



National Association of Judiciary Interpreters & Translators
2002 Summit Blvd., Suite 300
Atlanta, GA 30319
Tel: 404-566-4705 ~ www.najit.org

June 26, 2019

On behalf of our members in California, the Board of Directors of the National Association of Judicial Interpreters and Translators respectfully requests that you give serious consideration to the detrimental effect AB5 would have on freelance interpreters and translators if they were not exempted from its application.

Currently, government agencies and insurance companies put interpreting services contracts out for bid in accordance with their needs. Interpreting agencies, many of which are interpreter-owned, must commit to supplying interpreting services of the highest professional quality in a variety of languages to be awarded these contracts. Under AB5, any agency solely specializing in the provision of interpreting services will be forced into an employer-employee relationship with every single interpreter hired for the duration of the contract, thus creating a highly complicated and impractical situation for all parties involved.

Interpreters who are certified and registered by the Judicial Council make their services available to a multitude of agencies each serving different contracts and clients, in addition to working for the Superior court system and in some cases the Federal court system. As freelance interpreters they are able to accept or turn down work as they see fit, market their own specializations, pay for and take their own continuing education courses and pay necessary fees to the State of California to maintain their certification or registration.

We understand that AB5 seeks to address misclassification of workers who should be considered employees rather than independent contractors. Indeed, there may be a few instances where interpreters working solely for a single agency would benefit from the proposed provisions of AB 5. The vast majority of independent interpreters and translators, however, are deeply concerned that their ability to provide services to a variety of businesses will be adversely affected, whether these entities be interpreting agencies (third parties) or direct clients.

As an association, we are very concerned that certain business entities will gain an advantage under AB5, and that it will ultimately create an outflow of business for California. As it is, many insurance companies have been contracting with Florida-based agencies to provide interpreting services in California. AB5 would also give an unfair advantage to non-interpreter and non-translator owned businesses as they would not have to meet the additional requirements that would be imposed on local businesses owned by industry stakeholders. In an effort to skirt the requirement that contractors providing the same service as the central service of the company that has hired them be considered employees, we foresee court reporting firms taking on the contracting of interpreting and translation services without having a full understanding of what this specialized work entails.



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By and large, freelance interpreters and translators offer B to B (business to business) services and should not be classified as part of what is known as the “gig-economy”. Like other professionals such as lawyers, architects, or accountants, we provide our professional services either as employees or as independent contractors to numerous clients as we choose.

We respectfully urge that an exemption for freelance interpreters and translators be added to AB5, to allow these professionals to continue to provide their highly specialized skills as true independent contractors.

Sincerely,

Aimee Benavides
Chair, NAJIT Board of Directors