

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 1548 HB	<b>Title:</b> Railroad workers
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## Estimated Cash Receipts

Agency Name	2023-25			2025-27			2027-29		
	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total
Office of Attorney General	0	0	80,000	0	0	27,000	0	0	0
Office of Administrative Hearings	0	0	36,000	0	0	36,000	0	0	36,000
Department of Labor and Industries	Non-zero but indeterminate cost and/or savings. Please see discussion.								
<b>Total \$</b>	<b>0</b>	<b>0</b>	<b>116,000</b>	<b>0</b>	<b>0</b>	<b>63,000</b>	<b>0</b>	<b>0</b>	<b>36,000</b>

Agency Name	2023-25		2025-27		2027-29	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts	No fiscal impact					
Loc School dist-SPI						
Local Gov. Other						
Local Gov. Total						

## Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Administrative Office of the Courts	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Attorney General	.3	0	0	80,000	.1	0	0	27,000	.0	0	0	0
Office of Administrative Hearings	.1	0	0	36,000	.1	0	0	36,000	.1	0	0	36,000
Utilities and Transportation Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Labor and Industries	1.1	0	0	378,000	.5	0	0	181,000	.5	0	0	154,000
Department of Transportation	.0	0	0	0	.0	0	0	0	.0	0	0	0
<b>Total \$</b>	<b>1.5</b>	<b>0</b>	<b>0</b>	<b>494,000</b>	<b>0.7</b>	<b>0</b>	<b>0</b>	<b>244,000</b>	<b>0.6</b>	<b>0</b>	<b>0</b>	<b>190,000</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	No fiscal impact								
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

### Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	.0	0	0	.0	0	0	.0	0	0
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
Office of Administrative Hearings	.0	0	0	.0	0	0	.0	0	0
Utilities and Transportation 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 Transportation	.0	0	0	.0	0	0	.0	0	0
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	No fiscal impact								
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

### Estimated Capital Budget Breakout

<b>Prepared by:</b> Anna Minor, OFM	<b>Phone:</b> (360) 790-2951	<b>Date Published:</b> Final
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# Judicial Impact Fiscal Note

<b>Bill Number:</b> 1548 HB	<b>Title:</b> Railroad workers	<b>Agency:</b> 055-Administrative Office of the Courts
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.*

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 for 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.

Legislative Contact: Trudes Tango	Phone: 360-786-7384	Date: 01/25/2023
Agency Preparation: Angie Wirkkala	Phone: 360-704-5528	Date: 01/26/2023
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 01/26/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 01/30/2023

180,343.00

Form FN (Rev 1/00)

Request # 099-1

Bill # 1548 HB

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact on the Courts

The bill would create the "Safe Leave For Railroad Workers Act" as new chapter in Title 49 RCW. It provides for paid and unpaid family and medical leave for railroad workers, specifies leave terms and rights and duties of worker and employer. It will be administered by the Department of Labor and Industries.

### II. B - Cash Receipts Impact

None

### II. C - Expenditures

No fiscal impact expected to the Administrative Office of the Courts and the courts. There could be additional court filings if suits are brought, but the number is indeterminate. Any court administrative duties for clerks or court administrators outlined in the bill is part of existing practice.

## Part III: Expenditure Detail

### III. A - Expenditure By Object or Purpose (State)

NONE

### III. B - Expenditure By Object or Purpose (County)

NONE

### III. C - Expenditure By Object or Purpose (City)

NONE

### III. D - FTE Detail

NONE

### III. E - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B1 - Expenditures by Object Or Purpose (State)

NONE

### IV. B2 - Expenditures by Object Or Purpose (County)

NONE

### IV. B3 - Expenditures by Object Or Purpose (City)

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

None

180,343.00

Form FN (Rev 1/00)

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1548 HB	<b>Title:</b> Railroad workers	<b>Agency:</b> 100-Office of Attorney General
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## Part I: Estimates

No Fiscal Impact

### Estimated Cash Receipts to:

ACCOUNT	FY 2024	FY 2025	2023-25	2025-27	2027-29
Legal Services Revolving Account-State 405-1	53,000	27,000	80,000	27,000	
<b>Total \$</b>	53,000	27,000	80,000	27,000	

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.4	0.2	0.3	0.1	0.0
<b>Account</b>					
Legal Services Revolving Account-State 405-1	53,000	27,000	80,000	27,000	0
<b>Total \$</b>	53,000	27,000	80,000	27,000	0

### 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: Trudes Tango	Phone: 360-786-7384	Date: 01/25/2023
Agency Preparation: Chad Standifer	Phone: 3605863650	Date: 01/26/2023
Agency Approval: Joe Zawislak	Phone: 360-586-3003	Date: 01/26/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 01/26/2023

## Part II: Narrative Explanation

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

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

Section 1: Findings.

Section 2: New Section – Adding definitions, including defining “employer” to mean any person or entity engaging in business as a railroad carrier, and “employee” to mean a person employed as a railroad carrier.

Section 3: New Section – Providing that the Department of Labor and Industries (L&I) will administer the new chapter.

Section 4: New Section – Providing employees with 12 workweeks of leave during a 12-month period under certain conditions.

Section 5: New Section – Requiring that employers allow unpaid time off under certain conditions.

Section 6: New Section – Providing that employee absences of up to seven days are authorized for bereavement.

Section 7: New Section – Providing that when leave is taken for a birth, adoption or foster care placement, the employee may take intermittent leave.

Section 8: New Section – Providing that leave taken under section 4 may be unpaid, does not affect paid leave under RCW 50A, and must be taken concurrently with paid leave under RCW 50A or Family Medical Leave.

Section 9: New Section – Providing that the employee must provide notice to employer if leave is foreseeable.

Section 10: New Section – Providing limitations on leave for spouses employed by the same employer.

Section 11: New Section – Providing that employers may require health care provider certifications for certain leave, and the requirements for that certification.

Section 12: New Section – Providing restoration rights for employees taking section 4 leave.

Section 13: New Section – Requiring employers to allow employees to continuing insurance coverage during section 4 leave.

Section 14: New Section – Making it unlawful for employers to discriminate against employees for exercising their rights under the chapter.

Section 15: New Section – Requiring L&I to investigate complaints received under the chapter, and authorizing L&I to order civil penalties for violations of the chapter or related rules.

Section 16: New Section – Providing appeal rights of L&I citations to the L&I director, providing that the Office of Administrative Hearings will hear the appeal and issue an initial order, providing that the L&I director issues a final order, and providing a right to judicial review under RCW 34.05 (Administrative Procedure Act).

Section 17: New Section – Authorizing L&I to initiate collection proceedings.

Section 18: New Section – Authorizing the L&I director, in relation to unpaid penalties, to seek a warrant issuing a notice and order to withhold or deliver property, or institute a civil action, and providing for successor liability.

Section 19: New Section – Providing for employer liability in relation to the discrimination discussed in section 14, clarifying the scope of that liability, and authorizing a private right of action by employees.

Section 20: New Section – Requiring employers to post information about the chapter, and providing a penalty for willfully failing to do so.

Section 21: New Section – Clarifying that the chapter does not modify other discrimination laws or family and medical leave rights.

Section 22: New Section – Clarifying that the chapter does not alter the obligation of employers to comply with collective bargaining agreements.

Section 23: New Section – Clarifying that the chapter shall not be construed to discourage employers from adopting more generous leave policies.

Section 24: New Section – Authorizing L&I to adopt rules under the chapter.

Section 25: New Section – Providing that the act be known as the “Shahraim C. Allen safe leave act for Washington railroad workers”.

Section 26: New Section – Severability clause.

Section 27: Provides that sections 1 – 24 are new chapters in RCW 49.

Section 28: Providing for an immediate effective date.

## **II. B - Cash receipts Impact**

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

Cash receipts are assumed to equal the Legal Services Revolving Account (LSRA) cost estimates. These will be billed through the revolving account to the client agency.

The client agency is the Department of Labor and Industries (L&I). The Attorney General’s Office (AGO) will bill all clients for legal services rendered.

These cash receipts represent the AGO’s authority to bill and are not a direct appropriation to the AGO. The direct appropriation is reflected in the client agency’s fiscal note. Appropriation authority is necessary in the AGO budget.

### **AGO AGENCY ASSUMPTIONS:**

L&I will be billed for Seattle rates:

FY 2024: \$53,000 for 0.20 FTE Assistant Attorney General (AAG) and 0.10 FTE Legal Assistant (LA).

FY 2025: \$27,000 for 0.10 AAG and 0.05 LA.

FY 2026: \$27,000 for 0.10 AAG and 0.05 LA.

## **II. C - Expenditures**

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

Attorney General's Office (AGO) Agency Assumptions:

This bill is assumed to be effective immediately.

Location of staffing is assumed to be in a Seattle office building.

Total workload impact in this request includes standard assumption costs for goods & services, travel, and capital outlays for all FTE identified.

Agency administration support FTE are included in the tables, for every 1.0 FTE Assistant Attorney General (AAG), the AGO includes 0.5 FTE for a Legal Assistant 3 (LA) and 0.25 FTE of a Management Analyst 5 (MA). The MA is used as a representative classification.

Assumptions for the AGO Labor and Industries Division's (LNI) Legal Services for the Department of Labor and Industries (L&I).

The AGO will bill L&I for legal services based on the enactment of this bill.

LNI will provide legal services associated with implementation, investigations, enforcement and litigation under this chapter.

L&I anticipates a low-level of complaints given the relatively small population of affected workers. Based on six complaints per FY, it is possible that LNI would only issue a handful of final orders and receive no appeals to the Office of Administrative Hearings (OAH).

It is also possible that all six complaints will result in final orders and be appealed because of the unique provisions of this bill. The railroad industry has brought a number of federal preemption lawsuits in numerous jurisdictions, including a lawsuit filed in Washington State this week.

Litigation of that complexity requires 0.5 FTE AAG per five cases. A conservative estimate is that at least one lawsuit will be filed in federal district court. A 0.1 FTE AAG would cover litigation in federal district court and any litigation at OAH.

AAG will also need to provide complex legal advice for implementation, policy making, and rulemaking, which will require 0.1 AAG FTE. Using figures based on current AAG FTE for employment standards and including additional advice, LNI believes this will require an additional 0.2 AAG FTE related to litigation and implementation described above beginning July 1, 2023 through July 1, 2024.

After July 1, 2024, 0.1 AAG FTE will be necessary until July 1, 2026 limited to litigation at OAH and federal district court. After July 1, 2026, LNI has determined it will not significantly increase or decrease the division's workload.

LNI total FTE workload impact for Seattle rate:

FY 2024: \$53,000 for 0.20 AAG and 0.10 LA.

FY 2025: \$27,000 for 0.10 AAG and 0.05 LA.

FY 2026: \$27,000 for 0.10 AAG and 0.05 LA.

The AGO Solicitor General's Office, Transportation and Public Construction Division, Licensing & Administrative Law Division, and Utilities and Transportation Commission (AGO-UTC) have reviewed this bill and determined it will not significantly increase or decrease the divisions' workload. Any new legal services are nominal and costs are not included in this request.



## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
405-1	Legal Services Revolving Account	State	53,000	27,000	80,000	27,000	0
<b>Total \$</b>			53,000	27,000	80,000	27,000	0

### III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.4	0.2	0.3	0.1	
A-Salaries and Wages	36,000	18,000	54,000	18,000	
B-Employee Benefits	11,000	6,000	17,000	6,000	
E-Goods and Other Services	6,000	3,000	9,000	3,000	
<b>Total \$</b>	53,000	27,000	80,000	27,000	0

### III. C - Operating FTE 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 2024	FY 2025	2023-25	2025-27	2027-29
Assistant Attorney General-Seattle	124,635	0.2	0.1	0.2	0.1	
Legal Assistant 3-Seattle	67,044	0.1	0.1	0.1	0.0	
Management Analyst 5	91,524	0.1	0.0	0.0	0.0	
<b>Total FTEs</b>		0.4	0.2	0.3	0.1	0.0

### III. D - Expenditures By Program (optional)

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Labor & Industries Division (LNI)	53,000	27,000	80,000	27,000	
<b>Total \$</b>	53,000	27,000	80,000	27,000	

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

### IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

## Part V: New Rule Making Required

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1548 HB	<b>Title:</b> Railroad workers	<b>Agency:</b> 110-Office of Administrative Hearings
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

ACCOUNT	FY 2024	FY 2025	2023-25	2025-27	2027-29
Administrative Hearings Revolving Account-State 484-1	18,000	18,000	36,000	36,000	36,000
<b>Total \$</b>	18,000	18,000	36,000	36,000	36,000

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.1	0.1	0.1	0.1	0.1
<b>Account</b>					
Administrative Hearings Revolving Account-State 484-1	18,000	18,000	36,000	36,000	36,000
<b>Total \$</b>	18,000	18,000	36,000	36,000	36,000

### 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: Trudes Tango	Phone: 360-786-7384	Date: 01/25/2023
Agency Preparation: Pete Boeckel	Phone: 360-407-2730	Date: 01/25/2023
Agency Approval: Deborah Feinstein	Phone: 360-407-2717	Date: 01/25/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 01/25/2023

## Part II: Narrative Explanation

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

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

Section 4 guarantees 12 workweeks of leave during any 12-month period for (1) the birth, adoption, or foster placement of the employee's child, or (2) the employee's serious health condition, rendering the employee unable to perform the functions of his/her position. Prerequisites apply, specifically, the employee must have worked six months and at least 504 hours during the previous 12 months or have been assigned to and worked on a guaranteed extra call board for the previous 12 months and been paid for at least 60% of the applicable total monthly guarantee and for at least 504 hours.

Section 5 guarantees employees unpaid time off for diagnosis, care or treatment of employees' mental or physical illness, injury, or health condition, as well as the care of a family member. Unpaid time off is also guaranteed for the closure of the employee's or employee's spouse's/domestic partner's place of business or child's school or daycare by a public official for a health-related reason. Conditions apply here as well. The employee must have completed three consecutive months of continuance employment prior to the absence. Additionally, the employee cannot take more than 15 consecutive absence days and is maxed out at 90 absence days for this and paid sick leave in the current calendar year. Employers may require employees to provide verification for absences under certain circumstances. This leave is separate from Paid Family Medical Leave (PFML) and may not be the cause for discipline or adverse action against the employee.

Section 6 guarantees up to seven days of unpaid bereavement leave for a deceased family member or extended family member as set out therein. Employers may require proof of death and may provide additional paid or unpaid time off for bereavement purposes.

Section 7 sets out the parameters of intermittent sick leave or leave on a reduced leave schedule. It also provides that employers may require employees taking such leave to temporarily transfer to an available alternative position at the same location that s/he is qualified for, that has equivalent pay and benefits, and that better accommodates the employee's intermittent leave schedule.

Section 8 provides that the leave guaranteed under Section 4 does not impact employees' right to PFML and must be taken concurrently with any PFML or Family and Medical Leave Act leave unless the employer expressly permits otherwise.

Section 9 sets out notice requirements for the employee when the need for leave is foreseeable, and when it is not. Under Section 11, employers may require employees to submit a medical certification from his/her health care provider stating the nature and probable duration of the serious health condition for which leave is sought, among other information. Employers may require the employee to get a second opinion from another health care provider, and a third opinion under certain circumstances, at the employer's expense, as well as recertifications as reasonable.

Section 12 provides employees taking sick leave with job protection, as well as protection of accrued seniority and other employment benefits. However, employers may deny job protection under certain circumstances to salaried employees who are among the highest paid 10% within 75 miles of the facility where the employee is employed. Section 14 prohibits retaliation against employees exercising their right to sick leave or participating in enforcement proceedings.

Section 15 sets out the Department of Labor & Industries' (L&I) enforcement process, beginning with an employee's complaint, and the ensuing investigation. L&I may assess civil penalties, as well as back pay and reinstatement, if it determines a violation has occurred. Under Section 16, those issued a citation and notice of assessment may appeal to the L&I Director, who will assign it to the Office of Administrative Hearings for a hearing in accordance with Chapter 34.05 RCW and issuance of an initial order.

Section 20 requires employers to conspicuously post a notice setting out pertinent provisions of this new law, along with information pertaining to filing a charge. Failing to properly post this notice subjects employers to civil penalties.

This bill has an emergency clause and is assumed to be effective immediately.

## II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

As a central service agency, the Office of Administrative Hearings (OAH) bills referring agencies for its costs and collects the revenue into the Administrative Hearings Revolving Account. Cash receipts are assumed to equal costs. OAH will bill the Department of Labor & Industries for the costs related to this proposed legislation.

These cash receipts represent the OAH's authority to bill and are not a direct appropriation to OAH. Appropriation authority is necessary in OAH's budget.

## II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

The Attorney General's Office has projected for the Department of Labor & Industries (L&I) that this proposed legislation is assumed to result in six new appeals being referred to the Office of Administrative Hearings (OAH) per Fiscal Year beginning in FY 2024.

This law will go into effect immediately if passed. However, there will be a period of several months before complaints get through the investigative process at L&I and then make their way to OAH. Appeals could arrive as early as the last quarter of FY 2023. These costs are not assumed.

On average, each appeal is expected to take approximately 13.1 hours of line Administrative Law Judge (ALJ) time including prehearing conferences, hearings, order writings, etc.

Office of Administrative Hearings (OAH) Agency Workforce Assumptions:

- (1) The Governors proposed COLA increases in FY2024 and FY2025, and Collective Bargaining Agreement increases are not included in agency cost projections. Additional funding is required if these proposals are enacted.
- (2) Ratio of 1.0 FTE line ALJ to 0.15 Senior ALJ (SALJ), to 0.6 Legal Assistant 2 (LA2) (Range 40 step L), to 0.25 administrative support Management Analyst 5 (MA5) (Range 64 Step L).
- (3) ALJ salary is based on the ALJ collective bargaining agreement and assumed to be at step L. (Line ALJ-range 70. Senior ALJ-range 74.)
- (4) Benefit rates were analyzed by job class and projected using the latest benefit information available.
- (5) Goods and services, travel and on-going capital outlays were projected based on historical data for each of the job classifications.

Total workload impact beginning in FY 2024: 0.06 ALJ at a cost of \$18,000 per FY.

This bill has an emergency clause and is assumed to be effective immediately.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
484-1	Administrative Hearings Revolving Account	State	18,000	18,000	36,000	36,000	36,000
<b>Total \$</b>			18,000	18,000	36,000	36,000	36,000

### III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.1	0.1	0.1	0.1	0.1
A-Salaries and Wages	11,000	11,000	22,000	22,000	22,000
B-Employee Benefits	4,000	4,000	8,000	8,000	8,000
C-Professional Service Contracts					
E-Goods and Other Services	3,000	3,000	6,000	6,000	6,000
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-					
<b>Total \$</b>	18,000	18,000	36,000	36,000	36,000

### III. C - Operating FTE 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 2024	FY 2025	2023-25	2025-27	2027-29
Administrative Law Judge	106,152	0.1	0.1	0.1	0.1	0.1
<b>Total FTEs</b>		0.1	0.1	0.1	0.1	0.1

### III. D - Expenditures By Program (optional)

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Regulatory & Education (REG)	18,000	18,000	36,000	36,000	36,000
<b>Total \$</b>	18,000	18,000	36,000	36,000	36,000

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

### IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1548 HB	<b>Title:</b> Railroad workers	<b>Agency:</b> 215-Utilities and Transportation Commission
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**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: Trudes Tango	Phone: 360-786-7384	Date: 01/25/2023
Agency Preparation: Amy Andrews	Phone: 360-481-1335	Date: 01/25/2023
Agency Approval: Amy Andrews	Phone: 360-481-1335	Date: 01/25/2023
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 01/27/2023

## Part II: Narrative Explanation

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

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

Creation of the “Shahraim C. Allen Safe Leave Act for Washington Railroad Workers” (Act).

Prohibition on railroads from disciplining railroad employees because of illness or injury. A railroad carrier is prohibited from disciplining an employee because of absence due to illness or injury if the employee has completed three consecutive months of continuous employment and the period of absence does not exceed 12 weeks.

The carrier may, within 10 days after the employee returns to work, require the employee to provide documentation from a health care provider that the employee was incapable of working due to illness or injury. The employer must make the request for documentation in writing and give the employee at least 30 days to provide the documentation.

Employee absences for illness or injury are not subject to any type of carrier availability or attendance policy and are stated to be separate from the family and medical leave insurance program.

No impact to UTC as the agency is not mentioned in the bill and the language does not change our regulatory authority.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE



**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1548 HB	<b>Title:</b> Railroad workers	<b>Agency:</b> 235-Department of Labor and Industries
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

**Non-zero but indeterminate cost and/or savings. Please see discussion.**

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	1.6	0.5	1.1	0.5	0.5
<b>Account</b>					
Accident Account-State 608-1	233,000	88,000	321,000	153,000	130,000
Medical Aid Account-State 609-1	41,000	16,000	57,000	28,000	24,000
<b>Total \$</b>	274,000	104,000	378,000	181,000	154,000

### 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: Trudes Tango	Phone: 360-786-7384	Date: 01/25/2023
Agency Preparation: Allison Kaech	Phone: 360-902-4530	Date: 01/26/2023
Agency Approval: Trent Howard	Phone: 360-902-6698	Date: 01/26/2023
OFM Review: Anna Minor	Phone: (360) 790-2951	Date: 01/26/2023

## Part II: Narrative Explanation

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

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

See attached

### II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

See attached

### II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

See attached

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
608-1	Accident Account	State	233,000	88,000	321,000	153,000	130,000
609-1	Medical Aid Account	State	41,000	16,000	57,000	28,000	24,000
<b>Total \$</b>			274,000	104,000	378,000	181,000	154,000

### III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	1.6	0.5	1.1	0.5	0.5
A-Salaries and Wages	126,000	37,000	163,000	74,000	74,000
B-Employee Benefits	46,000	14,000	60,000	28,000	28,000
C-Professional Service Contracts					
E-Goods and Other Services	100,000	51,000	151,000	75,000	48,000
G-Travel	2,000	2,000	4,000	4,000	4,000
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total \$</b>	274,000	104,000	378,000	181,000	154,000

### III. C - Operating FTE 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 2024	FY 2025	2023-25	2025-27	2027-29
Administrative Rules Analyst 4	85,020	1.0		0.5		
Fiscal Analyst 5	71,520	0.1		0.1		
Industrial Relations Agent 3	69,756	0.5	0.5	0.5	0.5	0.5
<b>Total FTEs</b>		1.6	0.5	1.1	0.5	0.5

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

None

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

See attached

## **Part II: Explanation**

This bill creates the Safe Leave Act for Washington Railroad workers, granting several types of unpaid leave to railroad employees.

This bill is effective immediately.

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

#### **Section 14: Retaliation prohibited**

This section makes it unlawful for an employee to interfere with, restrain, or deny the exercise or attempted exercise of this chapter. Retaliation for the exercise of rights also prohibited.

Retaliation for filing complaints, giving information in connection with an inquiry or proceeding, or testifying also prohibited.

#### **Section 15: Enforcement**

This section requires Labor & Industries (L&I) to investigate allegation of non-compliance within this chapter, and to issue civil penalties against violating employers.

#### **Section 16: Appeals**

This section provides appeal procedures, consistent with those found in the Wage Payment Act (RCW 49.48.084) and requires appeals to be in accordance with the Administrative Procedures Act.

#### **Section 17: Collections authority**

This section establishes collection authority for L&I in accordance with section 18 of this act.

#### **Section 18: Collections procedures**

Establishes collections procedures, consistent with those found in the Wage Payment Act (RCW 49.48.086) and authorizes filing fees and surcharges for warrants filed.

## **Section 20: Required poster**

Requires employers to post a poster containing notice of the provisions of this bill. Employers who willfully violate this section may be subject to a civil penalty up to \$1,000. Penalty money goes to the Supplemental Pension Fund in Title 51.

## **II. B – Cash Receipt Impact**

### **Receivables – Operating**

This bill requires civil penalties received by L&I to be deposited in the Supplemental Pension Fund, fund 881. L&I has the authority to issue penalties. L&I has no way to predict the amounts of each citation under this bill. Therefore, the cash receipt impact is indeterminate.

## **II. C – Expenditures**

### **Appropriated – Operating Costs**

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

Based on new input provided by the Attorney General’s Office, L&I is estimating a resource need for this bill due to complex litigation around this industry. Previous fiscal estimates were noted as minimal impact within existing resources.

### **Staffing**

0.5 FTE, Industrial Relations Agent 3 (IRA3), permanent, effective July 1, 2023. Duties include investigating complaints of non-compliance, conducting outreach efforts, and establishing investigative procedures and operations manuals for leaves granted by this bill, developing the required poster, and serve as the statewide subject matter expert and consultant for matters relating to this bill and the rights granted thereunder.

- Complaints under this bill will be most analogous to Protected Leave complaints currently investigated by L&I. The 90-day timeline is also comparable to some other investigative timelines for laws currently administered by L&I’s protected leave specialist.

- There are approximately 3,000 workers working for railroad carriers (according to ESD occupational data). Identified subtypes of workers include:
  - SOC 49-3043: 369 employees
  - SOC 47-4061: 422 employees
  - SOC 53-4022: 386 employees
  - SOC 53-4031: 1279 employees
  - SOC 49-9097: 203 employees
- Given the availability of wage data for SOC 53-4099, but no employee count, we assume that the number of employees identified in ESD data understates the true number of potentially covered workers due to privacy or other reasons.
- The complaint rate here will likely be higher than that found for the Wage Payment Act. Under the department’s current wage enforcement law, roughly 6,200 of the state’s 3.2 million workers file a complaint per year, for a complaint rate of 0.2%.
- The Protected Leave Specialist conducts approximately 50 similar investigations per year.

Analysis:

- Applying the 0.2% projected complaint rate of eligible workers to the population of covered workers (3,000), yields 6 complaints per year (0.2% complaint rate X 3,000 covered workers = 6 complaints per year)
- Based on current investigative workload, this results in approximately 0.1 FTE solely based on complaint load (6 complaints / 50 complaints Protected Leave Specialist conducts = 0.12)
- However, the novelty and complexity of this law, the related outreach needs, and because the complaint rate here will likely be higher than data provided for the Wage Payment Act, this will increase the needed staff resource by at least 0.4 FTE, yielding a total FTE need of 0.5 FTE.

1.0 FTE, Administrative Rules Analyst 4 (ARA4), temporary, effective July 1, 2023 – June 30, 2024. Duties include conducting rulemaking, public hearings, drafting administrative policies, developing technical guidance and outreach publications for stakeholders.

- Controversial stakeholdering, rulemaking, and policy activities will be complex in nature and require full-time staff until these tasks are complete. L&I does not currently have any ARAs who do not already oversee a full portfolio of policy and rulemaking projects, therefore there is no ARAs who can absorb the full-time work required to oversee the new stakeholdering, policy, and rulemaking tasks created by this bill.

### **Information Technology**

At this time, IT resources are not needed. However, if complaints are higher than estimated, IT resources may be needed to modify and enhance multiple internal systems and create a new system for Leave Complaint Applications (LPA). Existing systems that would require enhancements include: Verify-a-Contractor, Account Receivable and Collections (ARC) and Front Counter (FC)

### **Printing & Mailing**

\$2,200 is needed for printing, mailing and translation costs for:

- Printing 1,000 posters at \$0.50 each for a total cost of \$500, to be spent in fiscal year 2024.
- Mailing 1,000 posters at \$1.00 each for a total cost of \$1,000, to be spent in fiscal year 2024.
- Translating seven standard languages at \$100 per language for a total cost of \$700, to be spent in fiscal year 2024.

### **Rulemaking**

\$10,000 is needed for four rulemaking hearings to occur during the summer and fall of 2023. The average cost of one rule making hearing is \$2,500 (4 hearings x \$2,500 each = \$10,000).

### **Attorney General – Legal Services**

\$53,000 is needed for fiscal year 2024, and \$27,000 for fiscal years 2025 and 2026 for legal services related to implementation, investigations, enforcement and litigation under this bill.

### **Administrative Hearings**



\$18,000 is needed per fiscal year for 0.06 administrative law judge beginning in FY2024 to handle six new appeals being referred to the Office of Administrative Hearings per fiscal year.

**Indirect Costs**

The amount included in this fiscal note for indirect is:

Fund Name		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
608	Accident	8,600	2,900	2,900	2,900	2,900	2,900
609	Medical Aid	1,500	500	500	500	500	500
	Total:	\$10,100	\$3,400	\$3,400	\$3,400	\$3,400	\$3,400

The department assesses an indirect rate to cover agency-wide administrative costs. Labor and Industries’ indirect rate is applied on salaries, benefits, and standard costs. For fiscal note purposes, the total indirect amount is converted into salary and benefits for partial or full indirect FTEs. Salary and benefits costs are based on a Fiscal Analyst 5 (Range 59, Step G).

**Part IV: Capital Budget Impact**

None.

**Part V: New Rule Making Required**

New WAC rules will need to be developed to implement Section 11 of this bill.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1548 HB	<b>Title:</b> Railroad workers	<b>Agency:</b> 405-Department of Transportation
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**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: Trudes Tango	Phone: 360-786-7384	Date: 01/25/2023
Agency Preparation: Amanda Villani	Phone: 3607056821	Date: 01/25/2023
Agency Approval: Jason Biggs	Phone: 360-705-6821	Date: 01/25/2023
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 01/26/2023

## Part II: Narrative Explanation

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

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

See attached WSDOT fiscal note.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

See attached WSDOT fiscal note.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> HB 1548	<b>Title:</b> Railroad Worker Protections	<b>Agency:</b> 405-Department of Transportation
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## Part I: Estimates

Check applicable boxes and follow corresponding instructions, use the fiscal template table provided to show fiscal impact by account, object, and program (if necessary), **add rows if needed**. If no fiscal impact, check the box below, skip fiscal template table, and go to Part II to explain briefly, why the program believes there will be no fiscal impact to the department.

No Fiscal Impact (Explain in section II. A)

*If a fiscal note is assigned to our agency, someone believes there might be, and we need to address that, showing why there is no impact to the department.*

Indeterminate Cash Receipts Impact (Explain in section II. B)

Indeterminate Expenditure Impact (Explain in section II. C)

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

Capital budget impact, **complete Part IV**

Requires new rule making, **complete Part V**

Revised

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

## Agency Assumptions

N/A

## Agency Contacts:

Preparer: Amanda Villani	Phone: 360-705-7297	Date: 1/24/2023
Approval: Jason Biggs	Phone: 360-705-6902	Date: 01/24/23
Budget Manager: Siri Olson	Phone: 360-705-7542	Date: 01/24/23

# Individual State Agency Fiscal Note

## Part II: Narrative Explanation

### II. A - Brief description of what the measure does that has fiscal impact

*Briefly describe by section number (sections that will change WSDOT costs or revenue), the significant provisions of the bill, and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency. List the sections that have fiscal impact to WSDOT only. E.g., "Section 3 directs the Department to ..." No summarizing, no interpreting, and save any background context for the revenue and expenditure parts.*

Section 4 of HB 1548 increases the scope of the current family and medical leave for the Class 1 railroads, which will create more long-term leave opportunities and the railroads and Amtrak may need to increase the required number of employees.

Section 5 includes up to 90 days of unpaid time off for railroad employees, which may require an increase in the required number of employees for the organizations.

Section 6 gives railroad employees up to 7 days of bereavement leave, which may also require an increase in the number of employees of the organizations.

The fiscal impact of HB 1548 is indeterminate because the fiscal impact to the Class 1 railroads and Amtrak to implement concessions to be able to comply with this bill, such as hiring additional employees and the potential to pay overtime to fill labor gaps left by those that are on leave time are unknown. However, the Washington State Department of Transportation anticipates an additional cost, per the Amtrak agreement, to be passed down to the department, as labor is a pass-through cost from Amtrak to WSDOT for the Amtrak Cascades service.

### II. B – Cash Receipts Impact

*Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

N/A

### 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.*

HB 1548 provides definitions, criteria, and the police power of the state to implement railroad crew employee fair and equitable family and medical leave. Provides employee protection for leave use scenarios.

The department, along with Oregon Department of Transportation (ODOT), sponsors the Amtrak Cascades service and, is 100% responsible for the costs of the service. WSDOT, through its contract with Amtrak, is responsible for the actual expenses of the Amtrak Cascades Service. The WSDOT-Amtrak agreement outlines Amtrak's responsibilities, WSDOT responsibilities, and the cost and revenue sharing methodology with ODOT.

The proposed legislation provides the following leave and protections that could affect Amtrak labor costs:

- Sec 4. An employee is entitled to a total of 12 workweeks of leave during any 12-month period under listed conditions
- Sec. 5. Employers must allow their employees to take unpaid time off under listed conditions
- Sec. 6. Employee absences of up to seven days for bereavement purposes under listed conditions
- Sec. 7. When leave is taken after the birth or placement of a child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule with the employer's agreement

# Individual State Agency Fiscal Note

Amtrak stated they will need to increase staffing levels across all areas (operations, maintenance, stations, onboard services, transportation, mechanical, etc.) to ensure continuous operations of Amtrak Cascades to meet contractual requirements. The staffing levels and associated costs are unknown.

Additionally, ODOT funds a portion of Amtrak Cascades total costs if Amtrak labor costs increase ODOT costs will also increase. The Amtrak Cascades agreement includes costs splits between ODOT and WSDOT, should costs increase for the department, it is likely the costs will also increase for ODOT, which will require renegotiation of the contract.

## Part III: Expenditure Detail

### III. A - Expenditures by Object or Purpose

N/A

## Part IV: Capital Budget Impact

N/A

## 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.*

N/A

# LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 1548 HB

Title: Railroad workers

## Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

### Legislation Impacts:

- Cities:
- Counties: Counties where employer penalties are filed
- Special Districts: Transit Authorities owning railroad track
- Specific jurisdictions only:
- Variance occurs due to:

## Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs:
- Legislation provides local option:
- Key variables cannot be estimated with certainty at this time: The number of penalties that would result in an employer defaulting in payments after an order

### Estimated revenue impacts to:

None

### Estimated expenditure impacts to:

Non-zero but indeterminate cost and/or savings. Please see discussion.

## Part III: Preparation and Approval

Fiscal Note Analyst: Tammi Alexander	Phone: 360-725-5038	Date: 01/26/2023
Leg. Committee Contact: Trudes Tango	Phone: 360-786-7384	Date: 01/25/2023
Agency Approval: Allan Johnson	Phone: 360-725-5033	Date: 01/26/2023
OFM Review: Anna Minor	Phone: (360) 790-2951	Date: 01/26/2023



## **Part IV: Analysis**

### **A. SUMMARY OF BILL**

*Description of the bill with an emphasis on how it impacts local government.*

This legislation would add a new chapter to Title 49 RCW – Labor Regulations and establishes family, medical, and bereavement leave for railroad workers with related provisions on eligibility, leave specifics, enforcement, penalties, and appeals and grants the Department of Labor and Industries rulemaking authority. The legislation would take effect immediately.

Section 2 – Definitions.

Department means the Department of Labor and Industries (L&I)

Employer means any person, firm, corporation, partnership, business trust, legal representative, or other business entity, including any unit of local government including, but not limited to, a county, city, town, municipal corporation, quasi-municipal corporation, or political subdivision, which engages in business as a railroad carrier.

Section 18(1) addresses the penalties for an employer that defaults payments after an order. The director of L&I may file a warrant and filing fees with a County Clerk. The aggregated amount of the warrant, including the amount due plus filing fees, becomes a lien against the employer whom the warrant is issued, docketed by the clerk. The County Sheriff may proceed with the warrant in all respects and with like effect as prescribed by law. The clerk of the court is entitled to a filing fee which shall be added to the amount of the warrant.

Section 18(2) would allow the L&I Director to issue to any person, firm, corporation, other entity, municipal corporation, political subdivision of the state, a public corporation, or any agency of the state, a notice and order to withhold and deliver property of any kind when they reason to believe that property that is or will become due, owing, or belonging to an employer upon whom a notice of assessment has been served by the department for payments or civil penalties due to the department. The notice and order to withhold and deliver must be served by the sheriff of the county or by the sheriff's deputy.

### **B. SUMMARY OF EXPENDITURE IMPACTS**

*Expenditure impacts of the legislation on local governments with the expenditure provisions identified by section number and when appropriate, the detail of expenditures. Delineated between city, county and special district impacts.*

This legislation would result in indeterminate expenditure increases for local county officials. As per proposed in Section 18 of the legislation, when an employer defaults on a payment after a court order, L&I may file a warrant and filing fees with the County Clerk. The County Sheriff may proceed with a warrant. The court is entitled to the filing fee, resulting in neutral administrative costs. The number of increased cases described in Section 18 of the legislation is unknown. However, impact is expected to be minimal because the proposed legislation reflects general standard procedures and processes for similar matters.

Sound Transit and other local governments contracting for service from companies such as BNSF and Amtrak may also see an increase in contract costs. This could happen as a result of private companies incurring additional costs related to employee leave benefits and passing costs to local governments as a result of the legislation. Such an increase is not possible to predict.

### **C. SUMMARY OF REVENUE IMPACTS**

*Revenue impacts of the legislation on local governments, with the revenue provisions identified by section number, and when appropriate, the detail of revenue sources. Delineated between city, county and special district impacts.*

This legislation would not impact local government revenue.

SOURCES:

Local Government fiscal note, ESSB 5065 (2021)

Sound Transit

Washington Association of County Officials (WSAC)  
Washington State Association of Counties (WACO)