

Multiple Agency Fiscal Note Summary

Bill Number: 5258 E S SB	Title: Isolated worker protection
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Estimated Cash Receipts

Agency Name	2019-21		2021-23		2023-25	
	GF- State	Total	GF- State	Total	GF- State	Total
Department of Social and Health Services	0	47,000	0	62,000	0	62,000
Total \$	0	47,000	0	62,000	0	62,000

Estimated Operating Expenditures

Agency Name	2019-21			2021-23			2023-25		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Human Rights Commission	.0	0	0	.0	0	0	.0	0	0
Department of Labor and Industries	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Department of Social and Health Services	.0	99,000	146,000	.0	70,000	132,000	.0	70,000	132,000
Total \$	0.0	99,000	146,000	0.0	70,000	132,000	0.0	70,000	132,000

Estimated Capital Budget Expenditures

Agency Name	2019-21			2021-23			2023-25		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Human Rights Commission	.0	0	0	.0	0	0	.0	0	0
Department of Labor and Industries	.0	0	0	.0	0	0	.0	0	0
Department of Social and Health Services	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Estimated Capital Budget Breakout

NONE

Prepared by: Devon Nichols, OFM	Phone: (360) 902-0582	Date Published: Final 2/21/2019
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* See Office of the Administrator for the Courts judicial fiscal note

** See local government fiscal note

FNPID: 56348

FNS029 Multi Agency rollup

Individual State Agency Fiscal Note

Bill Number: 5258 E S SB	Title: Isolated worker protection	Agency: 120-Human Rights Commission
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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: Jarrett Sacks	Phone: 360-786-7448	Date: 02/19/2019
Agency Preparation: Diann Lewallen	Phone: 360-407-8121	Date: 02/21/2019
Agency Approval: Laura Lindstrand	Phone: 360-753-6770	Date: 02/21/2019
OFM Review: Ramona Nabors	Phone: (360) 902-0547	Date: 02/21/2019

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.

The Washington State Human Rights Commission (WSHRC) enforces RCW 49.60 by investigating claims of discrimination based on protected class. This bill sets forth obligations of certain employers of isolated workers. The bill does not set forth an enforcement mechanism to ensure that these employers comply with these new requirements. The bill does not provide the WSHRC with the authority to investigate or enforce violations of this section against these particular employers in the event that they do not comply with the requirements of the bill. However, the bill does set forth the duty of the Department of Labor and Industries to establish procedures for licensing property service contractors under this bill. In contrast, the bill does not specify any procedures for the WSHRC to follow related to enforcement of this section, or to ensure compliance with employers’ duties under this section. Therefore, we do not believe there will be any fiscal impact on the WSHRC.

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.

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 needed

Individual State Agency Fiscal Note

Bill Number: 5258 E S SB	Title: Isolated worker protection	Agency: 235-Department of Labor and Industries
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Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

Non-zero but indeterminate cost. Please see discussion.

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: Jarrett Sacks	Phone: 360-786-7448	Date: 02/19/2019
Agency Preparation: Shana J Snellgrove	Phone: 360-902-6408	Date: 02/21/2019
Agency Approval: Trent Howard	Phone: 360-902-6698	Date: 02/21/2019
OFM Review: Anna Minor	Phone: (360) 902-0541	Date: 02/21/2019

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 attached.

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.

See attached.

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 attached.

Part III: Expenditure Detail

Part IV: Capital Budget Impact

NONE

See attached.

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 attached.

Part II: Explanation

This bill creates a requirement for every hotel, motel, retail, behavioral health, or custodial employer, or property services contractor, who employs a custodian, security guard, hotel or motel housekeeper, or room service employee who spends a majority of her or his working hours alone or whose primary work responsibility involves working without another coworker present, at a location that is not her or his home to:

- Adopt a sexual harassment policy;
- Provide mandatory training to prevent sexual assault, sexual harassment, and sexual discrimination and educate their workforce on worker protections;
- Provide a list of resources for employees; and
- Provide a panic button to certain workers. The Department of Labor and Industries (L&I) is required to publish advice and guidance for employers with 50 or fewer employees relating to this requirement.

The bill also requires the L&I to create a process by rule to license property service contractors. The rules must also require property service contractors to provide the following information to L&I:

- The total number of employees who perform janitorial services.
- The physical address of the work location(s) where janitorial services are provided.
- Demographic data that employees voluntarily provide relating to race, sex, sexual orientation, national origin, marital status, and age.

This will take effect January 1, 2020, for hotels and motels with 60 or more rooms, and January 1, 2021, for all other businesses.

ESSB 5258 is different from SB 5258 in that it:

- Requires L&I to publish advice and guidance on providing panic buttons for employers with 50 or fewer employees.
- Changes the effective date to January 1, 2020, for hotels and motels with 60 or more rooms, and January 1, 2021, for all other businesses.

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

Section 1(1) requires L&I to publish advice and guidance on providing panic buttons for employers with 50 or fewer employees.

Section 1(2) requires L&I to conduct rulemaking to establish procedures for licensing property service contractors. “Property service contractor” is defined in Subsection (3)(c) as any person that for an agreed remuneration or rate of pay, recruits, solicits, supplies, or employs workers:

- To perform labor that includes janitorial services.
- On behalf of an employer to provide janitorial services.
- By subcontract with another employer to provide janitorial services.

A “property service contractor” does not include the Employment Security Department or individuals who perform labor under an agreement for exchanging their own labor or services with each other, provided the work is performed on land owned or leased by the individuals.

The rules adopted by L&I would require property service contractors to submit the following information to L&I:

- The total number of employees who perform janitorial services.
- The physical address of the work location(s) where janitorial services are provided.
- Demographic data that employees voluntarily provide relating to race, sex, sexual orientation, national origin, marital status, and age.

II. B – Cash Receipt Impact

None.

II. C – Expenditures

Appropriated – Operating Costs

This proposed bill increases expenditures to the Accident Account, fund 608, and the Medical Aid Account, fund 609. The following assumptions were used to estimate the resources requested to implement this bill.

According to the Quarterly Census of Employment and Wages (Employment Security Department), there were 1,932 firms classified as janitorial service businesses in quarter 1 of 2018. L&I would be required to issue licenses to these firms under the rules required by this bill.

Staffing

0.5 FTE Administrative Regulations Analyst 4, temporary, from July 1, 2020, through December 31, 2020. Duties include conducting rulemaking to develop requirements for licensing property service contractors. Total cost for FY21 is \$76,000.

2.0 FTEs Industrial Relations Agent 2 (IRA2), permanent, beginning October 1, 2020. Duties include receiving information from property service contractors, maintaining a database of information on property service contractors, facilitating access to the information on property service contractors by other agencies and the public, and issuing licenses to property service contractors based on the criteria developed in rule. L&I assumes that one IRA2 can verify the submission of the required data and issue 40 licenses per month over a two-year licensing period; therefore, two permanent IRA2 FTEs are required to implement this bill. (1,920 estimated licenses / 24 months = 80 estimated licenses per month; 80 estimated licenses per month / 40 licenses processed per IRA2 FTE = 2 IRA2 FTEs). Total cost for these FTEs is as follows:

- FY21 - \$184,000
- Ongoing - \$205,000 annually.

Indirect costs associated with the FTEs needed is as follows:

- FY21 - \$13,000
- Ongoing - \$13,000 annually

Information Technology

The impact to information technology is **indeterminate**. The bill requires L&I to establish, by rule, procedures for licensing property service contractors. L&I is assuming a medium impact for information technology as a new system/software will need to be developed/secured. Until rules are completed, the scope and requirements of the system will not be known.

Rulemaking

\$5,000 is needed for two rulemaking hearings to occur during fiscal year 2021. The average cost of one rulemaking hearing is \$2,500. (2 hearings x \$2,500 each = \$5,000)

Part IV: Capital Budget Impact

None.

Part V: New Rule Making Required

This legislation would result in new rules to establish procedures for licensing property service contractors.

Individual State Agency Fiscal Note

Bill Number: 5258 E S SB	Title: Isolated worker protection	Agency: 300-Department of Social and Health Services
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Part I: Estimates

☐

No Fiscal Impact

Estimated Cash Receipts to:

ACCOUNT	FY 2020	FY 2021	2019-21	2021-23	2023-25
General Fund-Federal 001-2	16,000	31,000	47,000	62,000	62,000
Total \$	16,000	31,000	47,000	62,000	62,000

Estimated Operating Expenditures from:

	FY 2020	FY 2021	2019-21	2021-23	2023-25
Account					
General Fund-State 001-1	64,000	35,000	99,000	70,000	70,000
General Fund-Federal 001-2	16,000	31,000	47,000	62,000	62,000
Total \$	80,000	66,000	146,000	132,000	132,000

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.
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- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

Legislative Contact: Jarrett Sacks	Phone: 360-786-7448	Date: 02/19/2019
Agency Preparation: Bill Jordan	Phone: 360-902-8183	Date: 02/20/2019
Agency Approval: Dan Winkley	Phone: 360-902-8236	Date: 02/20/2019
OFM Review: Devon Nichols	Phone: (360) 902-0582	Date: 02/20/2019

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 1 (1) – Every behavioral health, or custodial employer who employs a custodian, security guard or any worker who spends a majority of her or his working hours alone or whose primary work responsibility involves working without another coworker at a location that is not her or his home must:

- a) Adopt a sexual harassment policy;
- b) Provide mandatory training to prevent sexual assault, sexual harassment and sexual discrimination in the workplace. This training should include information concerning retaliation against employees who report violations of a state or federal law, rule or regulation;
- c) Provide a list of resources for the employees to utilize, including contact information of the Equal Employment Opportunity Commission (EEOC), the Washington State Human Rights Commission (HRC), and local advocacy groups that are focused on preventing sexual harassment and sexual assault.
- d) Provide a panic button to each worker who spends a majority of her or his working hours alone or whose primary work responsibility involves working without another coworker at a location that is not her or his home.

Section 1 (3)(b) - defines a “Panic Button” as an emergency contact device carried by an employee by which the employee may summon immediate on-scene assistance from another employee, security guard, or representative of the employer.

The Department of Social and Health Services (DSHS) has two Administrative Policies in place to address Sexual Harassment and Sexual Assault. The two policies are AP 18.66 – Discrimination and Harassment Prevention, and AP 18.67 – Workplace and Domestic Violence.

For purposes of this analysis, it is assumed that the current policies that are in place address the need for the policy as well as the training on the subject matters. It is possible that some additional information might need to be added to the policy such as contact information for the EEOC, HRC and local advocacy groups. There is no fiscal impact for Section 1 (1) (a-c) of this bill.

Section 1 (d) that requires the provision of a panic button to each worker who spends a majority of her or his working hours alone or whose primary work responsibility involves working without another coworker present. There are few instances where there are employees that are working alone in our Residential Habilitation Centers, State Operated Living Alternative, State Hospitals, Child Study Treatment Center or the Special Commitment Center (SCC). Even the Less Restrictive facilities for Special Commitment Center residents have more than two people on site at a time. Also, the State Hospitals and the SCC have security guards with radios for communication during an emergency.

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.

A portion of the costs incurred to implement this legislation will be funded with federal Title XIX - Grants to States for Medical Assistance 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.

The following DSHS facilities have identified the need for additional radios / phones to fully meet the intent of the legislation:

Behavioral Health Administration – Mental Health Division

Eastern State Hospital – Additional radios for housekeeping and food service staff
FY 20 – 25 @ \$1,500 each = \$37,500

Child Study Treatment Center – Additional radios for housekeeping and food service staff
FY 20 – 12 @ \$800 each = \$ 9,600

Total for the Behavioral Health Administration – FY 20 – \$47,000 (rounded) – One Time Costs

Developmental Disabilities Administration

State Operated Living Alternative (SOLA) – 60 Homes, 3 iPhones per home
FY 20 – 180 phones x \$30 per month x 6 months = \$32,400
FY 21 – 180 phones x \$30 per month x 12 months = \$64,800
On-going – same as FY 21

Community Crisis Stabilization Service (CCSS) –
FY 20 – 3 iPhones x \$30 per month x 6 months = \$540
FY 21 – 3 iPhones x \$30 per month x 12 months = \$1,080
On-going – same as FY 21

Total for the Developmental Disabilities Administration –
FY 20 – \$33,000 (rounded)
FY 21 – \$66,000 (rounded)
On-going – same as FY 21

Total Costs –
FY 20 – \$80,000
FY 21 – \$66,000
On-going – same as FY 21

Additional Assumptions:

Provider costs will potentially increase as well if they are required to meet these requirements. We are assuming those costs, will impact vendor rates some of which will be picked up through the forecast. We have no way to estimate how many providers would be impacted or what sort of system or product they would implement.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2020	FY 2021	2019-21	2021-23	2023-25
001-1	General Fund	State	64,000	35,000	99,000	70,000	70,000
001-2	General Fund	Federal	16,000	31,000	47,000	62,000	62,000
Total \$			80,000	66,000	146,000	132,000	132,000

III. B - Expenditures by Object Or Purpose

	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE Staff Years					
A-Salaries and Wages					
B-Employee Benefits					
C-Professional Service Contracts					
E-Goods and Other Services	33,000	66,000	99,000	132,000	132,000
G-Travel	47,000		47,000		
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 \$	80,000	66,000	146,000	132,000	132,000

III. D - Expenditures By Program (optional)

Program	FY 2020	FY 2021	2019-21	2021-23	2023-25
BHSIA - Mental Health Division (030)	47,000		47,000		
Developmental Disability Administration (040)	33,000	66,000	99,000	132,000	132,000
Total \$	80,000	66,000	146,000	132,000	132,000

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.

None