



What can I do about mandatory employee classification legislation in my state?

Contact your state legislators and demand an exemption for interpreters and translators.

Constituent-driven advocacy is how ordinary citizens hold lawmakers accountable to their constituents. YOUR active involvement with the lawmakers who work for you is necessary to protect your freedom to work as an independent contractor.

By taking informed, strategic action in your district and state capital, you can make the policy process produce the results you need to protect the integrity of our professions, the survival of our operations, and the communities we serve.

What steps should I take?

Communicate with and visit your lawmakers by following the steps below.

1. Look up the title/designation of the mandatory employee classification legislation in your state. See the attached sheet for information on how and where to find this information.
2. Look up your state lawmakers and their local district offices here:
https://openstates.org/find_your_legislator

Enter your address in the search bar, and your elected representative to the lower and upper chambers of your state legislature will be displayed. Open each link in a new window/tab to view and copy the contact data for your state representative, assemblyperson, delegate or senator. Make a note of their email address and the phone number and location of their local office.

Your representative AND senator need to hear from you. They and their staff can do their job best when they understand what affects you most.

3. Call and arrange a meeting with your lawmakers. Fridays are often the best days because they are typically in their local district offices.

Depending on your representative's schedule, you may not meet them personally but with a legislative aide instead. If so, treat them just as you would your representative. These aides are often the "gatekeepers" and have a lot of influence on their bosses. If an in-person meeting is not possible/practical for you, send them an email expressing your concerns and asking them to take specific actions.

4. Before you go, hone YOUR 3-part message:

- **Tell your story** about who you are and how your profession serves the community. Be prepared to explain how the translation and interpreting industry and professions work, how many agencies you work for during a year, and why the independent contractor/agency model works best for you and for agencies and end clients.

Tell them if you have received notifications from agencies informing you that they will no longer work with you at all (or only if you incorporate).

- **Explain how and why** you are or will be harmed without an explicit exemption from the scope of the law or proposed bill; how it threatens upheaval of your livelihood and those you serve; and why its implementation and enforcement would disrupt and damage your operations and language service occupations in your state. Discuss the loss of business and other economic impacts of mandatory employee classification, e.g., loss of a SEP-IRA retirement option or previously fully deductible business deductions that would now be limited as an employee's "unreimbursed business expenses".
- **Ask your lawmakers** what they will do to address this need immediately.

5. Finally, report back to ATA about your experience. Please send an email summarizing your meeting and the reaction of your representatives to Advocacy@atanet.org.

Thank you for taking action to protect our professions and our livelihoods.



Ted R. Wozniak
President, American Translators Association

Finding existing or proposed legislation on worker classification.

A Department of Labor list of 2019 classification schemes used to determine of unemployment insurances in each state has been posted on ATA's website. See [Determination Employer-Employee Relationship](#).

The situation is changing rapidly as legislatures are moving quickly to follow California's lead. The information in this Department of Labor document may already be out of date, or there may be legislative proposals to change the scheme.

Use the tips below to determine the state of affairs in your state.

1. Try using Google. Search for “mandatory employee classification” plus your state.
2. Use [WorkerClassification.com](#). Click on State Resources, then your state, to see existing and/or proposed legislation and news on worker classification.

Note that different legislation and classification tests may apply for different purposes, e.g., unemployment insurance and workers’ compensation. California AB5 and similar legislation mandates uniform application of the ABC Test for most purposes.

3. Use [Congress.gov](#) to find the website for your state legislature. Then use the search function to browse for pending legislation using keywords such as “worker classification” or “independent contractors” or “ABC test”.

Sample talking points for conversations or letters to legislators

(may be adapted into a call script)

- **Vulnerable populations will suffer the most from an ABC test without a language industry exemption.**

With at least 500 languages spoken in the US, the potential impact to vulnerable populations would be catastrophic. Should there be a significant reduction in the availability of language services, in particular on the interpreting side, and if companies are forced into the employee model, they will be much less likely to contract people to work in rare languages, since the need for them is much more infrequent than the more common languages. Immigrants and refugees would have more difficulty in receiving services at hospitals, schools or in legal settings. **Rising costs will put seemingly unrelated sectors at risk of violating federal law.**

As you may know, Title VI of the Civil Rights Act of 1964 prohibits recipients of federal financial assistance from discriminating based on national origin by, among other things, failing to provide meaningful access to individuals who are limited English proficient (LEP). This is serious considering that countless industries including healthcare, law enforcement and finance, which receive federal dollars, rely on language companies to comply with language access laws and facilitate best practices. By dismantling the language industry's IC model, an ABC test will have unintended consequences for seemingly unrelated industries as they scramble to fill the void.

- **Without a language exemption, an ABC test is unfair to businesses and workers.**

Given all of the costs and administrative requirements associated with employees, an ABC test places our industry at a competitive disadvantage. If a worker is classified as an employee, the employer suddenly bears the responsibility of (1) paying Social Security and payroll taxes, (2) unemployment insurance taxes and state employment taxes, (3) providing worker's compensation insurance, (4) and navigating state and federal statutes governing the wages, hours, and working conditions of employees. Translators and interpreters themselves are educated, highly-experienced, highly-trained, and often certified individuals performing highly-specialized and professional services, who average \$40/hour in the private marketplace.