

JUDICIAL IMPACT FISCAL NOTE

Bill Number: Z-0833	Title: Paid Family Medical Leave	Agency: 055 – Administrative Office of the Courts (AOC)
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Part I: Estimates

☐ **No Fiscal Impact**

Estimated Cash Receipts to:

	FY 2020	FY 2021	2019-21	2021-23	2023-25
Total:					

Estimated Expenditures from:

STATE	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE – Staff Years					
Account					
General Fund – State (001-1)					
State Subtotal					
COUNTY					
County FTE Staff Years					
Account					
Local - Counties					
Counties Subtotal					
CITY					
City FTE Staff Years					
Account					
Local – Cities					
Cities Subtotal					
Local Subtotal					
Total Estimated Expenditures:					

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: Pamela Kelly	Phone: 360-705-5318	Date: 1/29/2020
Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date:
OFM Review:	Phone:	Date:

Part II: Narrative Explanation

This bill would make revisions to the paid Family and Medical program to provide clarity and improve the program's administration, including waiting periods, conditional waivers, and supplementation of benefits.

This bill grants the Employment Security Department ESD statutory authority to administer oaths, take depositions, issue subpoenas, or compel a witness' attendance in an administrative proceeding. It would allow for ESD to apply for and obtain a superior court order authorizing a subpoena in advance of its issuance.

This bill would authorize, under specified conditions an employee's ability to bring a private right of action within a court of competent jurisdiction to recover damages for an employer's unlawful acts.

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

Section 17(1) – Would all for an employee or group of employees to take a private action to recover damages under RCW 50A.40.030 against an employer.

Section 17(2) – Any action under subsection (1) of this section must be filed with a court of competent jurisdiction within the state. The private action must be commenced within three years of the date of the alleged violation.

Section 17(3) – Would allow the court to award reasonable attorney fees, expert witness fees and other costs of the action, in addition to any judgement awarded to a prevailing plaintiff.

Section 17(4) – Would only allow a private right of action to be filed if the employee does not have a filed complaint with the Employment Security Department or has withdrawn the complaint from the department.

Section 17(5) – Would allow for an employee to withdraw the complaint filed with the department under RCW 50A.40.020 by providing written notice to the department within ten business days after filing the complaint. Withdrawing the complaint would terminate the department's administrative action.

Section 17(6) – Would require that the department discontinue any administrative action when all parties have come to an agreeable resolution. The resolution of the complaint must be communicated to the department prior to the department's issuance of a determination.

Section 17(7) – In the event of the department's administrative action is terminated under subsection (5) or (6) of this section:

- (a) The department will immediately discontinue its investigation and any action against the employer; and
- (b) The determination, if already issued, along with any related findings of fact and conclusions of law, and any payments or offers of payment made by the employer including interest, are not admissible in any court action or other judicial or administrative proceeding.

Section 18(2)(a) – The section would allow for any authorized representative of the commissioner to apply for and obtain a superior court order approving and authorizing a subpoena in advance of its issuance. The application may be made in the county where the subpoenaed person resides or the county where the subpoenaed records are located or in

Thurston County. The application must; (i) state that an order is sought pursuant to this subsection; (ii) adequately specify the records, documents, or testimony; and (iii) Declare under oath that an investigation is being conducted for a lawfully authorized purpose related to an investigation within the department's authority.

Section 18(2)(b) – Where the application under this subsection is made to the satisfaction of the court, the court must issue and order approving the subpoena.

Section 18(2)(c) – Would make any authorized representative of the commissioner able to seek approval and a court may issue an order under this subsection without prior notice to any person, including the person to whom the subpoena is directed and the person who is the subject of an investigation.

II.B - Cash Receipt Impact

None

II.C – Expenditures

Indeterminate, there could be an increase in civil actions filed but there is no data available to determine the amount of new cases filed.