

Multiple Agency Fiscal Note Summary

Bill Number: 1891 E HB	Title: Employee protections/WISHA
-------------------------------	--

Estimated Cash Receipts

Agency Name	2013-15		2015-17		2017-19	
	GF- State	Total	GF- State	Total	GF- State	Total
Department of Social and Health Services	0	66,000	0	66,000	0	66,000
Total \$	0	66,000	0	66,000	0	66,000

Estimated Expenditures

Agency Name	2013-15			2015-17			2017-19		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
Board of Industrial Insurance Appeals	.0	0	5,000	.0	0	5,000	.0	0	5,000
Washington State Patrol	1.5	52,400	224,000	1.5	50,200	214,400	1.5	50,200	214,400
Department of Labor and Industries	1.1	0	232,000	1.1	0	218,000	1.1	0	218,000
Department of Social and Health Services	2.0	306,000	372,000	2.0	306,000	372,000	2.0	306,000	372,000
Department of Corrections	Fiscal note not available								
Department of Transportation	Fiscal note not available								
Department of Ecology	Fiscal note not available								
Total	4.6	\$358,400	\$833,000	4.6	\$356,200	\$809,400	4.6	\$356,200	\$809,400

Estimated Capital Budget Impact

NONE

Purpose of Revision: DSHS added additional workload explanation to justify the identified resources needed. In addition, WSP prepared a requested fiscal note for this bill.

* See Office of the Administrator for the Courts judicial fiscal note

** See local government fiscal note

FNPID 35431

FNS029 Multi Agency rollup

Prepared by: Tristan Wise, OFM	Phone: (360) 902-0538	Date Published: Revised 4/ 2/2013
---------------------------------------	---------------------------------	---

* See Office of the Administrator for the Courts judicial fiscal note

** See local government fiscal note

FNPID 35431

Individual State Agency Fiscal Note

Bill Number: 1891 E HB	Title: Employee protections/WISHA	Agency: 100-Office of Attorney General
-------------------------------	--	---

Part I: Estimates

☒ No Fiscal Impact

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- ☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

Legislative Contact: Mary Mulholland	Phone: 360-786-7391	Date: 03/12/2013
Agency Preparation: Toni Ursich	Phone: (509) 456-3123	Date: 03/15/2013
Agency Approval: Brendan VanderVelde	Phone: 360 586-2104	Date: 03/15/2013
OFM Review: David Dula	Phone: (360) 902-0547	Date: 03/15/2013

Request # 13-058 B-1

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

No fiscal impact. This legislation will not generate any costs or savings for the Attorney General's Office.

Section 1 amends RCW 49.17.160, extending the time within which a person who believes she or he has been discriminated against under this section may file a complaint with the Director of Labor and Industries (Director) from 30 to 180 days.

Section 2 adds a new section to chapter 49.17 RCW.

Section 2(1) requires the Director to, upon request: (a) Meet with the victim or the victim's representative regarding the inspection or investigation conducted under this chapter concerning an employee's serious physical harm. Reasonable efforts must be made to arrange for the meeting to take place before the Director decides whether to issue a citation. (b) Provide to the victim or victim's representative, at no cost, a copy of any citation or report issued, notification of any appeal filed regarding a citation, and an explanation of the rights of employees and employee representatives to participate in the proceedings. (c) Provide the victim or victim's representative the opportunity to appear and make a statement before the parties at proceedings during reassumption of jurisdiction by the Director or appeal before the Board of Industrial Insurance Appeals regarding any violations associated with the fatality or hospitalization. This opportunity must be provided before the Director enters an agreement to withdraw or modify a citation associated with such violation or to reduce an associated penalty.

Section 2(2) requires the Director to establish procedures to inform victims and their representatives of their rights under this section and for the informal review of any claim of a denial of such right. These rules shall ensure insofar as possible that the issuance of a citation following a workplace fatality or hospitalization is not unduly delayed in order for the Director to meet with the victim or victim's representative.

Section 4 adds a new section to chapter 49.17 RCW, requiring employers to provide identified information about workplace safety to each employee at the time of hiring and requiring the Department of Labor and Industries (L&I) to develop and make available materials to assist employers with implementing this section.

Section 5, a new section, provides that the Washington Industrial Safety and Health Act (WISHA) Advisory Committee (Committee) shall continue its work of reviewing and making recommendations regarding civil penalties under the WISHA to ensure that penalty assessments meet the requirements of the Occupational Safety and Health Act of 1970 (OSHA). The Committee shall also review statutory penalties. The Department of Labor and Industries (L&I) must report to the legislature, by December 1, 2013, regarding these Committee recommendations.

This bill is assumed effective 90 days after the end of the 2013 legislative session.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

Request # 13-058 B-1

None.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

None.

Part III: Expenditure Detail

Part IV: Capital Budget Impact

NONE

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.

None.

Individual State Agency Fiscal Note

Bill Number: 1891 E HB	Title: Employee protections/WISHA	Agency: 190-Board of Indust Insurance Appeals
-------------------------------	--	--

Part I: Estimates

☐

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

	FY 2014	FY 2015	2013-15	2015-17	2017-19
Account					
Accident Account-State 608-1	1,250	1,250	2,500	2,500	2,500
Medical Aid Account-State 609-1	1,250	1,250	2,500	2,500	2,500
Total \$	2,500	2,500	5,000	5,000	5,000

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

☐

If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.

☒

If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).

☐

Capital budget impact, complete Part IV.

☐

Requires new rule making, complete Part V.

Legislative Contact: Mary Mulholland	Phone: 360-786-7391	Date: 03/12/2013
Agency Preparation: William Chase	Phone: 360-753-2790	Date: 03/18/2013
Agency Approval: Bob Liston	Phone: 360-753-6823	Date: 03/18/2013
OFM Review: Tristan Wise	Phone: (360) 902-0538	Date: 03/18/2013

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

HB 1891 provides the victim opportunity to appear/make statement in death or serious injury incident

This bill amends the Washington Industrial Safety and Health Act (WISHA). Section 2 of this legislation provides an opportunity for victims to appear and make a statement before the parties on an appeal before the Board of Industrial Insurance Appeals (BIIA) where a citation and notice was issued as a result of a serious injury or death.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

The BIIA estimates that this legislation will impact 2-3 % of our WISHA cases per year. The BIIA will incur approximately \$2,500 per year in additional costs for these cases including expenses related to court reporting and resources necessary to hold an extra conference.

Part III: Expenditure Detail

III. A - Expenditures by Object Or Purpose

	FY 2014	FY 2015	2013-15	2015-17	2017-19
FTE Staff Years					
A-Salaries and Wages					
B-Employee Benefits					
C-Professional Service Contracts					
E-Goods and Other Services	2,500	2,500	5,000	5,000	5,000
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total:	\$2,500	\$2,500	\$5,000	\$5,000	\$5,000

Part IV: Capital Budget Impact

NONE

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Bill Number: 1891 E HB	Title: Employee protections/WISHA	Agency: 225-Washington State Patrol
-------------------------------	--	--

Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

	FY 2014	FY 2015	2013-15	2015-17	2017-19
FTE Staff Years	1.5	1.5	1.5	1.5	1.5
Account					
General Fund-State 001-1	27,300	25,100	52,400	50,200	50,200
State Patrol Highway Account-State 081-1	89,500	82,100	171,600	164,200	164,200
Total \$	116,800	107,200	224,000	214,400	214,400

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- ☒ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

Legislative Contact: Mary Mulholland	Phone: 360-786-7391	Date: 03/12/2013
Agency Preparation: Shawn Eckhart	Phone: 360-596-4080	Date: 04/02/2013
Agency Approval: Bob Maki	Phone: (360) 596-4045	Date: 04/02/2013
OFM Review: Alyson Cummings	Phone: 360-902-0576	Date: 04/02/2013

Request # 0105-1

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

Section 3 of EHB 1891 applies to employers required by law, or opting, to establish a safety committee. The employer must provide at least eight hours of safety and health training to members of the safety committee within three months of appointment to the committee, and annually thereafter. The training must include hazard identification and control, and must meet requirements established by the Department of Labor & Industries (L&I). The training shall be in addition to and may be combined with training programs provided to all employees.

The safety committee is required to identify sources of danger or hazards to workers, make recommendations to improve the safety and health of workers, and make recommendations on the establishment, maintenance, and monitoring of safety and health programs, measures and procedures. The employer is required to respond in writing to the safety committee within 21 calendar days after receiving the recommendations.

Every three months, at least one employer and one employee member of the safety committee shall conduct inspections of the physical conditions of the workplace, as well as the equipment, work methods, and work practices, to ensure that prompt action is taken to correct any hazardous conditions that had been found. Written reports are required to be provided to, and reviewed by, the full safety committee within 45 days of the inspection's completion.

Section 4 requires that the employer provide to each new employee at the time of hiring, and prior to beginning work, written information about all employee rights per chapter 49.17 RCW. The section lists the minimum rights that must be included.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

There are no provisions to cash receipts to the Washington State Patrol (WSP) from EHB 1891.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

According to WAC 296-800-13020, WSP is required to have safety committees. Pursuant to that, WSP currently has 13 safety teams, one for each of the eight field operations districts throughout the state, one for Olympia where many centralized divisions and sections are located, and one each at the Crime Laboratory Division, Information Technology Division, Criminal Records Division, and Property Management Division.

Committee membership varies in size from six to 18 members and averages about 150 members throughout the agency. The positions of members range from Office Assistant 3s to Captains and Division Commanders, with corresponding pay scales ranging from ~\$2,700 to ~\$8,900 per month. The average regular time salary and benefits of the members of the largest safety committee (Olympia) is about \$39 per hour, or \$50 per hour with indirect costs.

Currently, it is not known what the training requirements for the safety committee members will be. If there is no overlap with safety training offered by the agency to all employees, the impact could be as follows:

150 committee members x 8 hours X \$50 per hour = \$60,000 per year. The training impact is equivalent to about 0.81 FTEs (includes 0.24 FTEs for indirect).

The proposed legislation requires quarterly inspections with written reports to ensure that prompt action is taken to correct any hazardous condition that had been found. We assume that one of the four quarterly inspections will be done concurrently with our current more thorough annual inspections. Assuming the inspections and reports take an hour to complete and two employees are involved, the impact is as follows:

13 teams x 2 employees x 3 hours (1 hour x 3 quarters) x \$50 = \$3,900. This equivalent to 0.05 FTEs (includes 0.01 FTE for indirect).

A 0.5 FTE of an Office Assistant 3 for the Human Resource Division is needed to assist in research, filing documentation, uploading to and maintenance of the SharePoint site, answering questions, and ensuring WSP is meeting the filing requirements and posting requirements by keeping an inspection log. The cost for this position is \$52,900 in FY2014 and \$43,300 annually thereafter. These costs include indirect which is equivalent to 0.17 of an FTE. Estimates for goods and services, travel and equipment are based on our rule-of-thumb costs per FTE, which are derived from historical expenditures.

We assume that materials required to implement Section 4 will be provided by L&I.

We assume this bill will be effective July 1, 2014.

WSP's federal indirect cost rate beginning in FY 2014 is 28.13%, as recently approved by the Department of Justice. This rate is calculated on all categories of expenditures except capitalized equipment and is to cover support costs associated with this proposed bill. Support costs include items such as computer and telecommunications support, processing payroll and vendor payments, administering contracts, ordering, accounting for and distribution of supplies, and human resource services. These costs are reflected in this fiscal note under the category Administrative Costs.

The funds for training and inspections are distributed by the ratio of carry-forward level funding of General Fund and State Patrol Highway Account in the 2013-15 Biennium. The funds for the 0.5 FTE in the Human Resource Division are distributed between General Fund and State Patrol Highway Account per the cost allocation model submitted and approved by the legislature in the 2012 Supplemental Budget.

Part III: Expenditure Detail

III. A - Expenditures by Object Or Purpose

	FY 2014	FY 2015	2013-15	2015-17	2017-19
FTE Staff Years	1.5	1.5	1.5	1.5	1.5
A-Salaries and Wages	56,000	56,000	112,000	112,000	112,000
B-Employee Benefits	23,100	23,200	46,300	46,400	46,400
C-Professional Service Contracts					
E-Goods and Other Services	3,000	2,800	5,800	5,600	5,600
G-Travel	600	600	1,200	1,200	1,200
J-Capital Outlays	10,600	1,100	11,700	2,200	2,200
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-Administrative Costs	23,500	23,500	47,000	47,000	47,000
Total:	\$116,800	\$107,200	\$224,000	\$214,400	\$214,400

III. B - Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2014	FY 2015	2013-15	2015-17	2017-19
Office Assistant 3	2,856	0.9	0.9	0.9	0.9	0.9
various	5,257	0.6	0.6	0.6	0.6	0.6
Total FTE's	8,113	1.5	1.5	1.5	1.5	1.5

Part IV: Capital Budget Impact

NONE

EHB 1891 does not impact WSP's capital budget.

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.

EHB 1891 does not require rule changes for WSP.

Individual State Agency Fiscal Note

Bill Number: 1891 E HB	Title: Employee protections/WISHA	Agency: 235-Department of Labor and Industries
-------------------------------	--	---

Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

	FY 2014	FY 2015	2013-15	2015-17	2017-19
FTE Staff Years	1.1	1.1	1.1	1.1	1.1
Account					
Accident Account-State 608-1	105,000	93,000	198,000	186,000	186,000
Medical Aid Account-State 609-1	18,000	16,000	34,000	32,000	32,000
Total \$	123,000	109,000	232,000	218,000	218,000

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- ☒ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

Legislative Contact: Mary Mulholland	Phone: 360-786-7391	Date: 03/12/2013
Agency Preparation: Jeri Deuel	Phone: 360-902-6982	Date: 03/14/2013
Agency Approval: Roger Wilson	Phone: 360-902-6698	Date: 03/14/2013
OFM Review: Tristan Wise	Phone: (360) 902-0538	Date: 03/15/2013

Request # EHB 1891-1

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

See Attachment

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

None

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

See Attachment

Part III: Expenditure Detail

III. A - Expenditures by Object Or Purpose

	FY 2014	FY 2015	2013-15	2015-17	2017-19
FTE Staff Years	1.1	1.1	1.1	1.1	1.1
A-Salaries and Wages	58,157	58,157	116,314	116,314	116,314
B-Employee Benefits	21,589	21,589	43,178	43,178	43,178
C-Professional Service Contracts					
E-Goods and Other Services	28,725	23,725	52,450	47,450	47,450
G-Travel	5,529	5,529	11,058	11,058	11,058
J-Capital Outlays	9,000		9,000		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total:	\$123,000	\$109,000	\$232,000	\$218,000	\$218,000

III. B - Detail: List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA

Job Classification	Salary	FY 2014	FY 2015	2013-15	2015-17	2017-19
Fiscal Analyst 2	40,524	0.1	0.1	0.1	0.1	0.1
Safety and Health Specialist 2	54,504	1.0	1.0	1.0	1.0	1.0
Total FTE's	95,028	1.1	1.1	1.1	1.1	1.1

Part IV: Capital Budget Impact

NONE

None

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.

See Attachment

Part II: Explanation

This bill amends the Washington Industrial Safety and Health Act (WISHA) as follows:

- Increases the time to file a WISHA discrimination complaint from 30 days to 180 days.
- Adds new section creating rights for victims who sustained workplace injuries that resulted in death or in-patient hospitalization and victim's families regarding inspections and citations. It allows the victim or victim's representative an opportunity to make a statement at proceedings during reassumption or appeal before the Board of Industrial Insurance Appeals regarding violations associated with fatality or hospitalization.
- Add new employer requirements related to safety committees:
 - Requires employers to provide eight hours of training for safety committee members upon appointment and annually including training on hazard identification and control; trainers and class content must meet requirements established by the Department of Labor and Industries (L&I).
 - Set minimal requirements for safety committee duties and employer responsibilities for safety committee activities.
 - Requires employers to ensure at least one employer and one employee on the safety committee, conduct inspections at least once every three months and document findings in writing.
- Requires all employers provide written information about all employee rights related to workplace safety and health to each new employee at the time of hiring and prior to beginning work.
- Adds requirements that the WISHA Advisory Committee to continue its work reviewing and making recommendations regarding civil penalties to assure that the assessment of civil penalties meets federal recommendations. It directs the WISHA Advisory Committee to review statutory civil penalties and make recommendation regarding any changes to civil penalties.
- Requires L&I report on the WISHA Advisory Committee recommendations to the legislature by December 1, 2013.

This bill takes effect 90 days from sine die.

The difference from EHB 1891 to HB 1891 is:

- Modifies the victim rights provision to clarify that:
 1. To be a "victim," the serious physical harm must have resulted in death or in-patient hospitalization.
 2. Alternatives to live meetings may be used.
 3. When a victim or victim representative requests a meeting regarding an inspection or investigation, L&I must make reasonable efforts to arrange for the meeting to take place before deciding whether or not to issue a citation.
 4. The opportunity to appear and make a statement with respect to violations is associated with the fatality or hospitalization. This opportunity is to be provided at proceedings during reassumption or at appeal before the Board of Industrial Insurance Appeals. During these proceedings an agreement can be made to withdraw or modify a related violation or reduce an associated penalty, rather than during settlement negotiations.
 5. L&I must adopt rules regarding rights of victims and the informal review of denials. The rules must ensure as far as possible that the issuance of a citation following a death or hospitalization is not unduly delayed for a meeting with a victim or representative.
- Removes the changes to civil and criminal penalties.
- Adds requirement that the WISHA Advisory Committee continue its work of reviewing and making recommendations regarding civil penalties to assure that the assessment of civil penalties meets federal requirements. Also directs the WISHA Advisory Committee to review statutory civil penalties and make recommendations regarding any changes to civil penalties.
- Requires L&I report on the WISHA Advisory Committee recommendations to the legislature by December 1, 2013.

II. A – Brief Description of What the Measure Does that Has Fiscal Impact

Section 1 – Increases the time to file a WISHA discrimination complaint from 30 days to 180 days.

Section 2 – Adds new section to WISHA on victim's rights which:

- Defines victim as an employee who has sustained serious physical harm resulting in death or in-patient hospitalization that is subject to an inspection or investigation, or a family member acting on their behalf if the employee is killed or cannot reasonably exercise their rights subject to an inspection or investigation.
- Requires L&I, upon request, to meet with the victim or victim's representative regarding the inspection or investigation and requires reasonable efforts be made for the meeting to take place before deciding whether to issue any citation. It allows for alternatives to a live meeting to be used.
- Requires procedures be established to inform victims and their representatives of their rights under this section and for the informal review of any claim of a denial of such rights. The rules must ensure as far as possible that the issuance of a citation following a death or hospitalization is not unduly delayed for a meeting with the victim.

It also requires L&I to provide to the victim or victim's representative:

- A copy of the citation and notice as a result of the inspection or investigation at no cost.
- Notification of any appeal.
- An explanation of the rights of employees and employee representative to participate in the proceedings.
- An opportunity to appear and make a statement before the parties at proceeding during reassumption of jurisdiction or appeal before the Board of Industrial Insurance Appeals regarding any violation associated with the fatality or hospitalization. This must be provided before an agreement is made to withdraw or modify a violation associated with the fatality or hospitalization or reduce associated penalties. Alternative to live appearances may be used.

Section 3- Adds new employer requirements related to safety committees:

- Requires employers to provide eight hours of training for safety committee members upon appointment and annually including training on hazard identification and control; trainers and class content must meet requirements established by L&I.
- Set minimal requirements for safety committee duties and employer responsibilities for safety committee activities.
- Requires employers to ensure at least one employer and one employee on the safety committee conduct inspections at least once every three months and document findings in writing.

Section 4 – Requires all employers to provide to each new employee, at the time of hiring and prior to beginning work, written information about all employee rights related to workplace including the following:

- The right to request a workplace inspection
- The right to receive information and training about workplace hazards
- The right to receive copies of test results done to find hazards in the workplace
- The right to review records of work-related injuries and illnesses
- The right to get copies of medical records
- The right to exercise these rights without fear of retaliation or discrimination

Requires L&I to develop and make available materials to assist employers with implementing this section.

Section 5 – Adds a requirement that the WISHA Advisory Committee continue its work of reviewing and making recommendation regarding civil penalties to assure that the assessment of civil penalties meets federal requirements. It also directs the WISHA Advisory Committee to review statutory penalties and make recommendation regarding any changes to civil penalties.

Requires L&I to report to the Legislature by December 1 2013, regarding:

- The WISHA Advisory Committee recommendations and L&I steps with respect to assuring the assessment of civil penalties meet federal requirements; and
- The WISHA Advisory Committee recommendation regarding any changes to the statutory civil penalties.

II. B – Cash Receipt Impact

None

II. C – Expenditures

Staffing:

1 Safety and Health Specialist 2

Section 1: Increases the filing time from 30 day to 180 days.

L&I assumes 66 more discrimination investigations a year based on 33 denied complaints in Calendar Year 2012 for filing after the 30 day time period and approximately an equal number, 33, for additional complaints filed because of the additional timeframes. This results in a total of 66 complaints that would require an investigation. On average an investigator can complete approximately six investigations a month. For the 66 estimated complaints L&I would require 1.0 Safety and Health Specialist 2 FTE ($66 / 6 = 11$ months or 11/12 of an FTE rounded to 1).

Section 2:

With the changes in the definition of “victim”, the permitted use of alternatives to live meetings, and with clarification that the victims and their representatives are to be afforded an opportunity to make a statement at proceedings at reassumption or at the Board of Industrial Insurance Appeals with respect to violations associated with the fatality or hospitalization, this section can be accomplished with existing resources.

Section 3:

Establishing requirements for the trainers and class content for the eight hour safety committee training can be done with existing resources. The development of new materials or modification of existing materials relating to effective safety committees, hazard identification and control and posting the material on the L&I web page for use by all employers can be done with existing resources. It is assumed that the requirement to assist employers with implementing the requirements under this section will not require any on-site training or assistance, nor will the material have to be modified to specific industry settings.

Section 4:

The development of new materials or modification of existing materials relating to employee workplace health and safety rights and posting them to the L&I web page for use by all employers can be done with existing resources. It is assumed that the requirement to assist employers with implementing the requirements under this section will not require any on-site training or assistance, nor will the material have to be modified to specific industry settings.

Indirect Costs:

The amount included in this fiscal note for indirect is:

Fund	Name	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
608	Accident Account	\$4,824	\$4,824	\$4,824	\$4,824	\$4,824	\$4,824
609	Medical Aid Account	\$ 851	\$ 851	\$ 851	\$ 851	\$ 851	\$ 851
Total		5,675	\$5,675	\$5,675	\$5,675	\$5,675	\$5,675

We convert the total indirect amount into salary and benefits for partial or full indirect FTEs.

Salary and benefits costs are based on a Financial Analyst 2 (Range 44, Step G).

Part IV: Capital Budget Impact

None

Part V: New Rule Making Required

Rulemaking will be required for:

Section 1: WAC 296-360, Discrimination Pursuant to RCW 49.17.160

Section 2: WAC 296-900-120, Inspections; WAC 296-900-170, Appeals

Section 5: WAC 296-800-130, Safety Committees and Safety Meetings

Section 6: new rules on required information on employee rights for new employees

Individual State Agency Fiscal Note

Bill Number: 1891 E HB	Title: Employee protections/WISHA	Agency: 300-Dept of Social and Health Services
-------------------------------	--	---

Part I: Estimates

☐

No Fiscal Impact

Estimated Cash Receipts to:

ACCOUNT	FY 2014	FY 2015	2013-15	2015-17	2017-19
General Fund-Federal 001-2	33,000	33,000	66,000	66,000	66,000
Total \$	33,000	33,000	66,000	66,000	66,000

Estimated Expenditures from:

	FY 2014	FY 2015	2013-15	2015-17	2017-19
FTE Staff Years	2.0	2.0	2.0	2.0	2.0
Account					
General Fund-State 001-1	153,000	153,000	306,000	306,000	306,000
General Fund-Federal 001-2	33,000	33,000	66,000	66,000	66,000
Total \$	186,000	186,000	372,000	372,000	372,000

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

☒

If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.

☐

If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).

☐

Capital budget impact, complete Part IV.

☐

Requires new rule making, complete Part V.

Legislative Contact: Mary Mulholland	Phone: 360-786-7391	Date: 03/12/2013
Agency Preparation: Debbie Schaub	Phone: 902-8177	Date: 04/02/2013
Agency Approval: Kelci Karl-Robinson	Phone: 360-902-8174	Date: 04/02/2013
OFM Review: Kate Davis	Phone: (360) 902-0570	Date: 04/02/2013

Request # 13EHB1891-2

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

New Section 3

(1) The requirements of this section apply to an employer that is required by law or chooses to establish a safety committee to communicate and evaluate safety and health issues in the workplace.

(2) Employers are required to provide at least 8 hours of safety and health training to members of the safety committee within three months of appointment to the committee and annually thereafter. The training is to include hazard identification and control. Trainers and class content must meet requirements established by Labor & Industries (L&I). The training is to be in addition to or combined with training programs provided to all employees pursuant to the rules for accident prevention programs.

(3) The safety committee is required to:

- Identify situations that may be a source of danger or hazard to workers,
- Make recommendations to the employer and the workers for the improvement of the safety and health of workers.

(4) If the employer receives written recommendations from the Safety Committee, the employer has 21 calendar days to respond in writing.

(5) Requires one employer and one employee member of the safety committee to conduct regular inspections of the physical conditions of the workplace, as well as equipment, work methods, and work practices, and ensure that prompt action is taken to correct any hazardous condition found. These inspections must be performed no less than once every three months. Written reports of the inspections are required to be provided to the full safety committee for review within 45 days.

This section will require additional staff and related funding to implement the required training at each of the DSHS locations.

New Section 4

Employers are required to provide each new employee at the time of hiring and prior to beginning work written information about all employee rights provided by chapter 49.17, including at least the following rights:

- to request a workplace inspection,
- to receive information and training about workplace hazards,
- receive copies of test results done to find hazards in the workplace,
- review records of work-related injuries and illnesses,
- to get copies of medical records,
- to exercise these right without fear of retaliation or discrimination.

L&I is required to develop and make available materials to assist employers with implementation.

This section has minimal impact on DSHS and would be absorbed within current resources.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

Cash Receipts are assumed to be Title XIX Medicaid federal funds.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

Each DSHS site, with 11 or more employees, is required by law to have a safety committee. Currently, there are no trainings required for safety committee members, most trainings are voluntary. The legislation states that "The training shall be in addition to and may be combined with training programs provided to all employees pursuant to the rules for accident prevention programs." In order to consistently implement and insure the quality of training safety committee members receive the department would need to track trainings that are a part of current trainings curriculum and provide committee member with the newly required trainings. These reviews and additional trainings would need to take place annually at each DSHS site. In addition, new safety committee members are required to have these trainings within three months of appointment to the committee. This may require the new member to travel to a site that is providing the training within the three month time frame.

DSHS has approximately 170 leased facility sites and 20 state owned facilities around the state that would be subject to these new requirements. Many of these site trainings would require traveling to the site, training hours and overnight stays. DSHS is assuming that trainings would be grouped based on geographic locations. An example of this is Spokane. There are eight DSHS sites in Spokane with safety committees that would need the required training conducted each year. It is assumed that there would be one staff sent to Spokane for a week to perform the required training for four of the sites. Another staff trip would be required for the additional four site trainings.

There are approximately 50 leased locations in Region 1 Eastern Washington and 2 institutions.

There are approximately 55 leased locations in Region 2 - Whatcom, Skagit, Snohomish and King Counties and 6 institutions.

There are approximately 60 leased locations in Region 3 - all other Western Washington Counties and 5 institutions. Not all sites would require travel and per diem

Additional staff, 2 Safety Officer 3 positions, are required. These staff will schedule and conduct the required safety committee training at the DSHS sites that are required to have a safety committee, and annually thereafter. They would monitor that all safety committees are appropriately established, meeting reporting requirements, effectively partnering with location management, and that site safety committee members are performing quarterly inspections as required.

See attachment 13 EHB 1891-2 Attachment 1 for actual cost assumptions. See attachment 13 EHB 1891-2 Attachment 2 for a map of Washington with DSHS locations indicated.

Part III: Expenditure Detail

III. A - Expenditures by Object Or Purpose

	FY 2014	FY 2015	2013-15	2015-17	2017-19
FTE Staff Years	2.0	2.0	2.0	2.0	2.0
A-Salaries and Wages	109,000	109,000	218,000	218,000	218,000
B-Employee Benefits	37,000	37,000	74,000	74,000	74,000
C-Professional Service Contracts					
E-Goods and Other Services	15,000	15,000	30,000	30,000	30,000
G-Travel	21,000	21,000	42,000	42,000	42,000
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service	1,000	1,000	2,000	2,000	2,000
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements	3,000	3,000	6,000	6,000	6,000
9-					
Total:	\$186,000	\$186,000	\$372,000	\$372,000	\$372,000

III. B - Detail: List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA

Job Classification	Salary	FY 2014	FY 2015	2013-15	2015-17	2017-19
Safety Officer 2	54,504	2.0	2.0	2.0	2.0	2.0
Total FTE's	54,504	2.0	2.0	2.0	2.0	2.0

III. C - Expenditures By Program (optional)

Program	FY 2014	FY 2015	2013-15	2015-17	2017-19
Administration & Supporting Services (110)	186,000	186,000	372,000	372,000	372,000
Total \$	186,000	186,000	372,000	372,000	372,000

Part IV: Capital Budget Impact

NONE

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.

No required rule changes.

DSHS Staffing and Fiscal Note Model

(last update January 2013)

[Link other working spreadsheets to this page for additional information / costs.](#)

Fiscal Year	FTE	Object A	Object B	Object C	Object E	Object G	Object J	Object N	Object P	Object TZ	Total
Total Fiscal Year 1	2.0	109,000	37,000		15,000	21,000	0		1,000	3,000	186,000
Total Fiscal Year 2	2.0	109,000	37,000		15,000	21,000	0		1,000	3,000	186,000
Biennial Total		218,000	74,000	0	30,000	42,000	0	0	2,000	6,000	372,000

Source of Funds					
Fund	EA Type	Source	% of Total	Fiscal Year 1	Fiscal Year 2
001	1	State	82.00%	153,000	153,000
001	2	Federal	18.00%	33,000	33,000
001	7	Local	0.00%	0	0
Total each Fiscal Year				186,000	186,000
Biennial Total					372,000
Link to OFM Fund Reference Manual: http://www.ofm.wa.gov/fund/default.asp					
Federal Detail					
Fund	Federal Type	Source	% of Total	Fiscal Year 1	Fiscal Year 2
001	0	SSBG	0.00%	0	0
001	A	Fam	0.00%	0	0
001	C	Med	18.00%	33,480	33,480
001	D	TANF	0.00%	0	0
001	2	Other	0.00%	0	0

Travel Assumptions

Per Year	Number/Days	Average Cost	Total
DSHS Region 1 - Eastern Washington			
Flights	10	180	1,800
Motor Pool	50	22	1,100
Mileage	5,000	0.18	880
Average Per Diem	50	82	4,100
			<hr/> 7,880
DSHS Region 2			
Flights	0	180	0
Motor Pool	55	22	1,210
Mileage	4,000	0.18	720
Average Per Diem	55	82	4,510
			<hr/> 6,440
DSHS Region 3			
Flights	0	180	0
Motor Pool	50	22	1,100
Mileage	3,000	0.18	540
Average Per Diem	50	105	5,250
			<hr/> 6,890
Total Estimated Travel Costs			21,210

