

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 1905 S HB	<b>Title:</b> Equal pay/protected classes
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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	61,000	0	0	122,000	0	0	122,000
Office of Administrative Hearings	0	0	0	0	0	140,000	0	0	140,000
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>61,000</b>	<b>0</b>	<b>0</b>	<b>262,000</b>	<b>0</b>	<b>0</b>	<b>262,000</b>

## 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
Office of Attorney General	.2	0	0	61,000	.4	0	0	122,000	.4	0	0	122,000
Office of Administrative Hearings	.0	0	0	0	.5	0	0	140,000	.5	0	0	140,000
Human Rights Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Labor and Industries	1.9	0	0	783,000	8.8	0	0	2,249,000	8.5	0	0	2,178,000
<b>Total \$</b>	<b>2.1</b>	<b>0</b>	<b>0</b>	<b>844,000</b>	<b>9.7</b>	<b>0</b>	<b>0</b>	<b>2,511,000</b>	<b>9.4</b>	<b>0</b>	<b>0</b>	<b>2,440,000</b>

## Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
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
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
<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>

# Estimated Capital Budget Breakout

<b>Prepared by:</b> Anna Minor, OFM	<b>Phone:</b> (360) 790-2951	<b>Date Published:</b> Final 2/13/2024
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# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1905 S HB	<b>Title:</b> Equal pay/protected classes	<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		61,000	61,000	122,000	122,000
<b>Total \$</b>		61,000	61,000	122,000	122,000

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	0.4	0.2	0.4	0.4
<b>Account</b>					
Legal Services Revolving Account-State 405-1	0	61,000	61,000	122,000	122,000
<b>Total \$</b>	0	61,000	61,000	122,000	122,000

### 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: 01/22/2024
Agency Preparation: Cassandra Jones	Phone: 360-709-6028	Date: 01/25/2024
Agency Approval: Edd Giger	Phone: 360-586-2104	Date: 01/25/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 01/26/2024

## 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 - Amends RCW 49.58.005. Adds references to workers in other protected classes to legislative findings.

Section 2 - Amends RCW 49.58.010. Adds a definition of protected class.

Section 3 - Amends RCW 49.58.020. (1) Expands the prohibition on discrimination in providing compensation to include discrimination based on membership in a protected class; (2) extends the right to remedies to an employee who received less compensation because of discrimination based on membership in a protected class; and (3) adds a provision that allows a person to file a complaint under the chapter asserting discrimination based on the person's membership in more than one protected class.

Section 4 - Amends RCW 49.58.030. (1) Modifies legislative findings; (2) adds a provision prohibiting deprivation of career advancement opportunities based on a person's membership in a protected class; and (3) adds a provision allowing a person to file a complaint or bring an action under the chapter asserting discrimination based on the person's membership in more than one protected class.

Section 5 - New section. Requires the Department of Labor and Industries (L&I) to develop educational materials and conduct outreach to inform individuals and businesses of the new provisions related to discrimination based on membership in a protected class.

Section 6 - New section. Provides that the act takes effect July 1, 2025.

### 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 King County rates:

FY 2025 and in each FY thereafter: \$61,000 for 0.2 Assistant Attorney General FTE (AAG) and 0.1 Paralegal 1 FTE (PL1)

### 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:

Legal services associated with the enactment of this bill will begin on July 1, 2025 (FY 2026).

Location of staffing is assumed to be in a King County and 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. The Management Analyst 5 FTE (MA), is used as a representative classification. An example ratio is for every 1.0 Assistant Attorney General FTE (AAG), the AGO includes 0.5 Paralegal 1 FTE (PL1) and 0.4 MA.

1. 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.

L&I estimates approximately 352 new complaints per year based on current workload indicators for Equal Pay and Opportunities Act (EPOA). Based on historical citation average, approximately 14 percent will result in an appealable order, 49 will go to citation per year ( $352 \times 0.14 = 49$ ). With a historical appeal rate of 20 percent, approximately 10 cases per year will go to Office of Administrative Hearings (OAH) and be litigated by AAGs. Appeals of this complexity generally require 0.2 AAG per 10 appeals. LNI will need to provide immediate complex legal advice for implementation, policymaking, and rulemaking, requiring 0.2 AAG. There will be a slight delay in when additional appeals will be received and the most significant implementation work will conclude by July 1, 2025. Ongoing work on these complex matters will require an ongoing 0.2 AAG to address litigation because of the complexity of the cases.

LNI: Total King County workload impact:

FY 2025 and in each FY thereafter: \$61,000 for 0.2 AAG and 0.1 PL1

2. The AGO Labor and Personnel Division (LPD) has reviewed this bill and determined it will not increase or decrease the division's workload. LPD already advises agencies on pay equity issues related to gender and other protected classes. Because most state agencies have been addressing pay equity issues for several years, it is not anticipated that agencies would have additional litigation as a result of this that would be beyond the scope of the litigation services already being provided. Therefore, no costs are included in this request.

3. The AGO Civil Rights Division (CRD) has reviewed this bill and determined it will not increase or decrease the division's workload in representing the Human Rights Commission (HUM) or the AGO. Therefore, no costs are included in this request.

4. The AGO Criminal Justice Division (CRJ) has reviewed this bill and determined it will not increase or decrease the division's workload. Therefore, no costs are 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	0	61,000	61,000	122,000	122,000
<b>Total \$</b>			0	61,000	61,000	122,000	122,000

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		0.4	0.2	0.4	0.4
A-Salaries and Wages		42,000	42,000	84,000	84,000
B-Employee Benefits		13,000	13,000	26,000	26,000
E-Goods and Other Services		6,000	6,000	12,000	12,000
<b>Total \$</b>	0	61,000	61,000	122,000	122,000

**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
Assistant Attorney General-Seattle	135,555		0.2	0.1	0.2	0.2
Management Analyst 5	95,184		0.1	0.1	0.1	0.1
Paralegal 1-Seattle	72,528		0.1	0.1	0.1	0.1
<b>Total FTEs</b>			0.4	0.2	0.4	0.4

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

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Labor & Industries Division (LNI)		61,000	61,000	122,000	122,000
<b>Total \$</b>		61,000	61,000	122,000	122,000

**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

Revised

<b>Bill Number:</b> 1905 S HB	<b>Title:</b> Equal pay/protected classes	<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				140,000	140,000
<b>Total \$</b>				140,000	140,000

### Estimated Operating Expenditures from:

ACCOUNT	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	0.0	0.0	0.5	0.5
<b>Account</b>					
Administrative Hearings Revolving Account-State 484-1	0	0	0	140,000	140,000
<b>Total \$</b>	0	0	0	140,000	140,000

### 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: 01/22/2024
Agency Preparation: Pete Boeckel	Phone: 360-407-2730	Date: 02/13/2024
Agency Approval: Rob Cotton	Phone: 360-407-2708	Date: 02/13/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 02/13/2024

## 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 3 adds an employee's membership in a protected class as a prohibited basis for employer discrimination in compensation under RCW 49.58.020. Violations are subject to the administrative remedies set out in RCW 49.58.060.

Section 4 adds an employee's membership in a protected class as a prohibited basis for employer discrimination in career advancement under RCW 49.58.030, which also provides for administrative enforcement action.

### 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 Department of Labor & Industries (L&I) estimates that the proposed legislation will result in 10 new appeals being referred to the Office of Administrative Hearings (OAH) per fiscal year beginning in FY 2025. On average, each appeal is expected to take approximately 30 hours of line Administrative Law Judge (ALJ) time including prehearing conferences, hearings, order writings, etc.

OAH Agency Workforce Assumptions:

(1) 1.0 Line ALJ will include cost and FTE for 0.15 Senior ALJ (SALJ), 0.15 Lead ALJ (LALJ), 0.6 Legal Assistant 2 (LA2) (Range 40 step L), and 0.25 administrative support represented as a Management Analyst 5 (MA5) (Range 64 Step L).

(2) 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.)

(3) Benefit rates were analyzed by job class and projected using the latest benefit information available.

(4) 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 2025: 0.21 ALJ, 0.03 SALJ, 0.03 LALJ, 0.13 LA2 and 0.05 MA5 at a cost of \$70,000 per FY.

These cost projections do not include the approved COLA effective July 1, 2024.

Legal services associated with the enactment of this bill have changed from the original bill to begin on July 1, 2025.



## 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	0	0	0	140,000	140,000
<b>Total \$</b>			0	0	0	140,000	140,000

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years				0.5	0.5
A-Salaries and Wages				88,000	88,000
B-Employee Benefits				28,000	28,000
C-Professional Service Contracts					
E-Goods and Other Services				22,000	22,000
G-Travel					
J-Capital Outlays				2,000	2,000
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total \$</b>	0	0	0	140,000	140,000

### 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	110,400				0.2	0.2
Lead ALJ	118,932				0.0	0.0
Legal Assistant 2	52,964				0.1	0.1
Management Analyst 5	95,184				0.1	0.1
Senior Administrative Law Judge	128,400				0.0	0.0
<b>Total FTEs</b>					0.5	0.5

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

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Regulatory & Education (REG)				140,000	140,000
<b>Total \$</b>				140,000	140,000

## 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> 1905 S HB	<b>Title:</b> Equal pay/protected classes	<b>Agency:</b> 120-Human Rights 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: 01/22/2024
Agency Preparation: Justinian Cariasini	Phone: (360) 753-4837	Date: 01/26/2024
Agency Approval: Justinian Cariasini	Phone: (360) 753-4837	Date: 01/26/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/26/2024

## 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.*

The Equal Pay and Opportunities act is investigated and enforced by Labor & Industries. There are no proposed changes the Human Rights Commission RCW (49.60) or the Washington Law Against Discrimination.

There could be a potential impact in that individuals that seek investigation under the Equal Pay and Opportunities act (EP&O) may, if no jurisdiction is found under the EP&O act, be referred to the Human Rights Commission for investigation under other protections in the Washington Law Against Discrimination. However, this will have a minimal impact on investigative load and could be addressed with current agency resources.

### 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> 1905 S HB	<b>Title:</b> Equal pay/protected classes	<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	0.3	3.5	1.9	8.8	8.5
<b>Account</b>					
Accident Account-State 608-1	37,000	628,000	665,000	1,912,000	1,852,000
Medical Aid Account-State 609-1	7,000	111,000	118,000	337,000	326,000
<b>Total \$</b>	44,000	739,000	783,000	2,249,000	2,178,000

### 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: 01/22/2024
Agency Preparation: Rachel Reed	Phone: 360-902-4552	Date: 01/29/2024
Agency Approval: Trent Howard	Phone: 360-902-6698	Date: 01/29/2024
OFM Review: Anna Minor	Phone: (360) 790-2951	Date: 01/29/2024

## 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	37,000	628,000	665,000	1,912,000	1,852,000
609-1	Medical Aid Account	State	7,000	111,000	118,000	337,000	326,000
<b>Total \$</b>			44,000	739,000	783,000	2,249,000	2,178,000

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.3	3.5	1.9	8.8	8.5
A-Salaries and Wages	23,000	277,000	300,000	1,304,000	1,256,000
B-Employee Benefits	8,000	99,000	107,000	487,000	470,000
C-Professional Service Contracts					
E-Goods and Other Services	3,000	275,000	278,000	434,000	428,000
G-Travel		8,000	8,000	24,000	24,000
J-Capital Outlays	10,000	80,000	90,000		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total \$</b>	44,000	739,000	783,000	2,249,000	2,178,000

### 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 Regulations Analyst 4	88,416	0.3	1.0	0.6	1.0	1.0
Communications Consultant 5	90,624		0.5	0.3	0.3	
Customer Service Specialist 2	48,864		0.3	0.1	1.0	1.0
Fiscal Analyst 5	74,376		0.2	0.1	0.6	0.5
Industrial Relations Agent 3	72,552		1.3	0.6	5.0	5.0
Industrial Relations Agent 4	78,120		0.3	0.1	1.0	1.0
<b>Total FTEs</b>		0.3	3.5	1.9	8.8	8.5

**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

**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 expands RCW 49.58 Washington Equal Pay and Opportunities Act (EPOA) protections from discrimination on account of a person's gender to additional protected classes; amending RCW 49.58.005, 49.58.010, 49.58.020, and 49.58.030; adding a new section to chapter 49.58 RCW; and providing an effective date.

SHB 1905 is different from SB 1905 in that it:

- Adds a new section stating that the Department of Labor and Industries (L&I) must develop educational materials and conduct outreach to inform individuals and businesses of the new provisions related to discrimination based on membership in a protected class.
- Adds a new section stating this act takes effect July 1, 2025.
- Adds language clarifying that a person may file a complaint or bring an action under this chapter asserting discrimination based on the person's membership in more than one protected class.

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

**Section 1** includes the addition of “other membership in a protected class” to expand existing EPOA protections from discrimination on account of a person's gender to also include protections based on membership in other protected classes.

**Section 2** adds a definition of “protected class” which means a person's age, sex, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, as those terms are defined in RCW 49.60.040.

**Section 3** expands protections so that that any employer in this state who discriminates in any way in providing compensation based on a person's gender or membership in a protected class

between similarly employed employees of the employer is guilty of a misdemeanor. If any employee receives less compensation because of discrimination on account of the person's gender or membership in a protected class in violation of this section, that employee is entitled to the remedies in RCW 49.58.060 and 49.58.070.

**Section 4** expands protections so that an employer may not, on the basis of a person's gender or other membership in a protected class, limit or deprive an employee of career advancement opportunities that would otherwise be available.

**Section 5** specifies that the Department of Labor and Industries (L&I) must develop educational materials and conduct outreach to inform individuals and businesses of the new provisions related to discrimination based on membership in a protected class.

**Section 6** states that this act takes effect July 1, 2025.

## **II. B – Cash Receipt Impact**

There is not collection authority granted under RCW 49.58 and final citations would be sent to a private collection agency. Penalties allow for \$500 the first violation and \$1,000 for repeat violations. The department does not have data to estimate first and repeat violations and also does not know how much will be collected of the assessed penalties. This section is indeterminate.

## **II. C – Expenditures**

### **Appropriated – Operating Costs**

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

### **Staffing**

6 FTE, 5 FTE Industrial Relations Agent 3 (IRA3) and 1 FTE Industrial Relations Agent 4 (IRA4), permanent starting April 1, 2025. IRA3 duties include investigating complaints,

assisting with outreach, and process development. IRA4 duties include all of the above as well as supervising, assisting in development of policies, publications, and outreach materials. The IRA4 would also act as the statewide contact for questions regarding bill compliance.

- Total possible affected employees is 3,520,246 workers, the total number of workers in Washington. The bill provides examples of several protected classes, including classes that are comprised of all workers in the state (see Section II.A).
- Approximately 352 new complaints will be received by L&I per year based on current workload indicators for the EPOA. (3,520,246 affected employees x .0001 EPOA complaint rate = 352 complaints)
- The average IRA can complete approximately 60 cases per year.
- 6 IRAs will be needed to investigate complaints and provide outreach (352 new complaints / 60 cases per IRA = 6 IRAs)
- One of these IRAs will need to be an IRA4 to serve a supervisory role.

1 FTE, Customer Service Specialist 2 (CSS2), permanent starting April 1, 2025. Duties include intake of phone calls, forms and emails, and responding to complaints.

- Total possible affected employees is 3,520,246 workers, the total number of workers in Washington. The bill provides examples of several protected classes, including classes that are comprised of all workers in the state (see Section II.A).
- Approximately 352 new complaints will be received by L&I per year based on current workload indicators for the EPOA. (3,520,246 affected employees x .0001 EPOA complaint rate = 352 complaints)
- Approximately one CSS2 is needed for every 300 additional complaints.
- 1 CSS2 FTE is needed to respond to additional complaints. (352 new complaints / 300 complaints per CSS2 FTE = 1 CSS2 FTE)

1 FTE, Administrative Regulations Analyst 4 (ARA4), permanent starting April 1, 2024. Duties include policy development and rulemaking.

- An ARA4 FTE will be needed to conduct initial rulemaking activities, public hearings, draft and update affected administrative policies, draft technical guidance, and create publications and resources for stakeholders.

- This ARA4 will help lead the implementation of the bill and will need to start as soon as possible to lead those efforts. In addition, public hearings are anticipated to occur in fall 2024. Prior to the public hearings and beginning on April 1, 2024, the ARA4 will need to write the draft rules and the rest of the rule package documents. These documents need to be completed before L&I conducts the public hearings.
- Based on the scope and complexity of these protections and the resulting investigations, the ARA4 will be needed on an ongoing basis to meet policy, interpretation, and guidance needs.

1 FTE, Communications Consultant 5, from January 1, 2025 to December 31, 2025. Duties include coordinating outreach communication efforts to both workers and employers, including updates to and creation of publications, outreach materials, and website information.

- L&I will need to notify approximately 3.5 million workers and 260,000 employers about the new rights and responsibilities resulting from this bill.
- Section 5 of this bill specifies that L&I must develop educational materials and conduct outreach to inform individuals and businesses of the new provisions in the bill.

#### **Outreach, Printing & Translation**

\$100,000 is needed in fiscal year 2025 for a digital media campaign in multiple languages. This includes targeted advertising in the form of online banners, social media, and streaming.

\$20,000 is needed in fiscal year 2025 for translation of digital media campaign into the top eight languages in Washington, aside from English, (Spanish, Cambodian, Korean, Russian, Vietnamese, Chinese Simplified, Chinese Traditional, and Somali).

\$50,000 is needed in fiscal year 2025 for advertising, printing and translating updates to multiple worker-rights printed posters, printed pamphlets and online publications, in multiple languages such as *Your Rights as a Worker*, *Employee Rights to Equal Pay and Opportunities*, *Isolated Worker Employee Concerns*, *New Employee Packet*, *Pocket Guide to Worker Rights*, and others.

#### **Travel**

\$5,000 is needed for statewide outreach travel in fiscal year 2025 (i.e., accommodations, gas, and other travel expenses).

### **Specialized Training**

\$1,200 is needed for specialized advanced investigator training for the six IRAs that will need to be trained in fiscal year 2025. (\$200 per IRA employee x 6 IRAs = \$1,200)

### **Rule making**

\$7,500 is needed for three rule making hearings to occur during fall 2024. The average cost of one rule making hearing is \$2,500. (3 hearings x \$2,500 each = \$7,500)

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

- \$61,000 is needed annually for legal services starting in fiscal year 2025. The following assumptions were used to calculate the estimates:
  - Legal services associated with the enactment of this bill will begin on July 1, 2024 (fiscal year 2025).
  - The Office of the Attorney General (AGO) will bill L&I for legal services based on the enactment of this bill.
  - Total possible affected employees is 3,520,246 workers, the total number of workers in Washington. The bill provides examples of several protected classes, including classes that are comprised of all workers in the state (see Section II.A).
  - Approximately 352 new complaints will be received by L&I per year based on current workload indicators for the EPOA. (3,520,246 affected employees x .0001 EPOA complaint rate = 352 complaints)
  - An estimated 49 new complaints will go to citation per year based on the historical citation average where approximately 14 percent of complaints result in an appealable order. (352 complaints x .14 = 49 citations)
  - Approximately 10 cases per year will go to the Office of Administrative Hearings (OAH) and be litigated by Assistant Attorneys General (AAGs) based on a historical appeal rate of 20 percent. (49 complaints go to citation x .20 = 10 cases)
  - Appeals of this complexity generally require 0.2 FTE per 10 appeals. In addition, AAGs will also need to provide immediate complex legal advice for implementation, policymaking, and rulemaking.
  - L&I believes this will require a total 0.2 AAG FTE related to implementation and litigation beginning July 1, 2024 and implementation and client advice for

investigations will begin immediately. There will be a slight delay in when additional appeals will be received and the most significant implementation work will conclude by July 1, 2025.

- However, the ongoing work on these complex matters will require an ongoing 0.2 AAG FTE to address litigation because of the complexity of the cases.
- L&I will be billed for non-King County rates:
  - Fiscal year 2025 and in each fiscal year thereafter: \$61,000 for 0.2 Assistant Attorney General FTE (AAG), 0.1 Paralegal FTE (PL).

**Administrative Hearings**

\$70,000 is needed for an estimated 10 annual administrative rule hearings starting in fiscal year 2026.

**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	989	17,201	45,902	43,074	43,074	43,074
609	Medical Aid	175	3,036	8,100	7,601	7,601	7,601
	Total:	1,164	20,237	54,002	50,675	50,675	50,675

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**

This legislation would result in rule changes to:

- RCW 49.58: Washington Equal Pay and Opportunities Act