

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

Section 2 would impose a civil penalty of \$100-\$1,000 on an employer for knowingly and willfully taking adverse action against an employee for taking leave under the bill, or knowingly and willfully failing to maintain confidentiality. Each day the employer denies leave to an employee in violation of the Act would constitute a separate offense.

The fiscal impact of HB 147 on local government employers would be minimal. The fiscal impact of expanding the prohibition in KRS 337.415 to include discharging an employee crime victim for taking leave from work to attend court or other legal proceedings would not significantly increase local government costs.

An employer may require the employee to use accrued leave time and is not required to pay the employee if he or she has not accrued leave time.

It is not expected that many local government employers would knowingly and willfully violate HB 147 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, and the amount of accrued leave time the employee has.

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. Most research and anecdotal evidence indicate 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.

Local government employers may need to amend their human resources manuals or, perhaps, local ordinances. Local governments that must amend ordinances to adopt the requirements of HB 147 will incur costs associated with the drafting, publication, indexing and recording of adopted ordinances. According to Kentucky League of Cities, most cities, especially smaller ones, retain their city attorney on contract and pay on an hourly basis. Time spent drafting an ordinance is influenced by its complexity and the amount of research that is necessary. In FY 2020, the average hourly rate was \$107. Rates for legal notices vary greatly depending on the length of the publication, the number of times it needs to be published and the newspaper in which the publication is placed. Therefore, these costs are unknown.

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

Part II applies to HB 147 as introduced. There is no prior version for comparison.

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

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