
SENATE BILL 5944

State of Washington

69th Legislature

2026 Regular Session

By Senators Cortes, Alvarado, Conway, Hasegawa, Nobles, Saldaña, Valdez, and C. Wilson

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1 AN ACT Relating to language access providers' collective
2 bargaining; and amending RCW 41.56.157.

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

4 **Sec. 1.** RCW 41.56.157 and 2020 c 289 s 2 are each amended to
5 read as follows:

6 (1) In addition to the entities listed in RCW 41.56.101, 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) The only units appropriate for purposes of collective
18 bargaining under RCW 41.56.211 are:

19 (i) A statewide unit for language access providers who provide
20 spoken language interpreter services for department of social and

1 health services appointments, department of children, youth, and
2 families appointments, or medicaid enrollee appointments;

3 (ii) A statewide unit for language access providers who provide
4 spoken language interpreter services for injured workers or crime
5 victims receiving benefits from the department of labor and
6 industries; and

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

11 (b) The exclusive bargaining representative of language access
12 providers in the unit specified in (a) of this subsection shall be
13 the representative chosen in an election conducted pursuant to RCW
14 41.56.221.

15 Bargaining authorization cards furnished as the showing of
16 interest in support of any representation petition or motion for
17 intervention filed under this section are exempt from disclosure
18 under chapter 42.56 RCW;

19 (c) Notwithstanding the definition of "collective bargaining" in
20 RCW 41.56.030(4), the scope of collective bargaining for language
21 access providers under this section is limited solely to: (i)
22 Economic compensation, such as the manner and rate of payments,
23 including tiered payments, and payments or reimbursements for
24 appointments missed or canceled by a party other than the language
25 access provider; (ii) professional development and training; (iii)
26 labor-management committees; (iv) grievance procedures; (v) health
27 and welfare benefits; and (~~(vii)~~—~~[(vi)]~~) (vi) other economic
28 matters. Retirement benefits are not subject to collective
29 bargaining. By such obligation neither party may be compelled to
30 agree to a proposal or be required to make a concession unless
31 otherwise provided in this chapter;

32 (d) In addition to the entities listed in the mediation and
33 interest arbitration provisions of RCW 41.56.501 through 41.56.540,
34 the provisions apply to the governor or the governor's designee and
35 the exclusive bargaining representative of language access providers,
36 except that:

37 (i) In addition to the factors to be taken into consideration by
38 an interest arbitration panel under RCW 41.56.530, 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, 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 July 1, 2018. The department shall,
37 upon request, provide a list of all language access providers,
38 including their names, addresses, and other contact information, to a
39 labor union seeking to represent language access providers.

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

1 (a) The obligation of any state agency to comply with federal
2 statute and regulations; and

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

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

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

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

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

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

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

38 (10) After the expiration date of any collective bargaining
39 agreement entered into under this section, all of the terms and
40 conditions specified in the agreement remain in effect until the

1 effective date of a subsequent agreement, not to exceed one year from
2 the expiration date stated in the agreement.

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

8 (12) By December 1, 2020, the department of social and health
9 services, the department of children, youth, and families, the
10 department of labor and industries, the health care authority, and
11 the department of enterprise services must report to the legislature
12 on the following:

13 (a) Each agency's current process for procuring spoken language
14 interpreters and whether the changes in chapter 253, Laws of 2018
15 have been implemented;

16 (b) If chapter 253, Laws of 2018 has not been fully implemented
17 by an agency, the barriers to implementation the agency has
18 encountered and recommendations for removing the barriers to
19 implementation;

20 (c) The impacts of the changes to the bargaining units for
21 language access providers in chapter 253, Laws of 2018; and

22 (d) Recommendations on how to improve the procurement and
23 accessibility of language access providers.

24 (13) Except as otherwise provided in this section, if a conflict
25 exists between an executive order, administrative rule, or agency
26 policy relating to wages, hours, and terms and conditions of
27 employment and a collective bargaining agreement negotiated under
28 this section, the collective bargaining agreement prevails. A
29 provision of a collective bargaining agreement negotiated under this
30 section that conflicts with the terms of a statute is invalid and
31 unenforceable.

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