Dear Assemblywoman Gonzalez & Members of the Senate Appropriations Committee,

RE: AB5 Exempt Status request for Sign Language Interpreters, Spoken Language Interpreters, & Translators

Recently, the California Assembly passed the AB5 Bill which suggests a modification to the Dynamex Ruling, exempting certain professions (such as hairdressers, real estate agents, and security brokers) from the employee mandate. Though this is a step in the right direction, it falls short of exempting certain professional and highly skilled specialized vocations, specifically interpreters and translators. In the terms used in the AB5 Bill, these linguists go through “a prolonged course of specialized intellectual instruction and study…from an accredited university, college, or professional school, as distinguished from a general academic education.” The profession of interpreting has long functioned with high numbers of Independent Contractors (ICs) working with referral agencies. The flexibility and overlapping coverage options afforded the IC by contracting with multiple referral agencies allows for higher assignment fulfillment numbers, which translate to more opportunities for Deaf, DeafBlind, DeafDisabled, Hard of Hearing and Late Deafened individuals to fully navigate and engage in the society at large.

I understand this bill will be taken up on the Senate floor shortly.
This is a request that AB5 be further modified to exempt:
Sign Language Interpreters, Spoken Language Interpreters and Translators.

In addition to members working under employee status, many of our member-driven Southern California Registry of Interpreters for the Deaf professional association members work under the current Independent Contractor sole proprietorship status as Sign Language Interpreters, whereas they provide Sign Language Interpreting services through their own Independent Contractor direct business contracts with hiring entities, and through direct contracts with both Signed and Spoken Language Interpreting referral agencies throughout the State of California. Many contract, by choice, with a dozen or more agencies in providing their professional services, and enjoy the freedoms and higher number of job requests that come from this status. In addition to limiting an individual’s exposure to job requests, the cost of entry and corporate expertise required for sole contractor independent contractors to incorporate is prohibitive and will force many out of the field, especially those with marginalized identities who already struggle for equitable space in this profession. Furthermore, the effect of those wishing to transition to employee-based agency relations will bring undue hardship upon small-to-medium-sized businesses, as well as Disability Owned, Women Owned, and Minority Owned Businesses, as interpreters elect to become employed with the larger, well-established agencies. Summatively, prohibiting contracted work from referral agencies will have a negative impact on the quality and availability for sign language interpreting services, and therefore the lived experience of California’s Deaf residents.

Subsequently, if the worker classification mandate is passed without a Sign Language Interpreter, Spoken Language Interpreter, and Translator AB5 exemption to a business-to-business or employee-only contract model this would result in major implications for hospitals, courts, schools and universities, government offices, and others who not only depend on language services, but are federally mandated to provide them. The fact is that qualified professional Sign Language Interpreters are found across almost every private and public sector of the economy from medical, to government, technology, legal, finance, education, etc. The work of Sign Language Interpreters, for example, as Independent Contractors, ranges from working with a hospital emergency room staff and the DeafBlind patient to working with a deaf child welfare case with family members that speak Spanish. The nature of these circumstances calls for an immediate live Sign Language Interpreter presence that can provide bilingual ASL/English services, or more complex and specific communication services, such as a Deaf Sign Language Interpreter specialist, or working in multilingual influences settings (and into any one of over 200 languages and American Sign Language), anywhere in our State. These needs require interpreters to service large geographical areas, under both ongoing and individual requestor contracts. The ability to operate as an independent contractor and leverage the flexibility and coverage of contracting with multiple referral agencies, who themselves do the work of securing unique ongoing contracts, is one reason this structure has been a functional staple of the interpreting profession for decades.
In addition to desiring to ensure California’s Deaf residents have qualified interpreter coverage, professional interpreters fulfill a federal mandate. Their work is to bridge linguistic and cultural barriers between individuals, and provide communication accessibility to individuals with disabilities, thereby, fulfilling the U.S. Federal mandate of the Americans with Disabilities Act. In so doing, rather than being part of the gig economy, the Sign Language Interpreting profession is a longstanding bimodal, multilingual, and necessarily highly skilled collection of quality service providers. Sign Language Interpreters encounter assignments and situations that cover the range of consumer language communication needs. These needs are influenced by geographic region, industry, socioeconomic factors, and educational backgrounds. Additionally, they work at the intersection of vulnerable deaf populations, such as deaf children, the elderly deaf, DeafDisabled, and deaf immigrants. Sign Language Interpreters strive to provide ethical, and professional interpretation services, and accordingly, obtain continuing education development and training and/or specialized training. As professionals, interpreters/translators appreciate the opportunity to self-determine whether they would approach this work as an employee, a corporation, or an independent contractor.

In summary, if California disallows the Independent Contractor/Referral Agency relationship for Sign Language Interpreters, Spoken Language Interpreters, and Translators, this will limit the efficacy of our profession and create additional barriers to California’s Deaf residents. In a field already struggling to provide appropriate coverage of requests, should the requested exemption not be obtained, interpreters will be available for fewer requests, referral agencies will be further limited in their ability to procure available interpreters, those in need of interpreting services will face greater difficulty in federal compliance, and members of the Deaf communities, a federally protected class, will be further underserved.

Assemblywoman Gonzales, considering that we are in the late stages of the AB5 legislation, the SCRID Board and on behalf of our members and the communities we serve, respectfully implore that you give the AB5 exempt status to Sign Language Interpreters, Spoken Language Interpreters, and Translators. Please contact SCRID should you have any questions or concerns regarding Sign Language Interpreters and their work in an independent contractor capacity. We thank you for your time and attention to this matter.

Thank you again.

Sincerely,

SCRID Board of Directors

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