

**Local Mandate Fiscal Impact Estimate
Kentucky Legislative Research Commission
2017 Regular Session**

Part I: Measure Information

Bill Request #: 1241

Bill #: HB 260

Bill Subject/Title: AN ACT relating to civil rights.

Sponsor: Representative Jason Nemes

Unit of Government: City County Urban-County
 Charter County Consolidated Local Unified Local
Government

Office(s) Impacted: All local government offices

Requirement: Mandatory Optional

Effect on

Powers & Duties: Modifies Existing Adds New Eliminates Existing

Part II: Purpose and Mechanics

HB 260 amends KRS 344.030 to include within the definition of reasonable accommodations, those adjustments relating to pregnancy, childbirth, breast-feeding and related medical conditions. HB 260 also amends KRS 344.040 to make it an unlawful practice for employers who fail to accommodate an employee affected by pregnancy, childbirth, or a related medical condition, including the need to express breast milk and, requires employers to provide written notice to employees about the right to be free from discrimination for pregnancy, childbirth, related medical conditions and to reasonable accommodations at work.

Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost

The fiscal impact of HB 260 on local government is indeterminable but is expected to be moderate.

The Kentucky League of Cities (KLC) states that HB 260 would require cities with eight or more employees to update their personnel policies with the new language in KRS 344.030 regarding discrimination against employees based on pregnancy, child birth or related medical conditions. This would apply to approximately half of all cities.

In addition, KLC indicates that cities with 15 or more employees would have to update their policies with the new language in KRS 344.030 regarding accommodation requirements for employees based on pregnancy, child birth or related medical conditions. This would apply to about one-third of cities.

There may also be increased costs related to training, particularly for supervisors and HR personnel.

Local government employers would have to provide notice to employees regarding additional rights provided in HB 260, that they are free from discrimination based on pregnancy, childbirth, and related medical conditions and they have the right to reasonable accommodation unless doing so would impose an undue hardship on the employer. This notice would need to be provided to:

- All new employees as soon as they are hired (could be included in the personnel policy);
- All existing employees within 30 days of the effective date of this bill (include in update to personnel policy); and
- Specific employees within 10 days of employer being notified of pregnancy of an employee.

Local governments would also need to post notices in a conspicuous place (where labor law posters are hanging); state would update poster so they would only need to add the updated poster.

Local governments may have to provide: time off as an accommodation (unless undue hardship), requiring coverage for that position either as a temporary employee or other employees doing the duties for that position and, more frequent or longer breaks (unless undue hardship), which may require coverage by other employees during these times.

Local government employers may also have to allow an employee to go into a less strenuous or light duty job, provide modified work schedules, or make equipment accommodations (unless undue hardship), which may include costs for job coverage as well as any equipment costs.

Local governments may have to provide a private space (not a bathroom) for expressing breast milk. This may require restructuring office space or other areas to be able to accommodate (again unless undue hardship).

Data Source(s): Kentucky League of Cities and Kentucky Association of Counties

Preparer: John V. Ryan **Reviewer:** KHC **Date:** 2/22/17