

The fiscal impact of SB 36 on local government is indeterminable but is expected to be minimal.

The Kentucky League of Cities (KLC) states that Kentucky cities employ over 37,000 people, about 26,500 of which are full-time equivalent (FTE) employees. These figures include elected officials, temporary workers, and people paid per meeting attended. KLC does not have data related to gender, family status, or age of these employees. They indicated that by the time you estimate how many of these employees are women, how many have children younger than three years of age, and how many choose to nurse (and at what age they stop before age 3), we're likely dealing with a relatively small population in SB 36.

Cities may have difficulty providing a reasonable accommodation of an appropriate private space. For instance, a reasonable accommodation may be difficult, if not impossible, to provide to city employees that are predominantly out in the field (such as police, parks and recreation, streets and roads, and sanitation employees), especially multiple times a day.

One potential cost to local governments is the administrative time and resources to amend any existing local government bargaining agreements at the point of renewal or extension. The employees of a number of local governmental units are represented by labor organizations. According to a survey conducted by KLC in 2010, the cities of Ashland, Covington, Fort Thomas, Greenup, Jeffersontown, Lexington, Louisville, Newport, Paducah, Raceland, Shelbyville, and Shively had collective bargaining agreements with unions representing at least a portion of their employees.

If a complaint is filed, then the city could be liable for economic damages, investigative costs, and court costs. Any litigation could result in a cost of several thousands of dollars for the city, in addition to the civil penalty. It was also noted that no definitions of "reasonable time" or "reasonable accommodation," would likely result in some form of adjudication.

It is not known how many local governments have ordinances or personnel policies concerning breast-feeding. SB 36 would require these local governments to amend any local policies or laws and incorporate the language prescribed in SB 36. There may be a slight cost associated with updating personnel policies, if necessary. Costs would also include the time and expense of repealing or revising an existing ordinance, advertising the revision in a local newspaper, placing the revision on the business docket for necessary action, and printing a revised list of ordinances. Municipalities periodically (at least every five years by state law) revise their ordinances to eliminate "redundant, obsolete, inconsistent, and invalid provisions." The cost of this mandate would be less if the repeal or revision were done in conjunction with this periodic updating of ordinances or if part of any fine might be applied to the costs to administer or monitor.

Data Source(s): Kentucky League of Cities, Kentucky Health Department Association

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