

For the purpose of determining benefit eligibility, the worker shall provide documentation of violence including but not limited to police and court records, a sworn statement by the worker, or other documentation as provided by a shelter, attorney, clergy, or medical professional, or any other professional from whom the worker has sought assistance. All documentation is confidential unless consent for disclosure is given by the worker.

KRS 341.530 is amended to provide that any benefits paid related to a state or federal emergency or disaster shall be charged against the fund's pooled account, not the employer's reserve account. Likewise, benefits paid to any worker who leaves work, is unable to work, or is separated from employment as a result of domestic violence shall also be charged against the fund's pooled account.

KRS 341.125 is expanded to provide for the establishment of a program to train employees involved in the processing of unemployment insurance on issues related to violence. The Secretary of the Education and Workforce Development Cabinet shall provide an annual report to the Legislative Research Commission detailing the number of claims filed as a result of violence defined herein.

KRS 341.550 is amended to provide that any benefits paid into the pooled account or paid to an employee under this Act shall not impact the employer's experience rating regarding the employer's unemployment insurance tax rate.

HB 83 creates a new section of KRS Chapter 341 regarding the process for filing a claim including appeals, detection of fraudulent claims, and educating both the employer and employee regarding the process. It further provides that the employer shall not be considered a party to the claim, shall not be allowed to challenge or appeal benefits paid to an employee, and requires the employee's consent before the employer may release evidence regarding the employee's relationship or the incident that caused the separation from work.

The fiscal impact of HB 83 on local governments is indeterminable. HB 83 may result in an increase in the number of Unemployment Insurance (UI) benefits claimants. For the purpose of this mandate analysis and regarding unemployment benefits, there are two types of local government employers. One type satisfies its obligation to fund UI benefits by contributing a percentage of its total wages (sometimes referred to as the UI "tax") to a reserve account in the UI fund maintained by the Cabinet for Education and Workforce Development. The second type of employer does not contribute to the UI fund, but "makes payments in lieu of contributions," that is, reimburses the UI fund for benefits paid its former employees from the fund. KRS 431.530 mandates that only benefits paid on behalf of a contributing employer may be paid out of the pooled account; benefits paid on behalf of a reimbursing employer must be reimbursed by the employer. HB 83 would not change this requirement. While extending UI benefits to additional claimants, HB 83 would not increase UI insurance rates paid by contributing employers. However, it would increase reimbursements due from reimbursing employers.

According to the Kentucky League of Cities (KLC), HB 83 would have a minimal negative impact on a city's UI premiums, but could have a larger positive financial impact on the potential for workers compensation claims or liability. The presence of victims of domestic violence and abuse, etc. at a workplace increases the probability of violence occurring at the workplace. If an employer is aware of the violence against, or stalking of, its employee and takes no preventive action (for example, by implementing additional security measures), the city might incur workers' compensation liability if an assault or other injury to the worker or other employees occurred on city property or during the course of the employee's work. Workers' compensation claims would be paid by the city and not chargeable to another account. If victims of such violence have the option to leave the workplace and re-locate or otherwise avoid violence at the workplace without sacrificing financial stability, there could be less probability of incidents of violence at the workplace for which an employer might be deemed to have some liability, and so incur a workers' compensation insurance claim, and increase in premiums.

Relying on the Centers for Disease Control statistics that 1 in 4 women and 1 in 7 men will be victims of domestic violence and abuse, and 1 in 6 women and 1 in 19 men will be victims of stalking during their lifetime, KLC believes HB 83 could allow city employers to protect themselves from potential workers compensation claims or other liability claims if the victims would have recourse to UI benefits if they needed to separate from service to escape victimization.

The Kentucky Association of Counties (KACo) reports that most of its members, including 114 fiscal courts and various other local government entities, do not contribute to the UI trust fund, but participate in KACo's reimbursing account. Those reimbursing employers would be required to reimburse the UI fund for benefits paid to their former employee victims of domestic or dating violence and abuse, sexual assault, or stalking.

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

Part II refers to HB 83 GA version. The GA version of HB 83 is the same as the bill introduced. HB 83 passed its chamber of origin without amendments or substitutes.

Data Source(s): LRC Staff, KY Association of Counties, KY League of Cities

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