

SENATE BILL REPORT

HB 2691

As Reported by Senate Committee On:
Labor & Commerce, February 24, 2020

Title: An act relating to the scope of collective bargaining for language access providers.

Brief Description: Concerning the scope of collective bargaining for language access providers.

Sponsors: Representatives Valdez, Ryu, Frame, Doglio, Dolan, Slatter, Lovick, Ortiz-Self, Fitzgibbon, Davis, Pollet and Macri.

Brief History: Passed House: 2/13/20, 57-40.

Committee Activity: Labor & Commerce: 2/20/20, 2/24/20 [DPA-WM, DNP, w/oRec].

Brief Summary of Amended Bill

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

SENATE COMMITTEE ON LABOR & COMMERCE

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.
Signed by Senators Keiser, Chair; Conway, Vice Chair; Saldaña, Stanford and Wellman.

Minority Report: Do not pass.
Signed by Senators King, Ranking Member; Braun and Walsh.

Minority Report: That it be referred without recommendation.
Signed by Senator Schoesler.

Staff: Jarrett Sacks (786-7448)

Background: Employees of cities, counties, and other political subdivisions of the state bargain their wages and working conditions under the Public Employees' Collective Bargaining Act (PECBA), which is administered by the Public Employment Relations Commission. Under PECBA, the employer and the exclusive bargaining representative have an obligation to negotiate in good faith over specified mandatory subjects of bargaining.

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

In 2010, the Legislature granted collective bargaining rights under PECBA to language access providers. Language access providers are defined as independent contractors who provide spoken language interpreter services for:

- DSHS and Department of Children, Youth, and Families appointments and Medicaid enrollee appointments;
- Department of Labor and Industries (L&I) authorized medical and vocational providers; and
- state agencies who provide these services.

Owners, managers, or employees of brokers or language access agencies are not language access providers for the purposes of collective bargaining.

Mandatory subjects of bargaining for language access providers are limited to:

- economic compensation;
- professional development and training;
- labor-management committees; and
- grievance procedures.

Retirement benefits are not subject to collective bargaining.

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

- providers for DSHS appointments or Medicaid enrollee appointments;
- providers for injured workers or crime victims receiving benefits from L&I; and
- other providers for any state agency through the Department of Enterprise Services.

Language access providers are subject to binding arbitration if negotiations for a contract reach an impasse and cannot be resolved through mediation.

Summary of Amended Bill: The scope of bargaining for language access providers is expanded to include: (1) health and welfare benefits; and (2) other economic matters. Tiered payments are included in what is considered economic compensation for the purposes of the scope of bargaining.

Clarifying changes are made to the dates when interpreter services must be provided to L&I and other state agencies to be considered a language access provider for the purposes of collective bargaining

EFFECT OF LABOR & COMMERCE COMMITTEE AMENDMENT(S): The date after which an interpreter must provide services to be considered a language access provider is changed from January 1, 2020 to January 1, 2019.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on House Bill: *The committee recommended a different version of the bill than what was heard.* PRO: Four groups that are not state employees bargain with the state, including interpreters. The bill brings parity between language access providers with the other groups. Of non-state employees that bargain, language access providers have the narrowest scope of bargaining. The bill gives them the same opportunities as the others.

Persons Testifying: PRO: Representative Javier Valdez, Prime Sponsor; Dennis Eagle, Washington Federation of State Employees.

Persons Signed In To Testify But Not Testifying: No one.