

Individual State Agency Fiscal Note

Bill Number: 2266 HB	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:

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.

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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 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.

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

- Requires L&I to adopt rules to address safety and health issues specific to workers in the construction industry who menstruate and/or express milk. The rules must be included in the rules governing construction safety standards.
- The rules must require employers in the construction industry to provide reasonable accommodations for workers who menstruate. Reasonable accommodations means:
 - Bathrooms designated specifically for workers who menstruate to be accessible on job sites. Bathroom stalls must have an internal latch to be secured from inadvertent entry. If there is more than one individual bathroom stall within a larger room, the larger room must be lockable to secure the entire room from inadvertent entry;
 - Adequate space and time to accommodate for multiple layers of clothing while using the bathroom; and
 - 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 need such products.
- The rules must require employers in the construction industry to provide reasonable accommodations for workers who express milk. Reasonable accommodations means providing:
 - Flexible work scheduling, including scheduling breaks and permitting work patterns that provide time for the expression of milk;
 - A location, other than a bathroom, that is convenient and sanitary for the worker to express milk. The location must be private, free from intrusion, and lockable;
 - A convenient hygienic refrigerator on the worksite for the storage of milk; and
 - 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.
- On multi-employer worksites, each employer is responsible for ensuring that facilities for their own workers are provided.

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.

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

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.

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

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.

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