

**Local Government Mandate Statement
Kentucky Legislative Research Commission
2022 Regular Session**

Part I: Measure Information

Bill Request #: 1486

Bill #: HB 414 GA

Document ID #: 6021

Bill Subject/Title: AN ACT relating to public safety personnel.

Sponsor: Representative John Blanton

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

Office(s) Impacted: Cities with police departments

Requirement: Mandatory Optional

Effect on Powers & Duties: Modifies Existing Adds New Eliminates Existing

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

The fiscal impact of this bill varies with the different sections of the bill. Similar sections of the bill are grouped together and the impact for those sections will follow the summaries.

Section 1 amends KRS 90.330 (Cities of First Class) to remove the requirement that a candidate for employment in a civil service position in a city of first class, including police departments and fire departments, shall not have passed his or her 46th birthday. It also removes the requirement that a person appointed to a police or fire position must be a resident of the Commonwealth of Kentucky.

Current law requires cities to use the base year of 2015 to determine the number of retired police officers that can be hired. **Section 3** amends KRS 95.022 (Police and Fire Departments) to provide that the number of police officers a city may hire is based on the total number of officers employed by the city in the immediately preceding year instead of calendar year 2015.

Section 7 amends KRS 95.762 (Cities with populations of 1,000 to 7,999) to remove the age limit requirement for police and fire department candidates in cities. Currently, these cities cannot hire a person over the age of 40 unless the applicant had at least five years of experience and is not over the age of 55.

The fiscal impact of Sections 1, 3 and 7 is expected to be minimally to moderately positive, particularly for smaller cities. Smaller cities rely more on retired police officers because they cannot afford the competitive pay and benefits larger cities can pay. Eliminating the age restriction increases the pool of potential employees. Likewise, changing the baseline staffing levels to the immediately preceding year, will have a positive impact. Cities able to hire retired police officers minimizes vacancy and training costs as well as overall salary and benefit costs. In FY 2020, the statewide median pay for rehired police officers was \$46,467. Hiring retired police officers would save approximately \$20,600 in CERS contribution costs for that median salary and per employee.

Section 2 amends KRS 95.010 to amend the definition of "member" as used in KRS 95.440 to 95.629. As used in Section 4 of this Act, "member" shall not include the chiefs of police or fire departments or the clerical and maintenance employees of the police or fire departments. As used in Section 6, "member" shall not include the clerical and maintenance employees of the police or fire departments

HB 414 GA provides that Sections 4 and 8 only applies to a member of the police department when the provisions of KRS 15.520 do not apply. It permits any person to file a complaint against a member of the police department pursuant to KRS 15.520. **Section 4** amends KRS 95.450 (Cities of Home Rule Class and Urban County Governments) and **Section 8** amends KRS 95.765 (Cities with populations of 1,000 to 7,999) to provide that any person may file a written and signed complaint against a member of a police or fire department with the clerk of the legislative body, the mayor, or city manager who shall communicate the complaint to the legislative body. The mayor, city manager, or legislative body shall, whenever probable cause exists, prefer charges against said member who they believe to be guilty of conduct justifying dismissal or punishment. Unless otherwise agreed to by the legislative body and the member charged, a hearing shall be held within ten days (currently 3 days) after the charges were filed. The member shall be served with a copy of the charges at least five days (currently two days) before a hearing. Additionally, the legislation provides that an accused member may waive service (voluntarily waive the requirement to provide a copy of the charges) and demand a hearing within 10 days after charges were filed. As noted in Section 2, chiefs of police and fire departments and clerical and maintenance staff are exempt from this process in cities of home rule class and urban county governments.

Section 5 amends KRS 95.460 (Cities of Home Rule Class and Urban County Governments) to provide that review by a Circuit Court shall be based solely on the record created before the legislative body and any new evidence offered by the member regarding arbitrariness of the legislative body;

The fiscal impact of Sections 2, 4, 5, and 8 is expected to be nil to minimal. Chiefs and administrative/maintenance personnel in former second and third class cities would be exempted from the hearing process. In other words, they could be dismissed at will without a formal hearing. Additionally, extending the time frame associated with a hearing would slightly ease the administrative burden.

Section 6 amends KRS 95.495 to provide an exception to the work day limitations for police departments to urban-county governments and cities on Department of Local Government's registry of cities created pursuant to KRS 95.495. Chiefs of police and fire departments, and clerical and maintenance staff are exempt from the work day limitation.

Section 9 amends KRS 337.285 (Wages and Hour - Minimum Wage) to provide an exception to the work day limitations for law enforcement departments of:

- A consolidated local government organized under KRS Chapter 67C (Restructure of Local Government in County Containing City of First Class); or
- For a city of the home rule class, the officers who are represented by collective bargaining units agree to the exception.

The fiscal impact of Sections 6 and 9 are expected to be minimal and positive. These sections increase the flexibility of cities (formerly second and third class) with their overtime provisions, which could reduce overtime costs. For example, an officer could work 50 hours one week and 30 hours the next without triggering time-and-a-half overtime pay.

The overall fiscal impact is indeterminable, but expected to be minimally positive.

The Fraternal Order of Police, the Kentucky Association of Chiefs of Police, and the Kentucky Sheriffs' Association were contacted for input. As of the submission of this Local Mandate Statement, a response has not been received from those organizations. When a response is received, the statement may be updated accordingly.

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

Part II, above, pertains to the GA version of the bill which was amended by HFA 1. The fiscal impact from HB 414 GA remains the same as the original impact.

The changes brought by HFA and included in the GA version provide that any person may file a complaint against a police officer under KRS 15.520. It provide that KRS 95.450 and 95.765 shall only apply when the provisions of KRS 15.520 do not apply.

Data Source(s): Kentucky League of Cities, Staff

Preparer: MJO (wfb) **Reviewer:** KHC **Date:** 3/23/22