

The bill would require an employer maintain confidentiality of any verbal or written communication from an employee relative to the employee's request for leave pursuant to 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 as provided by 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 540 on local government employers would be minimal. 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 proceeding would not significantly increase costs for local governments. An employer could require the employee use accrued leave time and is not obligated to pay the employee if they have insufficient leave accrued.

It is not expected that many local government employers would knowingly and willfully violate the requirements of HB 540 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 absent 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 governments may need to amend their human resources manuals or local ordinances to reflect the right of employees to crime victim's leave. If so, they 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 necessary. In 2024 the estimated average salary paid by a city to a retained attorney is approximately \$117 to \$128 per hour. Rates for posting legal notices in the newspaper 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

Data Source(s): Kentucky League of Cities in response to identical bill 23 RS HB 147

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