

WU WILLAMETTE WEEK

Seeking to Grow Membership, AFSCME Leverages the Legislature to Organize—and Possibly Help an Ally

By Nigel Jaquiss | March 06, 2024 at 5:56 am PST

Senate Bill 1578 would create a new system for scheduling and paying medical translators and hire a nonprofit to do it.

In the rapid-fire 35-day legislative session concluding March 10, it can be tough to know which special interest is behind a particular piece of legislation.

Not so with Senate Bill 1578.

That bill, according to the Oregon Legislative Information System, was introduced “at the request of Lamar Wise, AFSCME.” Wise is the statewide political director for the Oregon chapter of the American Federation of State, County and Municipal Employees, the state’s third-largest public employee union.

It’s unusual for a bill’s parentage to be so explicit. Even more unusual, the bill directs the Oregon Health Authority to hire a single, precisely described nonprofit for a very specific purpose: to operate a new scheduling and billing system for medical translators, the people who help non-English speakers talk with doctors.

As lawmakers have noted in hearings, the nakedly transactional bill would create a monopoly for the nonprofit, and requires OHA to tackle complicated systems integration—never a strong point for state agencies. One lawmaker, Sen. Cedric Hayden (R-Fall Creek), noted the bill described the desired nonprofit’s attributes precisely—it “works with certified and qualified health care interpreters and individuals from immigrant, refugee, low-income and rural communities.” That describes Portland-based nonprofit Unite Oregon to a T.

On Feb. 14, Hayden asked Wise if AFSCME had “hand-picked” a likely nonprofit.

“We know there are a few organizations that fit that description,” Wise replied. “We have also been working closely with Unite Oregon.” He added that his union nevertheless expected a competitive bidding process.

Passage of SB 1578 could benefit AFSCME by allowing the union to add more than 1,000 new members. Those members, Wise says, would benefit from more dependable working hours and a significantly larger slice of the state reimbursement than their employers pay them today. Unite Oregon, which had a budget of \$4.2 million last year, could benefit from a new contract worth \$500,000 over two years.

What remains a matter of debate is whether patients would be better off. Hayden, a dentist who says he works regularly with medical interpreters, says the current system works fine. In an interview, the senator noted that the bill requires OHA to build a new information technology system that would have to pull from several existing systems to create a billing and scheduling regime at a cost legislative bean-counters can't quantify. And a contract with Unite Oregon, he adds, would benefit a strong Democratic Party ally.

"We are stuffing money into bills that benefit one political side," Hayden says. "And we are trying to fix a system that isn't broken."

Wrangling medical interpreters is a big task, and a potentially lucrative one. The Oregon Health Authority provides Medicaid services through the Oregon Health Plan to more than 1 in 3 Oregonians. And 15.3% of Oregonians (about 650,000 people) speak a language other than English in their homes. OHA says it will pay for about 334,000 medical translator visits this year, so there's a lot of money at stake. (The reimbursement is \$60 per office visit, or \$1 a minute for virtual visits.)

AFSCME long ago recognized the opportunity to organize medical interpreters—and a need to add new members.

The union, which represents more than 37,000 workers in Oregon, took a beating along with other public employee unions after the U.S. Supreme Court ruled in 2018, in *Janus v. AFSCME*, that union members could opt out of paying dues while still enjoying the benefits of membership. That decision cost Oregon AFSCME more than 12% of its members the following year. Membership has held steady since, relying on organizing drives at nonprofits to offset losses.

In 2019, although AFSCME's name wasn't on the bill, Wise pushed successfully for the passage of House Bill 2231, which allowed the union to organize medical interpreters and bargain with the state on their behalf, even though they are independent contractors.

In 2021, AFSCME got another related bill, HB 2359, passed. That bill requires language agencies to work with certified translators registered with the Oregon Health Authority.

In other words, the union had a multisession plan to create a pathway for organizing a new field, establish parameters for who can work, and then turn on the money tap.

But a 2023 bill that would have required OHA to complete the final leg—building a system for scheduling and paying interpreters—fell short. Hence the urgency this session.

In an interview, Wise acknowledges AFSCME's plan is nearly complete. He says his goal is twofold: getting the best possible medical service for Oregon Health Plan patients who need translators and improving working conditions for the more than 1,000 translators who he says are exploited in the current system.

Wise adds that a large percentage of requests for translation go unmet, in part because the for-profit companies that provide translation pay their contractors so poorly. He says better working conditions and a new scheduling and payment portal, like the one in Washington state, would fix that.

"We are trying to course correct this industry and reestablish quality for patients," he says.

Wise insists AFSCME's vision for the new system includes competitive bidding for the nonprofit that contracts with the state to schedule and train interpreters, but he acknowledges Unite Oregon and AFSCME are close allies.

"We work with Unite Oregon regularly," Wise says. "They have been coalition partners with us on several issues."

Unite spokeswoman Luann Algozo says it supports SB 1578 but has no expectation of getting the contract.

"The portal will allow for increased transparency, a decrease in administrative costs, and an increase in interpreter pay," Algozo says.

"Overall, this bill is a great fit for Oregon's health equity goals and Unite's mission to uplift language access needs."

Unite Oregon formed in 2016 from a merger of two nonprofits, Oregon Action and the Center for Intercultural Organizing. The latter group was founded by Kayse Jama, who became the first executive director of Unite Oregon. In 2021, Jama won appointment to the state Senate, replacing Sen. Shemia Fagan (D-Clackamas). He then resigned from Unite Oregon. In 2023, Jama was the sole sponsor of the failed bill that would have required OHA to create a scheduling and payment system for interpreters. Jama is also one of several co-sponsors of SB 1578, but isn't seeking any special treatment for his former employer.

"Every state-funded contract should go through a competitive process, as this one will if the bill passes," Jama says. "The real story is the unacceptable lack of interpretation services for immigrants and refugees in our state. I am proud to be working to change that."

Several GOP lawmakers have expressed unease with the current bill appearing to benefit Unite Oregon. The nonprofit centers its work on

organizing immigrant and low-income populations around such issues as climate, criminal justice and housing. It also actively campaigns, getting paid \$114,000, for instance, for working to help pass Measure 110 in 2020. "When you look at their 990 [tax return] and tie that to the campaign finance disclosures on Orestar, it's clear to me we have a circular system funding an arm of the Democratic Party," Hayden says.

Some Democrats are also troubled by the bill. On March 4, in the full Joint Ways and Means Committee, at least three Democrats, Sen. Janeen Sollman (Hillsboro) and Reps. Paul Evans (Monmouth) and Susan McClain (Hillsboro), expressed misgivings, both about whether the Oregon Health Authority had the expertise to build a new IT system and what the new endeavor might cost.

They pointed to a report from the Legislative Fiscal Office that cited a "key concern" about integrating several different IT systems and the price tag, which it said was "indeterminate."

"I have great concerns about that," Sollman said. "Mission creep," Evans added.

SB 1578 narrowly passed out of Ways and Means on March 4 and now awaits a vote on the Senate floor.