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AB-1032 Courts: court interpreters. (2023-2024)

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Assembly Bill No. 1032

CHAPTER 556

An act to amend Section 71812.5 of, to amend and repeal Sections 71804, 71805, and 71829 of, to amend, repeal, and add Sections 71801, 71802, 71803, 71804.5, 71806, 71808, and 71828 of, and to add Chapter 7.7 (commencing with Section 71900) to Title 8 of, the Government Code, relating to courts.

[Approved by Governor October 08, 2023. Filed with Secretary of State October 08, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1032, Pacheco. Courts: court interpreters.

(1) The Trial Court Interpreter Employment and Labor Relations Act (the act) establishes procedures governing the employment and compensation of certified and registered trial court interpreters and court interpreters pro tempore employed by the courts. Existing law requires trial courts to appoint trial court employees, rather than independent contractors to perform interpretation of court proceedings, as specified. Existing law permits a court to appoint an independent contractor for interpretation in specified circumstances, including when an interpreter is paid directly by the parties to the proceeding.

The bill, beginning January 1, 2025, would authorize an interpreter that is certified or registered and paid directly by the parties in a proceeding to be appointed under these provisions.

(2) The act establishes an employee classification entitled "court interpreter pro tempore" and requires employees in this classification to work under specified conditions, including being paid on a per diem basis for work performed, unless a memorandum of understanding or agreement with a recognized employee organization provides otherwise. Existing law requires a court to offer to employ an interpreter as a court interpreter pro tempore that meets specified criteria and specifies how the court is required to accept and process applications for court interpreters pro tempore.

Beginning January 1, 2025, this bill would instead rename a court interpreter pro tempore as an intermittent, part-time interpreter and would make conforming changes. The bill, on January 1, 2025, would eliminate the requirement that a court offer to employ as a court interpreter an interpreter who meets the specified criteria requiring the hiring of court interpreters and the provisions regarding the acceptance and processing of applications for court interpreters pro tempore. The bill would also authorize courts to hire registered or nonregistered interpreters as employees to perform relay interpretation, as defined, but only if the trial court has employed an interpreter of the same language pair.

(3) Existing law creates the regional court interpreter employment relations committee for the purposes of developing regional terms and conditions of employment for court interpreters and for collective bargaining with recognized employee organizations, as specified. Existing law authorizes trial courts to employ certified and registered interpreters to perform spoken language interpretation for the trial courts in full-time or part-time court interpreter positions created by the trial courts with the authorization of the regional committee and subject to meet and confer in good faith. Existing law provides an order of priority for applicants that courts are required to adhere to when hiring interpreters, except as specified.

Beginning January 1, 2025, this bill would remove the requirement for the authorization of the regional committee and meet and confer provisions when a court seeks to employ an interpreter for full-time, part-time, or intermittent, part-time interpreter positions created by the court. The bill, beginning January 1, 2025, would modify the prioritization for court interpreters who have previously performed work for that trial court. The bill would authorize trial courts to set additional local compensation, as defined, for interpreters.

(4) Existing law provides for a regional transition period, defined as January 1, 2003, to July 1, 2005, except to the extent that a region may have a memorandum of understanding at an earlier point, regarding the employment of interpreters pursuant to the provisions of the act.

This bill would remove various references to the transition period and various compliance deadlines related to the transition period. The bill would update obsolete cross-references and make other technical changes.

(5) The California Constitution vests the judicial power of the state in the Supreme Court, courts of appeal, and superior courts, and establishes the Judicial Council to, among other things, adopt rules of court and perform functions prescribed by statute.

This bill would require the Judicial Council to conduct a court interpreter workforce study and provide recommendations to the Legislature on or before January 1, 2026, regarding court interpreter availability and the future court interpreter workforce. The bill would require the Judicial Council to work in collaboration with key stakeholder groups, as specified.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 71801 of the Government Code is amended to read:

71801. For purposes of this chapter, the following definitions shall apply:

(a) "Certified interpreter" and "registered interpreter" have the same meanings as in Article 4 (commencing with Section 68560) of Chapter 2. This chapter does not apply to sign language interpreters.

(b) "Cross-assign" and "cross-assignment" refer to the appointment of a court interpreter employed by a trial court to perform spoken language interpretation services in another trial court, pursuant to Section 71810.

(c) "Employee organization" means a labor organization that has as one of its purposes representing employees in their relations with the trial courts.

(d) "Mediation" means effort by an impartial third party to assist in reconciling a dispute regarding wages, hours, and other terms and conditions of employment between representatives of the trial court or regional court interpreter committee and the recognized employee organization through interpretation, suggestion, and advice.

(e) "Meet and confer in good faith" means that a trial court or regional court interpreter committee or those representatives it may designate, and representatives of a recognized employee organization, shall have the mutual obligation personally to meet and confer promptly upon request by either party and continue for a reasonable period of time in order to exchange freely information, opinions, and proposals, and to endeavor to reach agreement on matters within the scope of representation. The process shall include adequate time for the resolution of impasses where specific procedures for resolution are contained in this chapter, or when the procedures are used by mutual consent.

(f) "Personnel rules," "personnel policies, procedures, and plans," and "rules and regulations" mean policies, procedures, plans, rules, or regulations adopted by a trial court or its designee pertaining to conditions of employment of trial court employees, subject to meet and confer in good faith.

(g) "Recognized employee organization" means an employee organization that has been formally acknowledged to represent the court interpreters employed by the trial courts in a region, pursuant to this chapter.

(h) "Regional court interpreter employment relations committee" means the committee established pursuant to Section 71807.

(i) "Regional transition period" means the period from January 1, 2003, to July 1, 2005, inclusive, except that the transition period for the region may be terminated earlier by a memorandum of understanding or agreement between the regional court interpreter employment relations committee and a recognized employee organization.

(j) "Transfer" means transfer within the trial court as defined in the trial court's personnel policies, procedures, and plans, subject to meet and confer in good faith.

(k) "Trial court" means the superior court in each county.

(l) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

SEC. 2. Section 71801 is added to the Government Code, to read:

71801. For purposes of this chapter, the following definitions shall apply:

(a) "Certified interpreter" and "registered interpreter" have the same meanings as in Article 4 (commencing with Section 68560) of Chapter 2. This chapter does not apply to sign language interpreters.

(b) "Court proceedings" has the same meaning as subdivision (a) of Section 68560.5.

(c) "Cross-assign" and "cross-assignment" refer to the appointment of a court interpreter employed by a trial court to perform spoken language interpretation services in another trial court, pursuant to Section 71810.

(d) "Employee organization" means a labor organization that has as one of its purposes representing employees in their relations with the trial courts.

(e) "Intermittent, part-time interpreter" is a court interpreter who works as an intermittent employee on a day-by-day basis as described in Section 71803.

(f) "Local compensation" means any amounts paid to employee interpreters by an individual trial court that are not paid pursuant to the regional memorandum of understanding and are not calculated on an hourly basis.

(g) "Mediation" means effort by an impartial third party to assist in reconciling a dispute regarding wages, hours, and other terms and conditions of employment between representatives of the trial court or regional court interpreter committee and the recognized employee organization through interpretation, suggestion, and advice.

(h) "Meet and confer in good faith" means that a trial court or regional court interpreter committee or those representatives it may designate, and representatives of a recognized employee organization, shall have the mutual obligation personally to meet and confer promptly upon request by either party and continue for a reasonable period of time in order to exchange freely information, opinions, and proposals, and to endeavor to reach agreement on matters within the scope of representation. The process shall include adequate time for the resolution of impasses where specific procedures for resolution are contained in this chapter, or when the procedures are used by mutual consent.

(i) "Personnel rules," "personnel policies, procedures, and plans," and "rules and regulations" mean policies, procedures, plans, rules, or regulations adopted by a trial court or its designee pertaining to conditions of employment of trial court employees, subject to meet and confer in good faith.

(j) "Recognized employee organization" means an employee organization that has been formally acknowledged to represent the court interpreters employed by the trial courts in a region, pursuant to this chapter.

(k) "Regional court interpreter employment relations committee" means the committee established pursuant to Section 71807.

(l) "Regional transition period" means the period from January 1, 2003, to July 1, 2005, inclusive, except that the transition period for the region may be terminated earlier by a memorandum of understanding or agreement between the regional court interpreter employment relations committee and a recognized employee organization.

(m) "Relay interpreting" is the process by which two interpreters with different language pairs work in tandem to communicate between the target language and English.

(n) "Transfer" means transfer within the trial court as defined in the trial court's personnel policies, procedures, and plans, subject to meet and confer in good faith.

(o) "Trial court" means the superior court in each county.

(p) This section shall become operative on January 1, 2025.

SEC. 3. Section 71802 of the Government Code is amended to read:

71802. (a) On and after July 1, 2003, trial courts shall appoint trial court employees, rather than independent contractors, to perform spoken language interpretation of trial court proceedings. An interpreter may be an employee of the trial court or an employee of another trial court on cross-assignment.

(b) Notwithstanding subdivision (a), a trial court may appoint an independent contractor to perform spoken language interpretation of trial court proceedings if one or more of the following circumstances exists:

(1) An interpreter who is not registered or certified is appointed on a temporary basis pursuant to Rule 984.2 of the California Rules of Court.

(2) The interpreter is over 60 years of age on January 1, 2003, or the sum of the interpreter's age in years on January 1, 2003, and the number of years the interpreter has provided services to the trial courts as an independent contractor prior to January 1, 2003, is equal to or greater than 70, the interpreter has provided services to the trial courts as an independent contractor prior to January 1, 2003, and the interpreter requests in writing prior to June 1, 2003, the opportunity to perform services for the trial court as an independent contractor rather than as an employee.

(3) The interpreter is paid directly by the parties to the proceeding.

(4) The interpreter has performed services for the trial courts as an independent contractor prior to January 1, 2003, the interpreter notifies the trial court in writing prior to June 1, 2003, that the interpreter is precluded from accepting employment because of the terms of an employment contract with a public agency or the terms of a public employee retirement program, the interpreter provides supporting documentation, and the interpreter requests in writing the opportunity to perform services for the trial court as an independent contractor rather than an employee.

(c) Notwithstanding subdivisions (a) and (b), and unless otherwise provided in a memorandum of understanding or agreement with a recognized employee organization, a trial court may also appoint an independent contractor on a day-to-day basis to perform spoken language interpretation of trial court proceedings if all of the following circumstances exist:

(1) The trial court has assigned all the available employees and independent contractors appointed pursuant to paragraphs (2) and (4) of subdivision (b) in the same language pair and has need for additional interpreters. Employees and independent contractors who are appointed pursuant to paragraphs (2) and (4) of subdivision (b) shall be given priority for assignments over independent contractors who are appointed pursuant to this subdivision.

(2) The interpreter has not previously been appointed as an independent contractor by the same trial court on more than 100 court days or parts of court days during the same calendar year, except that the trial court may continue to appoint an independent contractor on a day-to-day basis to complete a single court proceeding, if the trial court determines that the use of the same interpreter to complete that proceeding is necessary to provide continuity. An interpreter who has been appointed by a trial court as an independent contractor pursuant to this subdivision on more than 45 court days or parts of court days during the same calendar year shall be entitled to apply for employment by that trial court as a court interpreter pro tempore and the trial court may not refuse to offer employment to the interpreter, except for cause. For purposes of this section, "for cause" means a fair and honest cause or reason regulated by good faith on the part of the party exercising the power.

(3) The trial court does not provide independent contractors appointed pursuant to this subdivision with lesser duties or more favorable working conditions than those to which a court interpreter pro tempore employed by that trial court would be subject for the purpose of discouraging interpreters from applying for pro tempore employment with the trial court. The trial court is not required to apply the employee training, disciplinary, supervisory, and evaluation procedures of the trial court to any independent contractor.

(d) Only registered and certified interpreters may be hired by a trial court as employees to perform spoken language interpretation of trial court proceedings. Interpreters who are not certified or registered may be assigned to provide services as independent contractors only when certified and registered interpreters are unavailable and the good cause and qualification procedures and guidelines adopted by the Judicial Council pursuant to subdivision (c) of Section 68561 have been followed.

(e) A trial court that has appointed independent contractors pursuant to paragraph (1) of subdivision (b) or to subdivision (c) for a language pair on more than 60 court days or parts of court days in the prior 180 days shall provide public notice that the court is accepting applications for the position of court interpreter pro tempore for that language pair and shall offer employment to qualified applicants.

(f) Unless the parties to the dispute agree upon other procedures after the dispute arises, or other procedures are provided in a memorandum of understanding or agreement with a recognized employee organization, disputes concerning a violation of this section shall be submitted for binding arbitration to the California State Mediation and Conciliation Service.

(g) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

SEC. 4. Section 71802 is added to the Government Code, to read:

71802. (a) Trial courts shall appoint trial court employees, rather than independent contractors, to perform spoken language interpretation of trial court proceedings. An interpreter shall be an employee of the trial court or an employee of another trial court on cross-assignment.

(b) Notwithstanding subdivision (a), a trial court may appoint an independent contractor to perform spoken language interpretation of trial court proceedings if one or more of the following circumstances exists:

(1) An interpreter who is not registered or certified is appointed on a temporary basis pursuant to Rule 2.893 of the California Rules of Court.

(2) The interpreter is over 60 years of age on January 1, 2003, or the sum of the interpreter's age in years on January 1, 2003, and the number of years the interpreter has provided services to the trial courts as an independent contractor prior to January 1, 2003, is equal to or greater than 70, the interpreter has provided services to the trial courts as an independent contractor prior to January 1, 2003, and the interpreter requests in writing prior to June 1, 2003, the opportunity to perform services for the trial court as an independent contractor rather than as an employee.

(3) The interpreter is certified or registered and paid directly by the parties in the proceeding.

(4) The interpreter has performed services for the trial courts as an independent contractor prior to January 1, 2003, the interpreter notifies the trial court in writing prior to June 1, 2003, that the interpreter is precluded from accepting employment because of the terms of an employment contract with a public agency or the terms of a public employee retirement program, the interpreter provides supporting documentation, and the interpreter requests in writing the opportunity to perform services for the trial court as an independent contractor rather than an employee.

(c) Notwithstanding subdivisions (a) and (b), and unless otherwise provided in a memorandum of understanding or agreement with a recognized employee organization, a trial court may also appoint an independent contractor on a day-to-day basis to perform spoken language interpretation of trial court proceedings if all of the following circumstances exist:

(1) The trial court has assigned all the available employees and independent contractors appointed pursuant to paragraphs (2) and (4) of subdivision (b) in the same language pair and has need for additional interpreters. Employees and independent contractors who are appointed pursuant to paragraphs (2) and (4) of subdivision (b) shall be given priority for assignments over independent contractors who are appointed pursuant to this subdivision.

(2) The interpreter has not previously been appointed as an independent contractor by the same trial court on more than 100 court days or parts of court days during the same calendar year, except that the trial court may continue to appoint an independent contractor on a day-to-day basis to complete a single court proceeding, if the trial court determines that the use of the same interpreter to complete that proceeding is necessary to provide continuity. An interpreter who has been appointed by a trial court as an independent contractor pursuant to this subdivision on more than 45 court days or parts of court days during the same calendar year shall be entitled to apply for employment by that trial court as an intermittent, part-time interpreter and the trial court shall not refuse to offer employment to the interpreter, except for cause. For purposes of this section, "for cause" means a fair and honest cause or reason regulated by good faith on the part of the party exercising the power.

(3) The trial court does not provide an independent contractor appointed pursuant to this subdivision with lesser duties or more favorable working conditions than those to which a court interpreter employed by that trial court would be subject for the purpose of discouraging an interpreter from applying for employment with the trial court. The trial court is not required to apply the employee training, disciplinary, supervisory, and evaluation procedures of the trial court to any independent contractor.

(d) Only a registered and certified interpreter may be hired by a trial court as an employee to perform spoken language interpretation of trial court proceedings, except for relay interpreting as described herein. An interpreter who is not certified or registered may be assigned to provide services as an independent contractor only when a certified and registered interpreter is unavailable and the good cause and qualification procedures and guidelines adopted by the Judicial Council pursuant to subdivision (c) of Section 68561 have been followed. If interpretation can be provided through relay interpreting, trial courts may hire a registered or nonregistered relay interpreter as an employee only if the trial court has employed an interpreter of the same second language pair. Unless the judicial officer determines there is a necessity, an interpreter who is not certified in Spanish shall not be assigned to provide services as an independent contractor in Spanish for more than 45 court days or parts of court days within a calendar year, and, for other languages, no more than 75 court days or parts of court days within a calendar year.

(e) A trial court that has appointed independent contractors pursuant to paragraph (1) of subdivision (b) or to subdivision (c) for a language pair on more than 60 court days or parts of court days in the prior 180 days shall provide public notice that the court is accepting applications for the position of intermittent, part-time interpreter for that language pair and shall offer employment to qualified applicants.

(f) Unless the parties to the dispute agree upon other procedures after the dispute arises, or other procedures are provided in a memorandum of understanding or agreement with a recognized employee organization, disputes concerning a violation of this section shall be submitted for binding arbitration to the California State Mediation and Conciliation Service.

(g) This section shall become operative on January 1, 2025.

SEC. 5. Section 71803 of the Government Code is amended to read:

71803. (a) In each trial court, there shall be a new employee classification entitled “court interpreter pro tempore” to perform simultaneous and consecutive interpretation and sight translation in spoken languages for the trial courts. Unless otherwise provided in a memorandum of understanding or agreement with a recognized employee organization, all of the following applies to employees in this classification:

- (1) They shall be appointed by the trial court to perform work on an as needed basis.
- (2) They shall be paid on a per diem basis for work performed.
- (3) They are not required to receive health, pension, or paid leave benefits.

(b) Court interpreters pro tempore may accept appointments to provide services in other trial courts pursuant to Section 71810.

(c) Unless otherwise provided in a memorandum of understanding or agreement with a recognized employee organization, no rules and regulations or personnel rules shall limit the number of hours or days court interpreters pro tempore are permitted to work.

(d) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

SEC. 6. Section 71803 is added to the Government Code, to read:

71803. (a) In each trial court, there shall be an employee classification entitled “intermittent, part-time interpreter” to perform simultaneous and consecutive interpretation and sight translation in spoken languages for the trial courts. Unless otherwise provided in a memorandum of understanding or agreement with a recognized employee organization, all of the following applies to employees in this classification:

- (1) They shall be appointed by the trial court to perform work on an as needed basis.
- (2) They shall be paid on a per diem basis for work performed.
- (3) They are not required to receive health, pension, or paid leave benefits.

(b) Intermittent, part-time interpreters may accept appointments to provide services in other trial courts pursuant to Section 71810.

(c) A trial court may hire registered or nonregistered interpreters as employees to perform relay interpretation.

(d) Unless otherwise provided in a memorandum of understanding or agreement with a recognized employee organization, no rules and regulations or personnel rules shall limit the number of hours or days intermittent, part-time interpreters are permitted to work.

(e) This section shall become operative on January 1, 2025.

SEC. 7. Section 71804 of the Government Code is amended to read:

71804. (a) Each trial court shall offer to employ as a court interpreter pro tempore each interpreter who meets all of the following criteria:

- (1) The interpreter is certified or registered.
- (2) The interpreter has provided services to the same trial court as an independent contractor on at least either:
 - (A) Thirty court days or parts of court days in both calendar year 2001 and calendar year 2002.
 - (B) Sixty court days or parts of court days in calendar year 2002.
- (3) The interpreter has applied for the position of court interpreter pro tempore prior to July 1, 2003, and has complied with reasonable requirements for submitting an application and providing documentation.
- (4) The interpreter’s application is not rejected by the trial court for cause.

(b) Each trial court shall begin accepting applications for court interpreters pro tempore by no later than May 1, 2003. Court interpreters who qualify for employment pursuant to this section shall receive offers of employment within 30 days after an application is submitted. Applicants shall have at least 15 days to accept or reject an offer of employment. The hiring process for

applicants who accept the offer of employment shall be completed within 30 days after acceptance, but the trial court need not set employment to commence prior to July 1, 2003.

(c) For purposes of this section, "for cause" means a fair and honest cause or reason regulated by good faith on the part of the party exercising the power.

(d) Unless the parties to a dispute agree upon other procedures after the dispute arises, or other procedures are provided in a memorandum of understanding or agreement with a recognized employee organization, disputes about whether this section has been violated during the regional transition period shall be resolved by binding arbitration through the California State Mediation and Conciliation Service.

(e) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

SEC. 8. Section 71804.5 of the Government Code is amended to read:

71804.5. (a) After a trial court has considered applications under Section 71804, the trial court may hire additional court interpreters pro tempore pursuant to the personnel rules of the trial court.

(b) A court interpreter pro tempore may not be an employee of more than one trial court, but may accept appointments to provide services to more than one trial court through cross-assignments.

(c) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

SEC. 9. Section 71804.5 is added to the Government Code, to read:

71804.5. (a) An intermittent, part-time interpreter may not be an employee of more than one trial court, but may accept appointments to provide services to more than one trial court through cross-assignments.

(b) This section shall become operative on January 1, 2025.

SEC. 10. Section 71805 of the Government Code is amended to read:

71805. (a) Until the conclusion of the regional transition period, all interpreters who are employed by a trial court shall be classified as court interpreters pro tempore, except as provided in Section 71828, unless otherwise provided in a memorandum of understanding or agreement with a recognized employee organization.

(b) This chapter does not require trial courts to alter their past practices regarding the assignment of interpreters. If an interpreter had a regular assignment for the trial court as an independent contractor prior to the effective date of this chapter, nothing in this chapter shall prohibit the trial court from continuing to appoint the same interpreter to the same assignment as a court interpreter pro tempore during the regional transition period.

(c) During the regional transition period, the existing statewide per diem pay rate may not be reduced, and the existing statewide compensation policies set by the Judicial Council shall be maintained, unless otherwise provided in a memorandum of understanding or agreement with a recognized employee organization. The per diem pay rate and compensation policies shall apply to court interpreters pro tempore.

(d) Court interpreters pro tempore are not subject to disciplinary action during the regional transition period, except for cause.

(e) For purposes of this section, "for cause" means a fair and honest cause or reason regulated by good faith on the part of the party exercising the power.

(f) During the regional transition period, a trial court may not retaliate or threaten to retaliate against a court interpreter or applicant for interpreter employment because of the individual's membership in an interpreter association or employee organization, participation in any grievance, complaint, or meet and confer activities, or exercise of rights under this chapter, including by changing past practices regarding assignments, refusing to offer work to an interpreter, altering working conditions, or otherwise coercing, harassing, or discriminating against an applicant or interpreter.

(g) Unless the parties to a dispute agree upon other procedures after the dispute arises, or other procedures are provided in a memorandum of understanding or agreement with a recognized employee organization, disputes about whether this section has been violated shall be resolved by binding arbitration through the California State Mediation and Conciliation Service.

(h) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

SEC. 11. Section 71806 of the Government Code is amended to read:

71806. (a) At the conclusion of the regional transition period, trial courts in the region may employ certified and registered interpreters to perform spoken language interpretation for the trial courts in full-time or part-time court interpreter positions created by the trial courts with the authorization of the regional committee and subject to meet and confer in good faith. The courts may also continue to employ court interpreters pro tempore.

(b) For purposes of hiring interpreters for positions other than court interpreters pro tempore, unless otherwise provided in a memorandum of understanding or agreement with a recognized employee organization, trial courts shall consider applicants in the following order of priority:

(1) Court interpreters pro tempore in the same language who have performed work for that trial court for at least 150 court days or parts of court days during each of the past five years, including time spent performing work for the trial court as an independent contractor.

(2) Court interpreters pro tempore in the same language who have performed work for that trial court for at least 60 court days or parts of court days in each of the past five years, including time spent performing work for the trial court as an independent contractor.

(3) Court interpreters pro tempore in the same language who have performed work for that trial court for at least 60 court days or parts of court days in at least two of the past four years, including time spent as an independent contractor.

(4) Other applicants.

(c) A trial court may not reject an applicant in favor of an applicant with lower priority except for cause.

(d) For purposes of this section, "for cause" means a fair and honest cause or reason regulated by good faith on the part of the party exercising the power.

(e) Applicants may be required to provide sufficient documentation to establish that they are entitled to priority in hiring. Trial courts shall make their records of past assignments available to interpreters for purposes of obtaining that documentation.

(f) Unless the parties to a dispute agree upon other procedures after the dispute arises, or other procedures are provided in a memorandum of understanding or agreement with a recognized employee organization, disputes about whether this section has been violated shall be resolved by binding arbitration through the California State Mediation and Conciliation Service.

(g) Subdivision (b) shall become inoperative on January 1, 2007, unless otherwise provided by a memorandum of understanding or agreement with a recognized employee organization, and on and after that time hiring shall be in accordance with the personnel rules of the trial court.

(h) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

SEC. 12. Section 71806 is added to the Government Code, to read:

71806. (a) Trial courts in the region may employ certified and registered interpreters to perform spoken language interpretation for the trial courts in full-time, part-time, or intermittent, part-time interpreter positions created by the trial courts.

(b) For purposes of hiring interpreters for full-time or part-time positions, unless otherwise provided in a memorandum of understanding or agreement with a recognized employee organization, trial courts shall consider applicants, who shall be eligible for full-time or part-time positions, in the following order of priority:

(1) Intermittent, part-time interpreters in the same language who have performed work for that trial court for at least 150 court days or parts of court days during any calendar year, including time spent performing work for the trial court as an independent contractor.

(2) Intermittent, part-time interpreters in the same language who have performed work for that trial court for at least 60 court days or parts of court days during any calendar year, including time spent performing work for the trial court as an independent contractor.

(3) Other applicants.

(c) A trial court may not reject an applicant in favor of an applicant with lower priority except for cause.

(d) For purposes of this section, "for cause" means a fair and honest cause or reason regulated by good faith on the part of the party exercising the power.

(e) Applicants may be required to provide sufficient documentation to establish that they are entitled to priority in hiring. Trial courts shall make their records of past assignments available to interpreters for the purpose of obtaining that documentation.

(f) Unless the parties to a dispute agree upon other procedures after the dispute arises, or other procedures are provided in a memorandum of understanding or agreement with a recognized employee organization, disputes about whether this section has been violated shall be resolved by binding arbitration through the California State Mediation and Conciliation Service.

(g) This section shall become operative on January 1, 2025.

SEC. 13. Section 71808 of the Government Code is amended to read:

71808. (a) The regional court interpreter employment relations committee shall set terms and conditions of employment for court interpreters within the region, subject to meet and confer in good faith. These terms and conditions of employment, when adopted by the regional committee, shall be binding on the trial courts within the region. Compensation shall be uniform throughout the region. Unless otherwise provided in a memorandum of understanding or agreement with a recognized employee organization, other terms and conditions of employment shall be uniform throughout the region, except that health and welfare and pension benefits may be the same as those provided to other employees of the same trial court.

(b) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

SEC. 14. Section 71808 is added to the Government Code, to read:

71808. (a) The regional court interpreter employment relations committee shall set terms and conditions of employment for court interpreters within the region, including, but not limited to, hourly rates of pay, subject to meet and confer in good faith. These terms and conditions of employment, when adopted by the regional committee, shall be binding on the trial courts within the region. Hourly rates of pay shall be uniform throughout the region. Unless otherwise provided in a memorandum of understanding or agreement with a recognized employee organization, other terms and conditions of employment shall be uniform throughout the region, except that health and welfare and pension benefits may be the same as those provided to other employees of the same trial court.

(b) Trial courts may set additional local compensation, subject to meet and confer in good faith between the trial court and the recognized employee organization. An agreement establishing local compensation shall be between the trial court and the recognized employee organization, and shall not modify the terms of a regional memorandum of understanding or agreement between the regional court interpreter employment relations committee and the recognized employee organization.

(c) This section shall become operative on January 1, 2025.

SEC. 15. Section 71812.5 of the Government Code is amended to read:

71812.5. (a) Court interpreters employed by the trial courts shall be permitted to engage in outside employment or enterprises, except where that activity would violate the professional conduct requirements set forth in Rule 2.893 of the California Rules of Court, would interfere with the employee's performance of their duties for the trial courts, or would be incompatible, inconsistent, or in conflict with the duties performed by the employee for the trial courts.

(b) Unless the parties consent, an interpreter may not be appointed by the trial court to interpret in a proceeding after having previously interpreted on behalf of one of the parties, rather than on behalf of the court, in that same matter. An interpreter shall disclose that type of prior involvement to the trial court.

(c) An interpreter employed by a trial court is prohibited from doing any of the following:

(1) Receiving or accepting, directly or indirectly, a gift, including money, service, gratuity, favor, entertainment, hospitality, loan, or any other thing of value from anyone who is doing or seeking to do business of any kind with the trial court or whose activities are regulated or controlled in any way by the trial court, under circumstances from which it reasonably could be inferred that the gift was intended to influence the employee in the performance of their official duties or was intended as a reward for official action of the employee.

(2) Using confidential information acquired by virtue of trial court employment for the employee's private gain or advantage, or for the private gain or advantage of another, or to the employer's detriment.

(3) Using trial court facilities, equipment, or supplies for personal gain or advantage or for the private gain or advantage of another.

(4) Using the prestige or influence of trial court office or employment for personal gain or advantage or advantage of another.

(5) Using the trial court's electronic mail facilities to communicate or promote personal causes or gain.

SEC. 16. Section 71828 of the Government Code is amended to read:

71828. (a) This chapter does not apply to trial courts in Solano and Ventura Counties. Labor and employment relations for court interpreters employed by trial courts in Solano and Ventura Counties shall remain subject to the Trial Court Employment Protection and Governance Act (Chapter 7 (commencing with Section 71600)), and nothing in this chapter shall be construed to affect the application of that act to court interpreters employed by those counties.

(b) If an interpreter employed by a trial court in a different county accepts a temporary appointment to perform services for a trial court in Solano or Ventura County, the interpreter shall be treated for purposes of compensation, employee benefits, seniority, and discipline and grievance procedures, as having performed the services in the trial court in which the interpreter is employed.

(c) If an interpreter employed by a trial court in Solano or Ventura County accepts a temporary appointment to perform services for another trial court, the interpreter shall be treated for purposes of compensation, employee benefits, seniority, and discipline and grievance procedures, as having performed the services in the trial court in which the interpreter is employed.

(d) This chapter also does not apply to court interpreters who have been continuously employed by a trial court in any county beginning prior to September 1, 2002, and who are covered by a memorandum of understanding or agreement entered into pursuant to the Trial Court Employment Protection and Governance Act (Chapter 7 (commencing with Section 71600)), and to future employees hired in the same positions as replacements for those employees. For any other certified or registered interpreters hired by trial courts as employees prior to December 31, 2002, the trial courts may not change existing job classifications and may not reduce their wages and benefits during the regional transition period or during the term of an existing contract, whichever is longer.

(e) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

SEC. 17. Section 71828 is added to the Government Code, to read:

71828. (a) This chapter does not apply to trial courts in Solano and Ventura Counties. Labor and employment relations for court interpreters employed by trial courts in Solano and Ventura Counties shall remain subject to the Trial Court Employment Protection and Governance Act (Chapter 7 (commencing with Section 71600)), and nothing in this chapter shall be construed to affect the application of that act to court interpreters employed by those counties.

(b) If an interpreter employed by a trial court in a different county accepts a temporary appointment to perform services for a trial court in Solano or Ventura County, the interpreter shall be treated for purposes of compensation, employee benefits, seniority, and discipline and grievance procedures, as having performed the services in the trial court in which the interpreter is employed.

(c) If an interpreter employed by a trial court in Solano or Ventura County accepts a temporary appointment to perform services for another trial court, the interpreter shall be treated for purposes of compensation, employee benefits, seniority, and discipline and grievance procedures, as having performed the services in the trial court in which the interpreter is employed.

(d) This chapter also does not apply to court interpreters who have been continuously employed by a trial court in any county beginning prior to September 1, 2002, and who are covered by a memorandum of understanding or agreement entered into pursuant to the Trial Court Employment Protection and Governance Act (Chapter 7 (commencing with Section 71600)), and to future employees hired in the same positions as replacements for those employees unless the position has remained vacant for one year or more. For any other certified or registered interpreters hired by trial courts as employees prior to December 31, 2002, the trial courts may not change existing job classifications and may not reduce their wages and benefits during the regional transition period or during the term of an existing contract, whichever is longer.

(e) This section shall become operative on January 1, 2025.

SEC. 18. Section 71829 of the Government Code is amended to read:

71829. (a) The trial courts shall provide to the Judicial Council on or before March 1, 2003, a list of certified and registered court interpreters appointed by the trial courts as independent contractors between January 1, 2002, and January 1, 2003, including the number of court days or parts of court days those interpreters have been appointed by each trial court during that year and each of the prior four years. The Judicial Council shall provide this list to registered employee organizations.

(b) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

SEC. 19. Chapter 7.7 (commencing with Section 71900) is added to Title 8 of the Government Code, to read:

CHAPTER 7.7. Judicial Council Court Interpreter Workforce Study

71900. (a) On or before January 1, 2026, the Judicial Council shall conduct a court interpreter workforce study and provide recommendations to the Legislature regarding court interpreter availability and the future court interpreter workforce.

(b) The Judicial Council shall work in collaboration with key stakeholder groups, including exclusively recognized employee organizations representing court interpreters and trade associations representing independent court interpreters.

(c) The report to be submitted pursuant to this section shall be submitted in compliance with Section 9795.