

Multiple Agency Fiscal Note Summary

Bill Number: 2266 HB PL	Title: Construction/sanitary cond.
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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
Department of Labor and Industries	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Total \$	0	0	0	0	0	0	0	0	0

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 Administrative Hearings	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Minority and Women's Business Enterprises	.1	24,623	24,623	24,623	.2	54,850	54,850	54,850	.2	54,850	54,850	54,850
Board of Industrial Insurance Appeals	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Department of Labor and Industries	.0	0	0	38,000	.0	0	0	38,000	.0	0	0	0
Total \$	0.1	24,623	24,623	62,623	0.2	54,850	54,850	92,850	0.2	54,850	54,850	54,850

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Office of Administrative Hearings	.0	0	0	.0	0	0	.0	0	0
Office of Minority and Women's Business Enterprises	.0	0	0	.0	0	0	.0	0	0
Board of Industrial Insurance Appeals	.0	0	0	.0	0	0	.0	0	0
Department of Labor and Industries	.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: Revised 3/14/2024
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Individual State Agency Fiscal Note

Bill Number: 2266 HB PL	Title: Construction/sanitary cond.	Agency: 110-Office of Administrative Hearings
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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: Pete Boeckel	Phone: 360-407-2730	Date: 03/08/2024
Agency Approval: Rob Cotton	Phone: 360-407-2708	Date: 03/08/2024
OFM Review: Val Terre	Phone: (360) 280-3073	Date: 03/11/2024

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.

No fiscal impact. This legislation will not measurably increase the appeal workload for the Office of Administrative Hearings (OAH).

This bill adds a new section to RCW 49.17. Appeals under RCW 49.17 are sent to the Board of Industrial Insurance Appeals.

Section 2 (3)(a), which calls on the Department of Labor & Industries (L&I) to come out with rules relative to flexible work scheduling and breaks, may be enforced under wage payment law and appealable to OAH. L&I has confirmed the don't assume any new appeals to OAH as a result of this bill.

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: 2266 HB PL	Title: Construction/sanitary cond.	Agency: 147-Office of Minority and Women's Business Enterprises
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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	0.2	0.1	0.2	0.2
Account					
General Fund-State 001-1	0	24,623	24,623	54,850	54,850
Total \$	0	24,623	24,623	54,850	54,850

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: Ian Shelley	Phone: (360) 407-2243	Date: 03/12/2024
Agency Approval: Ian Shelley	Phone: (360) 407-2243	Date: 03/12/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 03/13/2024

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.

HB.PL 2266 creates new sections in RCW 49.17 that direct the Department of Labor and Industries to "adopt rules, pursuant to this section, to address safety and health issues specific to workers performing construction activities who menstruate or express milk, or both."

New section 2(5)(b) requires that the Department of Labor and Industries in partnership with the Office of Minority and Women's Business Enterprises (OMWBE) to conduct educational outreach to affected construction employers. OMWBE anticipates that this will require 0.2 FTE at the Management Analyst 4 level.

This results in a fiscal impact of \$24,623 in fiscal year 25 and a fiscal impact of \$27,425 in each of fiscal year 26 through fiscal year 29. See attachment for detail.

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.

New section 2(5)(b) requires that the Department of Labor and Industries in partnership with the Office of Minority and Women's Business Enterprises (OMWBE) to conduct educational outreach to affected construction employers. OMWBE anticipates that this will require 0.2 FTE at the Management Analyst 4 level.

This results in a fiscal impact of \$24,623 in fiscal year 25 and a fiscal impact of \$27,425 in each of fiscal year 26 through fiscal year 29. See attachment for detail.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	0	24,623	24,623	54,850	54,850
Total \$			0	24,623	24,623	54,850	54,850

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		0.2	0.1	0.2	0.2
A-Salaries and Wages		17,759	17,759	35,518	35,518
B-Employee Benefits		5,991	5,991	11,982	11,982
C-Professional Service Contracts					
E-Goods and Other Services		873	873	7,350	7,350
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	24,623	24,623	54,850	54,850

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
Management Analyst 4	86,208		0.2	0.1	0.2	0.2
Total FTEs			0.2	0.1	0.2	0.2

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.

Estimated New Employee Costs

Summary	FY24	FY25	FY26	FY27	FY28	FY29
Salary	\$0	\$17,759	\$17,759	\$17,759	\$17,759	\$17,759
Benefits	\$0	\$5,991	\$5,991	\$5,991	\$5,991	\$5,991
Goods & Services	\$0	\$873	\$1,173	\$1,173	\$1,173	\$1,173
Equipment	\$0	\$0	\$0	\$0	\$0	\$0
Central Services	\$0	\$0	\$2,502	\$2,502	\$2,502	\$2,502
TOTALS	\$0	\$24,623	\$27,425	\$27,425	\$27,425	\$27,425

Salaries: (A)	Range	Salary/mo	# Needed	FY 2024	# Needed	FY 2025	# Needed	FY 2026	# Needed	FY 2027
MA4		\$7,184	0.0	\$0	0.2	\$17,759	0.2	\$17,759	0.2	\$17,759
Position 2		\$0	0.0	\$0	0.0	\$0	0.0	\$0	0.0	\$0
Total Salary			0.0	\$0	0.2	\$17,759	0.2	\$17,759	0.2	\$17,759

Benefits: (B)	Rate	# Needed	FY 2024	# Needed	FY 2025	# Needed	FY 2026	# Needed	FY 2027
OASI	6.20%		\$0		\$1,101		\$1,101		\$1,101
Retirement (PERS employer rate 9/1/22)	9.53%		\$0		\$1,692		\$1,692		\$1,692
Industrial Insurance									
Class 4902 - Office Workers	\$420	0.0	\$0	0.2	\$84	0.2	\$84	0.2	\$84
Health Insurance (FY24 \$1,145/mo, FY25 \$1,190/mo.)	\$1145/\$1190	0.0	\$0	0.2	\$2,856	0.2	\$2,856	0.2	\$2,856
Medicare	1.45%		\$0		\$258		\$258		\$258
Total Benefits			\$0		\$5,991		\$5,991		\$5,991

Goods & Services:	Rate	# Needed	FY 2024	# Needed	FY 2025	# Needed	FY 2026	# Needed	FY 2027
Supplies (EA)	\$400	0.0	\$0	0.2	\$80	0.2	\$80	0.2	\$80
Communications (EB)									
Phone Line	\$540	0.0	\$0	0.2	\$108	0.2	\$108	0.2	\$108
Switched Long Distance Service	\$125	0.0	\$0	0.2	\$25	0.2	\$25	0.2	\$25
Voice Mail	\$54	0.0	\$0	0.2	\$11	0.2	\$11	0.2	\$11
Other (cell phone, pager, etc.)	\$1,080	0.0	\$0	0.2	\$216	0.2	\$216	0.2	\$216
Printing (Business Cards) (EF)	\$25	0.0	\$0	0.0	\$0	0.0	\$0	0.0	\$0
Training (EG)	\$1,000	0.0	\$0	0.2	\$200	0.2	\$200	0.2	\$200
Data Processing (EL)									
Internet - VPN Soft/Cert	\$108	0.0	\$0	0.2	\$22	0.2	\$22	0.2	\$22
Network/Desktop/Phone Support	\$0	0.0	\$0	0.2	\$0	0.2	\$0	0.2	\$0
Email, Vault license & Filtering	\$78	0.0	\$0	0.2	\$16	0.2	\$16	0.2	\$16
Vault Storage - 2GB per person	\$30	0.0	\$0	0.2	\$6	0.2	\$6	0.2	\$6
Payroll Processing	\$240	0.0	\$0	0.2	\$48	0.2	\$48	0.2	\$48
Personnel Service Fee (EN-0001)	0.8%		\$0		\$142		\$142		\$142
Software Licenses (EY)	\$1,500	0.0	\$0	0.0	\$0	0.2	\$300	0.2	\$300
One-time Costs:									
Internet - VPN - One time set up fee (EL)	\$180	0.0	\$0	0.0	\$0	0.0	\$0	0.0	\$0
Phone Line/Data Cable Installation (ER)	\$300	0.0	\$0	0.0	\$0	0.0	\$0	0.0	\$0
Total Goods & Services			\$0		\$873		\$1,173		\$1,173

Central Services	Rate	# Needed	FY 2024	# Needed	FY 2025	# Needed	FY 2026	# Needed	FY 2027
Small Agency Human Resources (EN)	\$1,670	0.0	\$0	0.0	\$0	0.2	\$334	0.2	\$334
Small Agency Financial Services (EK)	\$2,435	0.0	\$0	0.0	\$0	0.0	\$0	0.0	\$0
Public & Historic Facilities (EK) (if new FTE)	\$94	0.0	\$0	0.0	\$0	0.2	\$19	0.2	\$19
Office of Chief Information Officer (EL)	\$75	0.0	\$0	0.0	\$0	0.2	\$15	0.2	\$15
State Data Network (EL)	\$132	0.0	\$0	0.0	\$0	0.2	\$26	0.2	\$26
State Data Center (EL)	\$183	0.0	\$0	0.0	\$0	0.2	\$37	0.2	\$37
Enterprise Systems Rates (EL)	\$377	0.0	\$0	0.0	\$0	0.2	\$75	0.2	\$75
Enterprise Security (EL)	\$44	0.0	\$0	0.0	\$0	0.2	\$9	0.2	\$9
WaTech Network/Desktop/Phone Support (EL)	\$9,661	0.0	\$0	0.0	\$0	0.2	\$1,932	0.2	\$1,932
Real Estate Services (EK)	\$86	0.0	\$0	0.0	\$0	0.2	\$17	0.2	\$17
DES Risk Management Fee (EP)	\$45	0.0	\$0	0.0	\$0	0.2	\$9	0.2	\$9
OFM Central Services (ER)	\$144	0.0	\$0	0.0	\$0	0.2	\$29	0.2	\$29
Total Central Services			\$0		\$0		\$2,502		\$2,502

Equipment: (J)	Rate	# Needed	FY 2024	# Needed	FY 2025	# Needed	FY 2026	# Needed	FY 2027
Desk	\$1,938	0.0	\$0	0.0	\$0	0.0	\$0	0.0	\$0
Desk Chair	\$545	0.0	\$0	0.0	\$0	0.0	\$0	0.0	\$0
Side Chair	\$235	0.0	\$0	0.0	\$0	0.0	\$0	0.0	\$0
File Cabinet	\$332	0.0	\$0	0.0	\$0	0.0	\$0	0.0	\$0
Bookcase	\$300	0.0	\$0	0.0	\$0	0.0	\$0	0.0	\$0
Laptop w/Dock, Cable, Mouse, Keyboard	\$2,000	0.0	\$0	0.0	\$0	0.0	\$0	0.0	\$0
Phone	\$155	0.0	\$0	0.0	\$0	0.0	\$0	0.0	\$0
Total Equipment			\$0		\$0		\$0		\$0

Individual State Agency Fiscal Note

Bill Number: 2266 HB PL	Title: Construction/sanitary cond.	Agency: 190-Board of Industrial Insurance Appeals
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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:	Phone:	Date: 03/06/2024
Agency Preparation: William Chase	Phone: 360-753-2790	Date: 03/07/2024
Agency Approval: Bob Liston	Phone: 360-753-6823	Date: 03/07/2024
OFM Review: Anna Minor	Phone: (360) 790-2951	Date: 03/07/2024

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.

Requires the Department of Labor and Industries to adopt rules applicable to the construction industry that require employers to provide reasonable accommodations for employees who menstruate or express milk.

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 proposed legislation creates new, appealable issues that would be adjudicated by the Board of Industrial Insurance Appeals (BIIA). The BIIA fiscal note is based on information provided by the Department of Labor and Industries. L&I has provided no claims information related to the implementation of this legislation; therefore, the impact of this bill is non-zero, but indeterminate.

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: 2266 HB PL	Title: Construction/sanitary cond.	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
Account					
Accident Account-State 608-1	0	32,000	32,000	32,000	0
Medical Aid Account-State 609-1	0	6,000	6,000	6,000	0
Total \$	0	38,000	38,000	38,000	0

Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact:	Phone:	Date: 03/06/2024
Agency Preparation: Shana J Snellgrove	Phone: 360-902-6408	Date: 03/14/2024
Agency Approval: Trent Howard	Phone: 360-902-6698	Date: 03/14/2024
OFM Review: Anna Minor	Phone: (360) 790-2951	Date: 03/14/2024

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.

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	32,000	32,000	32,000	0
609-1	Medical Aid Account	State	0	6,000	6,000	6,000	0
Total \$			0	38,000	38,000	38,000	0

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					
A-Salaries and Wages					
B-Employee Benefits					
C-Professional Service Contracts					
E-Goods and Other Services		38,000	38,000	38,000	
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	38,000	38,000	38,000	0

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.

See attached.

Part II: Explanation

The bill requires the Department of Labor & Industries (L&I) to adopt rules to address safety and health issues specific to workers in the construction industry who menstruate and/or express milk.

EHB 2266 PL is different from HB 2266 in that it:

- Makes changes to the rule requirements.
- Prohibits L&I from imposing any monetary penalties for violations of the accommodation provisions until 30 days after L&I's rule is filed with the Code Reviser's Office or July 1, 2025, whichever date is later. Provides that this prohibition does not prohibit L&I from receiving complaints, conducting inspections, issuing citations without penalty, and fixing reasonable time for abatement of the violation.
- Requires L&I, in partnership with relevant labor organizations and the Office of Minority and Women's Business Enterprises, to conduct educational outreach to construction employers when L&I's final rules are published.

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

Section 2 adds a new section to Chapter 49.17 RCW (Washington Industrial Safety and Health Act).

1. Requires L&I to adopt rules to address safety and health issues specific to workers performing construction activities who menstruate and/or express milk. The rules must be included in the rules governing construction safety standards and must be applicable only to employers in the construction industry.
2. The rules must require employers in the construction industry to provide workers, performing construction activities and who menstruate, with:
 - a. A minimum size bathroom, accessible on the worksite, that is equivalent to a standard sized portable chemical toilet, or access to a permanent structure with a bathroom. The bathroom must have an internal latch to be secured from inadvertent entry;

- b. Adequate time to accommodate for multiple layers of clothing while using the bathroom; and
 - c. An adequate and convenient supply of menstrual hygiene products available at no cost to the workers. Menstrual hygiene products must either be located in all gender-neutral bathrooms and bathrooms designated for workers who menstruate, or provided in kits for each worker who needs such product.
3. The rules must require employers in the construction industry to provide reasonable accommodations for workers performing construction activities to express milk. L&I must identify minimum reasonable accommodations that include alternatives for worksites of varying numbers of employees. Reasonable accommodations means providing:
 - a. Flexible work scheduling, including scheduling breaks and permitting work patterns that provide time for the expression of milk;
 - b. A location, other than a bathroom, that is convenient and sanitary for the worker to express milk. The location must be private, and lockable, if possible, and free from intrusion;
 - c. Convenient hygienic refrigeration on the worksite for the storage of milk; and
 - d. A convenient water source for the worker to clean and wash hands and milk expression equipment. The water source must be in a private location near the location where milk is expressed.
4. On multi-employer worksites, each employer is responsible for ensuring that facilities for their own workers are provided.
5. Until thirty days after the date L&I's adopted rule is filed with the Code Reviser, or July 1, 2025, whichever date is later, L&I may not impose any monetary penalties for violations of this section. This subsection does not prohibit L&I from receiving complaints, conducting inspections, issuing citations with no assessed penalty, and fixing reasonable time for abatement of the violation. When L&I's final rules under this section are published by the Code Reviser in the State Register, L&I, in partnership with relevant labor organizations and the Office of Minority and Women's Business Enterprises, shall conduct educational outreach to construction employers on the rights and responsibilities established in this section.

II. B – Cash Receipt Impact

There is potential for additional cash receipts through additional citations, but the impact is indeterminate.

II. C – Expenditures

Appropriated – Operating Costs

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

Outreach

This bill requires L&I, in partnership with relevant labor organizations and the Office of Minority and Women's Business Enterprises, to conduct educational outreach to construction employers on the rights and responsibilities established in this bill.

\$37,500 is needed in fiscal year 2025 and \$37,500 is needed in fiscal year 2026 for a targeted paid digital media campaign and targeted advertising specific to industry publications to ensure that employers are aware of their responsibilities.

Rulemaking

There will be minor costs associated with rulemaking. L&I will implement the rulemaking requirements using existing resources.

Part IV: Capital Budget Impact

None.

Part V: New Rule Making Required

WAC 296-155-140 would need to be updated with language to address the new requirements.