

Multiple Agency Fiscal Note Summary

Bill Number: 2226 S HB PL	Title: H-2A worker program data
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Estimated Cash Receipts

NONE

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	.0	0	0	0	.0	0	0	0	.0	0	0	0
Employment Security Department	.6	0	0	494,759	1.2	0	0	1,137,673	1.2	0	0	1,194,408
Total \$	0.6	0	0	494,759	1.2	0	0	1,137,673	1.2	0	0	1,194,408

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
Employment Security Department	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Estimated Capital Budget Breakout

NONE

Prepared by: Anna Minor, OFM	Phone: (360) 790-2951	Date Published: Final 3/ 8/2024
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Individual State Agency Fiscal Note

Bill Number: 2226 S HB PL	Title: H-2A worker program data	Agency: 100-Office of Attorney General
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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:	Phone:	Date: 03/06/2024
Agency Preparation: Cassandra Jones	Phone: 360-709-6028	Date: 03/07/2024
Agency Approval: Joe Zawislak	Phone: 360-586-3003	Date: 03/07/2024
OFM Review: Val Terre	Phone: (360) 280-3073	Date: 03/08/2024

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 Attorney General’s Office (AGO) Licensing & Administrative Law Division (LAL) has reviewed this bill and determined it will not significantly increase or decrease the division’s workload in representing the Employment Security Department (ESD). The enactment of this bill will not impact the provision of legal services to ESD. Any advice to ESD regarding implementation of this bill are nominal and costs are not included in this request.

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

Revised

Bill Number: 2226 S HB PL	Title: H-2A worker program data	Agency: 540-Employment Security Department
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Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	1.2	0.6	1.2	1.2
Account					
Employment Service Administrative Account-State 134-1	0	494,759	494,759	1,137,673	1,194,408
Total \$	0	494,759	494,759	1,137,673	1,194,408

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:	Phone:	Date: 03/06/2024
Agency Preparation: Geoff Medendorp	Phone: 360-890-3682	Date: 03/07/2024
Agency Approval: Lisa Henderson	Phone: 360-902-9291	Date: 03/07/2024
OFM Review: Anna Minor	Phone: (360) 790-2951	Date: 03/08/2024

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 version of the bill modifies Section 2 which articulates the information that the Employment Security Department (ESD) is required to collect from survey claimants. In Section 2(3)(a) the number of number of workers required for the survey is 2800, with specific numbers of responses required for certain fruits to be in-person surveys and the remaining may be collected via phone. It also changes the reporting requirements required in Section 2(6)(b), removing several requirements and allowing certain data aggregation. There is no financial change from previously submitted Fiscal Note.

This bill requires ESD to collect data on H-2A workers and harvesters when conducting a field check or visit. It also requires ESD to perform or contract surveys of workers.

Section 1 requires ESD to capture specific information in relation to H-2A workers, any time the department is conducting a field check or field visit. ESD must compile the information and compare it to the specific employer’s H-2A application. The department must quarterly make the information available to the advisory committee appointed under RCW 50.75.040.

ESD estimates an additional two hours per visit where no discrepancies are discovered to collect and document required information. In a visit where a discrepancy is found, ESD is estimating six hours due to required follow up questioning, reporting the non-compliance, and coordinating with federal agencies.

The agency assumes 10% of visits will result in a finding but acknowledges the estimate is based on dated, informal questioning.

ESD conducted 545 visits between 1/1/2023 – 9/30/2023 and is therefore estimating 725 visits in a 12-month period.

The agency will absorb the costs of preparing and distributing results quarterly, which is estimated at 8 hours per quarter or less.

Section 2 adds a section to Chapter 50.38 RCW, and requires ESD to conduct a survey, allowing for two different methods. Section 2(3)(a) requires the department to set up a survey designed to receive responses from a minimum of 2800 fruit harvesters. Section 2(3)(b) and 2(3)(c) articulate a requirement for field surveys done among different fruit harvesters. Please note that due to legislative calendar and when this bill would be become law, ESD is assuming that the work would start in fiscal year 2025, and cherries would be added in fiscal year 2026. Section 2(4) allows the department to use a phone survey to gather additional responses via phone. The department must provide \$25 incentive payments for survey respondents. The department must submit a report to appropriate legislative committees annually by May 1st.

To implement this section, ESD will contract with an appropriate vendor through a request for proposal to fulfill the phone and field survey requirements. The \$25 compensation will be distributed as part of the contract. ESD will need staff to manage the contract, write and coordinate the survey, manage data sharing. ESD currently contracts to complete an ag-focused worker survey. ESD would use the funding it is currently spending on that survey, to absorb the cost of the phone survey component of section 2 and discontinue the worker survey. ESD is requesting new funding for the field survey component and assumes a 4% annual cost increase for the survey.

Section 3 states that any part of this bill that conflicts with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part is inoperative solely to the extent of the conflict.

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.

This bill requires Employment Security Department (ESD) to increase scope of requirements for field checks and visits. It also requires a recurring field and phone survey process be established.

Employment System Policy & Integrity division

Program Specialist 3 – will collect data during field visits, data entry and analysis, conduct follow ups when discrepancies are noted, and coordinate with federal agencies. (FY25 and ongoing: 1.0 FTE, \$127,066)

Employment System Policy & Integrity ongoing costs
FY25 and ongoing: \$127,066

Data Architecture, Transformation & Analytics division staff costs

Operations Research Specialist – will manage the administrative aspects of the contract, including attending weekly meetings with the vendor, and project management (FY25 and ongoing: 0.2 FTE, \$35,149)

Data Architecture, Transformation & Analytics division contract costs

ESD will develop a Request for Proposal (RFP) to determine an appropriate vendor for this work. For the purposes of scale and in order to estimate cost, this fiscal note uses the historical contract with Washington State University (WSU) Social & Economic Sciences Research Center (SESRC) as an estimate. The contractor will also implement the required phone survey as well. Please note that due to when this bill becomes law, ESD assumes that the field survey without cherries would start FY25, and cherries would be added FY26. This contract includes an estimate for the \$25 compensation for survey respondents. The contract assumption includes a 4% annual cost increase for the survey.

ESD currently contracts to complete an ag-focused worker survey. ESD would use the funding it is currently spending on that survey, to absorb the cost of the phone survey component of section 2 and discontinue the worker survey. ESD is asserting for new funding for the field survey component.

FY25: \$284,144 field survey + \$48,400 incentives (1,600 respondents x \$25 + \$8400 admin costs) = \$332,544
FY26: \$340,817 field survey + \$58,988 incentives (1,950 respondents x \$25 + \$10,238 admin costs) = \$399,805
FY27: \$354,450 field survey + \$58,988 incentives (1,950 respondents x \$25+ \$10,238 admin costs) = \$413,438
FY28: \$368,628 field survey + \$58,988 incentives (1,950 respondents x \$25+ \$10,238 admin costs) = \$427,616
FY29: \$383,374 field survey + \$58,988 incentives (1,950 respondents x \$25+ \$10,238 admin costs) = \$442,362

Data Architecture, Transformation & Analytics division total costs

FY25: \$35,149 + \$332,544 = \$367,693
FY26: \$35,149 + \$399,805 = \$434,954
FY27: \$35,149 + \$413,438 = \$448,587
FY28: \$35,149 + \$427,616 = \$462,765
FY29: \$35,149 + \$442,362 = \$477,511

Office of the Attorney General does not believe that the implementation of this bill will require legal representation of ESD

Total agency costs

FY25: \$127,066 + \$367,693 = \$494,759
FY26: \$127,066 + \$434,954 = \$562,020
FY27: \$127,066 + \$448,587 = \$575,653
FY28: \$127,066 + \$462,765 = \$589,831

FY29: \$127,066 + \$477,511 = \$604,577

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
134-1	Employment Service Administrative Account	State	0	494,759	494,759	1,137,673	1,194,408
Total \$			0	494,759	494,759	1,137,673	1,194,408

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		1.2	0.6	1.2	1.2
A-Salaries and Wages		86,004	86,004	172,008	172,008
B-Employee Benefits		34,402	34,402	68,804	68,804
C-Professional Service Contracts		332,544	332,544	813,243	869,978
E-Goods and Other Services		18,180	18,180	36,360	36,360
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		23,629	23,629	47,258	47,258
9-					
Total \$	0	494,759	494,759	1,137,673	1,194,408

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
OPERATIONS RESEARCH SPECIALIST	93,343		0.2	0.1	0.2	0.2
PROGRAM SPECIALIST - 3	62,568		1.0	0.5	1.0	1.0
Total FTEs			1.2	0.6	1.2	1.2

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.