Protection for Interpreters – Section 2777

- Interpreters in a Referral Agency relationship on condition that they are certified or registered in a language and domain with an available certification or registration
- Interpreters can be Individual Sole Proprietors
- May qualify under B2B Exemption
AB 2257 and Interpreters

KATHARINE ALLEN

President of InterpretAmerica, an organization dedicated to raising the profile of the interpreting profession. She has over 3 decades experience as a practicing interpreter and translator, and is a recognized trainer, author and public speaker. Katharine lives in rural California and is passionate about obtaining full recognition for interpreters from across the interpreting profession.

You can find Katherine at:
Email: k.allen@interpretamerica.com
Website: https://www.interpretamerica.com
Twitter: @InterpAmerica
Two Pathways to Exemption

- **Section 2777** – working as a contract interpreter with a “referral” agency (i.e., a language services company)
  
- **Section 2776** – working in a Business to Business (B2B) relationship
Section 2777: “Interpreting Services Means…”

A) Services provided by a **certified** or **registered** interpreter in a language with an available certification or registration through:

- the Judicial Council of California
- State Personnel Board
- any other agency or department in the State of California
- through a testing organization, agency, or educational institution approved or recognized by the state
- Registry of Interpreters for the Deaf (RID)
- Certification Commission for Healthcare Interpreters (CCHI)
- National Board of Certification for Medical Interpreters (NBCMI/IMIA)
- International Association of Conference Interpreters (AIIC)
- United States Department of State
- Administrative Office of the United States Courts
Section 2777: “Interpreting Services Means...”

(B) Services provided by an interpreter in a language without an available certification through the entities listed in subparagraph (A).
Section 2777: “Certification means...”

(4) If there is an applicable professional licensure, permit, certification, or registration administered or recognized by the state available for the type of work being performed for the client, the service provider shall certify to the referral agency that they have the appropriate professional licensure, permit, certification, or registration. The referral agency shall keep the certifications for a period of at least three years.

Note: Interpreters have to show proof of certification to the agencies that hire them.

What’s ambiguous is: type of work.
We hope this can mean “interpreting specialization.”

But that will depend on how the EDD interprets the language.
Section 2776: “Interpreting Services Also Means...”

- If you have incorporated as partnership, LLC or corporation you can provide interpreting services directly.

- It is possible the certification requirement under Section 2777 will not apply in this case (Grey Area)

- *This applies to trainers as well.
What are the implications?

THE UPSIDE

• Many interpreters can continue to work with as they always have (LLDs included).
• Language service providers have a pathway back to California.
• There is strong incentive for more interpreters to acquire existing certifications.
• Certification programs may be pushed to expand.
• THIS IS GOOD!
What are the implications?

THE DOWNSIDE

• Many interpreters currently working in medical and legal settings must be hired as employees until they get certified.

• Language service companies may continue to avoid hiring in the most in-demand language pairs.

• There is potential wiggle room for agencies to become “certifiying” entities with home-grown tests.

• We need to be vigilant!
• Is it perfect?  
  No.

• Is it a huge step forward from no exemption at all?  
  Yes!

• Does it help our profession progress?  **YES!!!**