

Multiple Agency Fiscal Note Summary

Bill Number: 2061 S HB	Title: Health employees/overtime
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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	30,000	0	0	60,000	0	0	60,000
Office of Administrative Hearings	0	0	0	0	0	32,000	0	0	32,000
Department of Labor and Industries	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Total \$	0	0	30,000	0	0	92,000	0	0	92,000

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	30,000	.3	0	0	60,000	.3	0	0	60,000
Office of Administrative Hearings	.0	0	0	0	.1	0	0	32,000	.1	0	0	32,000
Department of Labor and Industries	.7	0	0	197,000	1.7	0	0	474,000	1.7	0	0	474,000
Department of Social and Health Services	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Health	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Corrections	Non-zero but indeterminate cost and/or savings. Please see discussion.											
University of Washington	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Total \$	0.9	0	0	227,000	2.1	0	0	566,000	2.1	0	0	566,000

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
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
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
Department of Labor and Industries	.0	0	0	.0	0	0	.0	0	0
Department of Social and Health Services	.0	0	0	.0	0	0	.0	0	0
Department of Health	.0	0	0	.0	0	0	.0	0	0
Department of Corrections	.0	0	0	.0	0	0	.0	0	0
University of Washington	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
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

Prepared by: Anna Minor, OFM	Phone: (360) 790-2951	Date Published: Final 2/17/2024
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Individual State Agency Fiscal Note

Bill Number: 2061 S HB	Title: Health employees/overtime	Agency: 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		30,000	30,000	60,000	60,000
Total \$		30,000	30,000	60,000	60,000

Estimated Operating Expenditures from:

ACCOUNT	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	0.3	0.2	0.3	0.3
Legal Services Revolving Account-State 405-1	0	30,000	30,000	60,000	60,000
Total \$	0	30,000	30,000	60,000	60,000

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: Jarrett Sacks	Phone: 360-786-7448	Date: 02/12/2024
Agency Preparation: Dan Jensen	Phone: 360-664-9429	Date: 02/15/2024
Agency Approval: Edd Giger	Phone: 360-586-2104	Date: 02/15/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 02/17/2024

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 49.28.130 to remove requirements from the definition of “employee.” Employees are no longer required to be either a licensed practical nurse or registered nurse or a registered surgical technologist, diagnostic radiologic technologist, cardiovascular invasive specialist, respiratory care practitioner, or nursing assistant.

Section 2 - New section. Provides that until July 1, 2025, the definition of employee under RCW 49.28.130 in effect prior to January 1, 2025, applies to certain hospitals, such as critical access hospitals, hospitals with fewer than 25 acute care licensed beds, hospitals certified by centers for Medicare and Medicaid services as sole community hospitals, and hospitals located on an island operating within a public hospital district in Skagit county.

Section 3 - New section. Provides January 1, 2025, 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 King County rates:

FY 2025 and in each FY thereafter: \$30,000 for 0.1 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 January 1, 2025. Location of staffing is assumed to be in a King County 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.

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

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

There are presently approximately 108,000 workers considered “employees” under this bill. With the amendment to the definition of “employee” in RCW 49.28.130 the number of workers covered by the mandatory healthcare overtime protections would increase to approximately 316,000. The increase in covered employees would result in increased complaints and increased investigations L&I expects 92 additional complaints. In FY 2022, there were 23 mandatory overtime complaints filed and investigated. Due to pending changes in the law last year (SB 5236), it was projected that the number of complaints received will increase to 46 per year starting July 1, 2023. Using this projected figure as a basis and considering the threefold expansion in the pool of potentially covered employees, L&I estimates that this bill will result in 138 total healthcare overtime complaints filed per year, or an additional 92 complaints. Based on historical citation rates of 14 percent and appeal rates of 20 percent, LNI anticipate two to three additional appeals per year. As indicated by the complexity of the investigations per year (60 per investigator), appeals of this complexity require 0.1 FTE per two to three appeals because these are usually large institutional employers and appeals usually involve employer policies that impact many additional workers and involve extended litigation.

LNI: Total King County workload impact:
 FY 2025 and in each FY thereafter: \$30,000 for 0.1 AAG and 0.1 PL1

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	30,000	30,000	60,000	60,000
Total \$			0	30,000	30,000	60,000	60,000

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		0.3	0.2	0.3	0.3
A-Salaries and Wages		21,000	21,000	42,000	42,000
B-Employee Benefits		6,000	6,000	12,000	12,000
E-Goods and Other Services		3,000	3,000	6,000	6,000
Total \$	0	30,000	30,000	60,000	60,000

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		0.1	0.1	0.1	0.1
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
Total FTEs			0.3	0.2	0.3	0.3

III. D - Expenditures By Program (optional)

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Labor & Industries Division (LNI)		30,000	30,000	60,000	60,000
Total \$		30,000	30,000	60,000	60,000

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

Bill Number: 2061 S HB	Title: Health employees/overtime	Agency: 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				32,000	32,000
Total \$				32,000	32,000

Estimated Operating Expenditures from:

ACCOUNT	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	0.0	0.0	0.1	0.1
Account					
Administrative Hearings Revolving Account-State 484-1	0	0	0	32,000	32,000
Total \$	0	0	0	32,000	32,000

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: Jarrett Sacks	Phone: 360-786-7448	Date: 02/12/2024
Agency Preparation: Pete Boeckel	Phone: 360-407-2730	Date: 02/15/2024
Agency Approval: Rob Cotton	Phone: 360-407-2708	Date: 02/15/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 02/15/2024

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 continues to expand the scope of “employees” of health care facilities covered under the wage payment provisions of Chapter 49.28 RCW, and thus the potential number of wage payment investigations and citations.

Section 2 keeps the existing scope of “employees” in place for certain hospitals specified therein, until July 1, 2025, at which time these hospitals will also be subject to the expanded scope of “employees” under Section 1.

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 three new appeals being referred to the Office of Administrative Hearings (OAH) per fiscal year beginning in FY 2026. On average, each appeal is expected to take approximately 25 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:

FY 2024 and FY 2025: No fiscal impact. Any FY 2025 referrals will be completed with existing resources.

FY 2026 and in each FY thereafter: 0.05 ALJ at a rounded cost of \$16,000 per FY.

These projected costs do not include approved COLA salary increases approved effective July 1, 2024.

Legal services associated with the enactment of this bill will begin on January 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	32,000	32,000
Total \$			0	0	0	32,000	32,000

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years				0.1	0.1
A-Salaries and Wages				20,000	20,000
B-Employee Benefits				6,000	6,000
C-Professional Service Contracts					
E-Goods and Other Services				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-					
Total \$	0	0	0	32,000	32,000

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				0.1	0.1
Total FTEs					0.1	0.1

III. D - Expenditures By Program (optional)

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Regulatory & Education (REG)				32,000	32,000
Total \$				32,000	32,000

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

Bill Number: 2061 S HB	Title: Health employees/overtime	Agency: 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	0.0	1.3	0.7	1.7	1.7
Account					
Accident Account-State 608-1	0	168,000	168,000	404,000	404,000
Medical Aid Account-State 609-1	0	29,000	29,000	70,000	70,000
Total \$	0	197,000	197,000	474,000	474,000

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: Jarrett Sacks	Phone: 360-786-7448	Date: 02/12/2024
Agency Preparation: Allison Kaech	Phone: 360-902-4530	Date: 02/16/2024
Agency Approval: Trent Howard	Phone: 360-902-6698	Date: 02/16/2024
OFM Review: Anna Minor	Phone: (360) 790-2951	Date: 02/16/2024

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	0	168,000	168,000	404,000	404,000
609-1	Medical Aid Account	State	0	29,000	29,000	70,000	70,000
Total \$			0	197,000	197,000	474,000	474,000

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		1.3	0.7	1.7	1.7
A-Salaries and Wages		95,000	95,000	250,000	250,000
B-Employee Benefits		36,000	36,000	94,000	94,000
C-Professional Service Contracts					
E-Goods and Other Services		44,000	44,000	126,000	126,000
G-Travel		2,000	2,000	4,000	4,000
J-Capital Outlays		20,000	20,000		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	0	197,000	197,000	474,000	474,000

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
Fiscal Analyst 5	74,376		0.1	0.1	0.1	0.1
Industrial Relations Agent 3	72,552		1.1	0.6	1.5	1.5
Revenue Agent 2	67,380		0.1	0.0	0.1	0.1
Total FTEs			1.3	0.7	1.7	1.7

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.

Part II: Explanation

The bill amends the definition of "employee" under RCW 49.28.130 (Mandatory Healthcare Overtime). The bill expands the number of workers covered by Mandatory Healthcare Overtime protection by removing the requirement that workers hold certain credentials to be eligible.

SHB 2061 is different from HB 2061 in that it:

- Creates new sections that delays the effective date to January 1, 2025, for most health care facilities, and to July 1, 2025, for hospitals certified as critical access hospitals, hospitals with fewer than 25 acute care beds, hospitals certified as sole community hospitals, and hospitals located on an island within Skagit County.

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

Section 1 amends the definition of "employee" under RCW 49.28.130 (Mandatory Healthcare Overtime). To qualify for Mandatory Healthcare Overtime protections, the section requires workers to both:

- be involved in direct patient care or clinical services; and
- receive an hourly wage or be covered by a collective bargain agreement.

This bill removes conditions that the employee must meet to qualify for Mandatory Healthcare Overtime. This section removes the requirement that the employee is either a:

- licensed practical nurse or registered nurse; or
- a surgical technologist, a diagnostic radiologic technologist, or cardiovascular invasive specialist, a respiratory care practitioner, or nursing assistant.

II. B – Cash Receipt Impact

This bill requires penalties received by L&I to be deposited into the Supplemental Pension Fund, fund 881.

L&I estimates that this bill will result in 50 new penalties assessed. In FY 2022, approximately 54% of mandatory overtime complaint investigations resulted in a finding of violation that could

result in the assessment of penalties. Each violation has a minimum penalty of \$1,000, with repeater penalties up to \$5,000 applying to employers who have violated the law five or more times (RCW 49.12.145(3)(b)). L&I cannot estimate what proportion of complaints will result in repeater penalties with available data. Therefore, the cash receipt estimate for this bill is **indeterminate**.

II. C – Expenditures

Appropriated – Operating Costs

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

Staffing

1.5 FTE, Industrial Relations Agent 3 (IRA3), permanent, effective October 1, 2024. Duties include Investigate additional workplace rights complaints related to the expanded definition of “employee” under the terms of the bill. Enforce the protections of RCW 49.28.130-140 (Prohibition on Mandatory Overtime for Health Care Employees) by interviewing employees and employers, requesting and reviewing documentation, and applying the law to observed fact patterns. Testify in hearings and other judicial proceedings as necessary to support the agency’s investigative findings.

- There are presently approximately 108,000 workers considered “employees” as noted in Employment Security Department's (ESD) Occupational Employment and Wage Statistics. With the amendment to the definition of “employee” in RCW 49.28.130 the number of workers covered by the mandatory healthcare overtime protections would increase to approximately 316,000 as noted in ESD’s Establishment Size Data. The increase in covered employees would result in increased complaints and investigations. These employees are engaged and informed about their rights and more likely to file complaints for alleged violations.
- In FY 2022, there were 23 mandatory overtime complaints filed and investigated. Due to pending changes in the law last year, SB 5236 – Hospital Staffing Standards, it was projected that the number of complaints received will increase to 46 per year starting July

1, 2023. Using this projected figure as a basis, and considering the threefold expansion in the pool of potentially covered employees, L&I estimates that the passage this bill will result in 138 total healthcare overtime complaints filed per year, or an additional 92 complaints.

- An IRA3 tasked with this type of investigation can be expected to complete 60 investigations per year.
- Therefore, 1.5 additional FTEs are needed (92 additional complaints / 60 investigations per IRA3 = 1.5 FTEs)

0.1 FTE, Revenue Agent 2 (RA2), permanent, effective October 1, 2024. Duties include collecting civil penalties from Healthcare Labor Standards citations.

- L&I anticipates 92 additional complaints received per year. Thirty percent of mandatory overtime complaints are expected to result in a citation, resulting in 28 additional citations (92 additional complaints X 30% = 28 additional citations).
- An RA2 has workload of 300 citations, therefore 0.1 additional FTE is needed (28 additional citations / 300 per RA2 = 0.1 additional RA2)

Attorney General – Legal Services

L&I anticipates 92 additional complaints. Based on historical citation rates (14%) and appeal rates (20%) L&I anticipates three additional appeals per year (92 additional complaints X 14% citation rate = 12.88 X 20% appeal rate = 3 new appeals).

Handling the anticipated new appeals will require an additional 0.1 Assistant Attorney General (AAG) and an additional 0.1 Paralegal. Therefore, \$30,000 is needed each year beginning in FY 2025 for legal services.

Administrative Hearings

\$16,000 is needed starting in FY 2026 for three additional administrative hearings per year at the Office of Administrative Hearings.

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		7,000	9,000	9,000	9,000	9,000
609	Medical Aid		1,000	2,000	2,000	2,000	2,000
	Total:		\$8,000	\$11,000	\$11,000	\$11,000	\$11,000

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

None.

Individual State Agency Fiscal Note

Bill Number: 2061 S HB	Title: Health employees/overtime	Agency: 300-Department of Social and Health Services
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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: Jarrett Sacks	Phone: 360-786-7448	Date: 02/12/2024
Agency Preparation: Sara Corbin	Phone: 360-902-8194	Date: 02/13/2024
Agency Approval: Dan Winkley	Phone: 360-902-8236	Date: 02/13/2024
OFM Review: Arnel Blancas	Phone: (360) 000-0000	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.

This bill has no fiscal impact to the Department of Social and Health Services (DSHS) related to the amendments in Section 1. The bill defines “employee” as a person employed by a health care facility that is involved in direct patient care activities or clinical services, and who receives an hourly wage or is covered by a collective bargaining agreement. DSHS facilities define direct care workers in alignment with the newly proposed definition of employee and pays mandatory overtime as required in Collective Bargaining Agreements (CBA) for shift work.

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.

None

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.

None

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

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

Bill Number: 2061 S HB	Title: Health employees/overtime	Agency: 303-Department of Health
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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: Jarrett Sacks	Phone: 360-786-7448	Date: 02/12/2024
Agency Preparation: Donna Compton	Phone: 360-236-4538	Date: 02/14/2024
Agency Approval: Amy Burkel	Phone: 3602363000	Date: 02/14/2024
OFM Review: Breann Boggs	Phone: (360) 485-5716	Date: 02/14/2024

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 fiscal impact has not changed since the previous fiscal note on house bill 2061. Substitute house bill 2061 adds a new section defining an employee for certain types of hospitals until July 1, 2025 and adds a new section stating the effective date of this act as January 1, 2025.

This bill amends RCW 49.28.130 (hours of health care facility employees) by changing the definition of an employee for purposes of mandatory overtime provisions.

This bill does not create any new work for the Department of Health, therefore no fiscal impact.

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

Bill Number: 2061 S HB	Title: Health employees/overtime	Agency: 310-Department of Corrections
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

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

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: Jarrett Sacks	Phone: 360-786-7448	Date: 02/12/2024
Agency Preparation: Scherry Sinclair	Phone: (360) 725-8428	Date: 02/14/2024
Agency Approval: Michael Steenhout	Phone: (360) 789-0480	Date: 02/14/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 02/15/2024

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.

Substitute House Bill 2061 creates a new section that expands the definition of hospitals, provides an effective date, and provides an expiration date.

The following remains the same.

House Bill 2061 is an act relating to defining an employee of a health care facility for purposes of mandatory overtime provisions; and amending RCW 49.28.130. Removes Registered Nurse (RN), Licensed Practical Nurse (LPN) and Certified Nurse Assistant (CNA) positions from RCW 49.28.139 which restricts those positions from working mandatory overtime. The new language will restrict mandatory overtime for any health care positions involved in direct patient care activities or clinical services; and receives an hourly wage or is covered by a collective bargaining agreement (CBA).

Effective date is January 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.

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 Corrections (DOC) assumes the fiscal impact of this bill is indeterminate, assumed to be less than \$50,000 per Fiscal Year (FY).

RCW 49.28 currently prohibits certain health care employers from requiring certain employees to work overtime, except in limited circumstances. This prohibition applies to an employee which is defined under RCW 49.28.130(1) to mean someone who works for a health care facility, is involved in direct patient care or clinical activities, is paid hourly or covered by a CBA, and is one of the following job types: LPN, RN or surgical technologies, diagnostic radiologic technologist, cardiovascular invasive specialist, respiratory care practitioner, or certified nursing assistant.

If SHB 2061 were enacted, the definition of “employee” would be broadened to mean any direct care/ clinical worker who is paid hourly or covered by a CBA, regardless of job type. The exclusion for CNA’s and the other specialty providers who work in DOC health care facilities would still apply, but otherwise any direct care/clinical provider who was paid hourly or covered by a CBA would be subject to the overtime rules.

SHB 2061 would likely expand application of the mandatory overtime for other types of health care facilities, however for DOC, the initial analysis indicates the bill would not change current practices with respect to the use of overtime. An estimated 86 percent of all overtime worked by DOC employees in specified job classes under this bill are already covered by RWC 49.28.130. DOC believes that it is rare, if ever that the remaining job classes are required to work overtime, although instances of individuals working voluntary overtime does occur.

If this bill were enacted, the DOC would track the impacts to overtime usage, the availability of medical staff and care provided to patients and will “true-up” for needs in a future decision package, to include requesting funding to establish relief models for additional job classes.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

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

III. B - Expenditures by Object Or Purpose

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

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

Bill Number: 2061 S HB	Title: Health employees/overtime	Agency: 360-University of Washington
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

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

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: Jarrett Sacks	Phone: 360-786-7448	Date: 02/12/2024
Agency Preparation: Michael Lantz	Phone: 2065437466	Date: 02/15/2024
Agency Approval: Michael Lantz	Phone: 2065437466	Date: 02/15/2024
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 02/15/2024

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.

Substitute House Bill 2061 modifies the definition of “employee” for the purpose of mandatory overtime provisions at health care facilities. It maintains the definition in the original bill, defining employee as a person who is: 1) employed at a health care facility, 2) involved in direct patient care activities or clinical services, and 3) receives an hourly wage or is covered by a collective bargaining agreement.

The substitute also creates a phase in period for certain hospitals. For most health care facilities, the new definition applies beginning January 1, 2025. However, for the following facilities, the new definition applies beginning July 1, 2025:

- Hospitals certified as critical access hospitals.
- Hospitals with fewer than 25 acute care beds.
- Hospitals certified as sole community hospitals.
- Hospitals located on an island within Skagit County

UW Medicine system hospitals do not fall under any of the above categories. Therefore, the changes made by the substitute do not affect our fiscal analysis and we are submitting substantially the same fiscal note as for the original bill.

The potential impacts to UW Medicine are discussed in the expenditures section.

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.

SHB 2061 may have fiscal impacts on UW Medicine as it could require changes to staffing models for many positions newly covered by the definition of employee. UW Medicine has done an initial analysis of all newly covered positions and the volume of prescheduled on-call utilized for these positions, which can lead to overtime. UW Medicine is now assessing how these changes would impact staffing models for these positions. Any potential fiscal impacts associated with additional FTE required to ensure compliance with the mandatory overtime provisions are indeterminate at this time. UW Medicine will provide additional information as internal assessments are completed.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

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

III. B - Expenditures by Object Or Purpose

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

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.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 2061 S HB	Title: Health employees/overtime
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Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- Cities:
- Counties:
- Special Districts: Decrease in expenditure due to a reduction in overtime hours for all qualified public hospital district (PHD) employees; Increase in expenditure to hiring more employees; Increase in expenditures from having to pay fines for requiring mandatory overtime
- Specific jurisdictions only: Public hospital districts
- 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: Amount of increased staffing required to comply with the bill

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: Brandon Rountree	Phone: (360) 999-7103	Date: 02/15/2024
Leg. Committee Contact: Jarrett Sacks	Phone: 360-786-7448	Date: 02/12/2024
Agency Approval: Allan Johnson	Phone: 360-725-5033	Date: 02/15/2024
OFM Review: Anna Minor	Phone: (360) 790-2951	Date: 02/15/2024

Part IV: Analysis

A. SUMMARY OF BILL

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

CHANGES BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:

Added Sec. 2 and Sec .3:

- Sec. 2 establishes the definition of “employee” under RCW 49.28.130 and which types of hospitals the definition applies. Sec. 2 also establishes its expiration date as July 1, 2025.
- Sec. 3 establishes the effective date of the act as January 1, 2025.

SUMMARY OF CURRENT BILL:

Sec. 1 (Amends RCW 49.28.130):

Removed (1) (a) (iv) and simplified the definition of “Employee” to include:

- (i) Is employed by a health care facility;
- (ii) Is involved in direct patient care activities or clinical services; and
- (iii) Receives an hourly wage or is covered by a collective bargaining agreement.

Sec. 2 (New Section):

(1) Until July 1, 2025, the definition of “employee” under RCW 49.28.130 as that statute existed prior to January 1, 2025, applies to the following hospitals:

- (a) Certified critical access hospitals;
 - (b) Hospitals with fewer than 25 acute care licensed beds;
 - (c) Hospitals certified by the centers for medicare and medicaid services as sole community hospitals that are not owned or operated by a health system that owns or operates more than one acute hospital licensed under chapter 70.41 RCW; and
 - (d) Hospitals located on an island operating within a public hospital district in Skagit county.
- (2) This section expires July 1, 2025.

Sec. 3 (New Section): This act takes effect January 1, 2025.

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.

CHANGES IN EXPENDITURE IMPACTS BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:

There were no changes made between versions that would change the impact of the bill on public hospital expenditures.

EXPENDITURE IMPACTS OF CURRENT BILL:

This legislation would have an indeterminate expenditure impact on public hospital districts.

This bill would have an indeterminate expenditure impact on hospitals because there is no available data that could be used to estimate the number of employees which would be covered by the updated Mandatory Healthcare Overtime protections. Hospitals will have one of two cost increasing options:

- Hire more employees to cover hours typically fulfilled with mandatory overtime; or
- Keep requiring mandatory overtime for newly covered employees and pay the associated fine

The Department of Labor & Industry (L&I) estimates that this could result in 50 new penalties being assessed. However, L&I cannot estimate what proportion of complaints will result in repeater penalties with available data.

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.

CHANGES IN REVENUE IMPACTS BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:

There were no changes made between versions that would change the impact of the bill on public hospital revenue.

REVENUE IMPACTS OF CURRENT BILL:

This bill would not impact public hospital districts revenues.

SOURCES:

Washington State Hospital Association (WSHA)

Department of Labor and Industry Fiscal Note, HB 2061, (2024)