Local Government Mandate Statement Kentucky Legislative Research Commission 2020 Regular Session

Part I: Measure Information

Bill Request #: 1390
Bill #: HB 330
Document ID #: 3395
Bill Subject/Title: AN ACT relating to leave from employment.
Sponsor: Representative McKenzie Cantrell
Unit of Government: X City X County X Urban-County Unified Local X Charter County X Consolidated Local X Government
Office(s) Impacted: All local government offices with employees
Requirement: X Mandatory Optional
Effect on Powers & Duties: X Modifies Existing Adds New Eliminates Existing

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

HB 330 would amend KRS 337.415 to prohibit an employer from taking adverse employment action against an employee who is a victim of a crime because the employee takes leave from work to attend court or other proceedings associated with the prosecution of the crime. The bill defines "victim" to include immediate family of a minor or incompetent victim, and the immediate family of a homicide victim. "Immediate family" is defined as a parent, stepparent, child, stepchild, sibling, spouse, grandparent, or legal guardian of a victim.

The bill would require an employee give reasonable prior notice to an employer by providing a copy of the notice from the court or agency to the employee-victim scheduling a hearing, conference or meeting.

The employer may require an employee to use accrued leave time. An employer would be required to maintain confidentiality of any verbal communication or written record from an employee relative to the employee's request for leave under KRS 337.415.

Section 2 of HB 330 would amend KRS 337.990 to assess a civil penalty of \$100-\$1,000 against an employer who knowingly and willfully took adverse action against an employee crime victim for taking leave under the bill, or who knowingly and willfully failed to maintain confidentiality.

The impact of HB 330 on local government employers, in general, should be minimal. It is not expected that many local government employers would knowingly and willfully violate HB 330 and so incur a civil penalty.

The fiscal impact otherwise depends on the nature and duration of court or other proceedings associated with prosecution of the crime. A state district court prosecution of a pickpocket might be disposed in one or two, probably brief, appearances by a victim; a capital murder prosecution could entail innumerable court and out of court meetings and appearances, as well as a week's long trial. An employer could incur additional costs if an employer must hire a temporary replacement for the employee, or must pay for overtime earned by co-workers covering the duties of the employee on crime victim's leave, though most research and anecdotal evidence indicates that local government employers do not typically hire temporary workers when employees are on leave, but rather assign their work to other employees or otherwise "make do" while temporarily less than fully staffed.

Part III: Differences to Local Government Mandate Statement from Prior Versions

Part II addresses HB 330 as introduced.

Data Source(s): LRC staff; Kentucky League of Cities

Preparer: Mary Stephens **Reviewer:** KHC **Date:** 2/3/20