

# JUDICIAL IMPACT FISCAL NOTE

|                                |  |  |
|--------------------------------|--|--|
| <b>Bill Number:</b><br>5140 SB | <b>Title:</b><br>Equal Pay and Opportunities | <b>Agency:</b><br>055 – Admin Office of the Courts (AOC) |
|--------------------------------|--|--|

## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

|               | FY 2018 | FY 2019 | 2017-19 | 2019-21 | 2021-23 |
|---------------|---------|---------|---------|---------|---------|
|               |         |         |         |         |         |
|               |         |         |         |         |         |
| <b>Total:</b> |         |         |         |         |         |

### Estimated Expenditures from:

| STATE                                | FY 2018 | FY 2019 | 2017-19 | 2019-21 | 2021-23 |
|--------------------------------------|---------|---------|---------|---------|---------|
| FTE – Staff Years                    |         |         |         |         |         |
| <b>Account</b>                       |         |         |         |         |         |
| General Fund – State (001-1)         |         |         |         |         |         |
| State Subtotal                       |         |         |         |         |         |
| <b>COUNTY</b>                        |         |         |         |         |         |
| County FTE Staff Years               |         |         |         |         |         |
| <b>Account</b>                       |         |         |         |         |         |
| Local - Counties                     |         |         |         |         |         |
| Counties Subtotal                    |         |         |         |         |         |
| <b>CITY</b>                          |         |         |         |         |         |
| City FTE Staff Years                 |         |         |         |         |         |
| <b>Account</b>                       |         |         |         |         |         |
| Local – Cities                       |         |         |         |         |         |
| Cities Subtotal                      |         |         |         |         |         |
| Local Subtotal                       |         |         |         |         |         |
| <b>Total Estimated Expenditures:</b> |         |         |         |         |         |

*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.

|                                 |                     |                 |
|---------------------------------|---------------------|-----------------|
| Legislative Contact:            | Phone:              | Date:           |
| Agency Preparation: Sam Knutson | Phone: 360-704-5528 | Date: 1/17/2017 |
| Agency Approval: Ramsey Radwan  | Phone: 360-357-2406 | Date:           |
| OFM Review:                     | Phone:              | Date:           |

## **Part II: Narrative Explanation**

This bill would establish the “Equal Pay Opportunity Act”.

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

Sections 1 and 2 would provide intent and definitions.

Section 3 - Would amend RCW 49.12.175 to clarify the misdemeanor crime related to wage discrimination based on gender. Section 3 would also modify the civil action remedies available to an employee who receives “less favorable employment opportunities” due to discrimination based on gender.

Section 4 - Would prohibit a variety of workplace practices by employers.

Section 5 - Would prohibit retaliation against any employee filing a complaint or other proceeding under this Act.

Section 7 – Would establish a new cause of action allowing an employee to bring civil action against an employer for violations of Section 4 or Section 5 of the Act.

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

The changes in Section 3 of the bill could lead to additional misdemeanor penalties. There is no data available to predict the change.

The fine for a misdemeanor is up to \$1,000. Fines are not always ordered, and the amount ordered can vary depending on the circumstances of the case.

### **II.C – Expenditures**

There are two areas of potential impact, increased charging of the misdemeanor crime in Section 3 and potential new civil cases.

There is no data to predict a change in misdemeanor filings, a search of past case data did not find any charges under RCW 49.12.175. Misdemeanor criminal complaints are heard in district and municipal courts. Not all cases go to trial, the estimated court time required for the average non-traffic criminal complaint is 15 minutes of judicial officer time. It would require several hundred cases to exceed \$50,000 in court time and staff support time.

There may be an increase in court cases related to pay discrimination resulting from the bill. Under current statute the State Human Rights Commission (HRC) contracts with the Federal EEOC for investigation and enforcement on equal pay cases under the Federal Equal Pay Act. The HRC reports receiving approximately two inquires per month related to equal pay.

The bill tasks the department with investigation and enforcement, appeals of departmental decisions would be cases in the court . There is no data to predict appeal rates.

Section 7 of the bill creates a new cause of action for an employee or interested party to bring an action against an employer. Cases of this type are usually complicated and the associated trials can be lengthy. There is no data available to predict changes in case filing and/or the number that would proceed to trial in the courts rather than through the department or the existing federal EEOC process. One trial of two weeks in length is estimated to cost \$45,000.