusive bargaining representative of language access
28 providers in the unit specified in (a) of this subsection shall be
29 the representative chosen in an election conducted pursuant to RCW
30 41.56.070.

31 Bargaining authorization cards furnished as the showing of
32 interest in support of any representation petition or motion for
33 intervention filed under this section are exempt from disclosure
34 under chapter 42.56 RCW;

35 (c) Notwithstanding the definition of "collective bargaining" in
36 RCW 41.56.030(4), the scope of collective bargaining for language
37 access providers under this section is limited solely to: (i)
38 Economic compensation, such as the manner and rate of payments; (ii)
39 professional development and training; (iii) labor-management
40 committees; and (iv) grievance procedures. Retirement benefits are

1 not subject to collective bargaining. By such obligation neither
2 party may be compelled to agree to a proposal or be required to make
3 a concession unless otherwise provided in this chapter;

4 (d) In addition to the entities listed in the mediation and
5 interest arbitration provisions of RCW 41.56.430 through 41.56.470
6 and 41.56.480, the provisions apply to the governor or the governor's
7 designee and the exclusive bargaining representative of language
8 access providers, except that:

9 (i) In addition to the factors to be taken into consideration by
10 an interest arbitration panel under RCW 41.56.465, the panel shall
11 consider the financial ability of the state to pay for the
12 compensation and benefit provisions of a collective bargaining
13 agreement;

14 (ii) The decision of the arbitration panel is not binding on the
15 legislature and, if the legislature does not approve the request for
16 funds necessary to implement the compensation and benefit provisions
17 of the arbitrated collective bargaining agreement, the decision is
18 not binding on the state;

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

20 (f) If a single employee organization is the exclusive bargaining
21 representative for two or more units, upon petition by the employee
22 organization, the units may be consolidated into a single larger unit
23 if the commission considers the larger unit to be appropriate. If
24 consolidation is appropriate, the commission shall certify the
25 employee organization as the exclusive bargaining representative of
26 the new unit;

27 (g) If a single employee organization is the exclusive bargaining
28 representative for two or more bargaining units, the governor and the
29 employee organization may agree to negotiate a single collective
30 bargaining agreement for all of the bargaining units that the
31 employee organization represents.

32 (3) Language access providers who are public employees solely for
33 the purposes of collective bargaining under subsection (1) of this
34 section are not, for that reason, employees of the state for any
35 other purpose. This section applies only to the governance of the
36 collective bargaining relationship between the employer and language
37 access providers as provided in subsections (1) and (2) of this
38 section.

39 (4) Each party with whom the department of social and health
40 services ((~~or~~)), the department of children, youth, and families, the

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

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

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

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

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

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

31 (a) Submitted to the director of financial management by October
32 1st prior to the legislative session at which the requests are to be
33 considered, except that, for initial negotiations under this section,
34 the request may not be submitted before July 1, 2011; and

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

39 (8) The legislature must approve or reject the submission of the
40 request for funds as a whole. If the legislature rejects or fails to

1 act on the submission, any collective bargaining agreement must be
2 reopened for the sole purpose of renegotiating the funds necessary to
3 implement the agreement.

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

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

15 (11) In enacting this section, the legislature intends to provide
16 state action immunity under federal and state antitrust laws for the
17 joint activities of language access providers and their exclusive
18 bargaining representative to the extent the activities are authorized
19 by this chapter.

20 NEW SECTION. **Sec. 9.** If any part of this act is found to be in
21 conflict with federal requirements that are a prescribed condition to
22 the allocation of federal funds to the state, the conflicting part of
23 this act is inoperative solely to the extent of the conflict and with
24 respect to the agencies directly affected, and this finding does not
25 affect the operation of the remainder of this act in its application
26 to the agencies concerned. Rules adopted under this act must meet
27 federal requirements that are a necessary condition to the receipt of
28 federal funds by the state. Nothing in this act may restrict an
29 agency's ability to serve limited English proficient clients in a
30 timely manner.

31 NEW SECTION. **Sec. 10.** Sections 5 and 7 of this act expire July
32 1, 2018.

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

Passed by the Senate March 6, 2018.
Passed by the House March 1, 2018.
Approved by the Governor March 23, 2018.

Filed in Office of Secretary of State March 26, 2018.

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