

# Judicial Impact Fiscal Note

<b>Bill Number:</b> 6149 E S SB AMH LAWS H4567.1 striking amendment	<b>Title:</b> Pregnancy accommodations	<b>Agency:</b> 055-Admin Office of the Courts
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

Account	FY 2016	FY 2017	2015-17	2017-19	2019-21
Counties					
Cities					
<b>Total \$</b>					

### Estimated Expenditures from:

**Non-zero but indeterminate cost. Please see discussion.**

*The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.*

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.

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Request # 6149 ESSB-1

## **Part II: Narrative Explanation**

### **II. A - Brief Description Of What The Measure Does That Has Fiscal Impact on the Courts**

Please see attached Judicial Impact Note (JIN)

### **II. B - Cash Receipts Impact**

### **II. C - Expenditures**

## **Part III: Expenditure Detail**

## **Part IV: Capital Budget Impact**

## **Part II: Narrative Explanation**

This bill would require employers to provide reasonable accommodation in employment for pregnancy-related or childbirth-related health conditions, unless the accommodation would impose an undue hardship on the employer's business.

This bill would change the definition of employer to employers with eight or more employees but not nonprofit religious or sectarian organizations.

The bill would change the definition of "reasonable accommodation" to: (1) Make it a nonexclusive list; (2) provide that making existing facilities accessible and usable is an accommodation for a pregnancy-related or childbirth-related "condition" rather than "disability"; and (3) add scheduling flexibility for postnatal visits, not just prenatal visits, to the list of what constitutes reasonable accommodation.

The bill would remove the requirement for the Department of Labor and Industries (L&I) to post information in a printable format and include information in required workplace posters regarding employer and employee rights and responsibilities.

The bill would provide the Office of the Attorney General (OAG) with certain subpoena powers to enforce the provisions and allow the OAG to seek all appropriate relief in court, including costs and reasonable attorneys' fees.

### **Part II.A – Brief Description of what the Measure does that has fiscal impact on the Courts**

Section 1(9) would allow the OAG to investigate complaints and enforce the provisions of the bill. Any aggrieved person injured by any act in violation of this section would be given civil cause of action in court to enjoin further violations, or to recover actual damages sustained, or both, together with the cost of the suit including reasonable attorneys' fees or any other appropriate remedy.

### **II.B - Cash Receipt Impact**

No cash receipt impact.

### **II.C – Expenditures**

Indeterminate, but less than \$50,000 per fiscal year. While some of the investigations may result in hearings, there is no data to estimate how many there will be and it is expected to be minimal.

#### Lead agency assumptions

The Office of the Attorney General anticipates 30 investigations per year beginning in Fiscal Year 2017. This estimate is based on data obtained from the Human Rights Commission, an agency that is currently familiar with pregnancy-discrimination work. The Human Rights Commission has had approximately 25 pregnancy discrimination cases per year for the last two years. For this analysis, the OAG included an additional 5 cases per year because of anticipated press and attention, and because this issue continues to be a matter of national news and debate.