

**Local Government Mandate Statement
Kentucky Legislative Research Commission
2018 Regular Session**

Part I: Measure Information

Bill Request #: 31

Bill #: HB 140

Document ID #: 1500

Bill Subject/Title: An ACT relating to conservations officers and declaring an emergency.
(Supplemental pay for local law enforcement officers.)

Sponsor: Representative Tommy Turner

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

Office(s) Impacted: Sheriff's Offices

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

This impact deals only with the effect on local governments. Conservations Officers are state-hires.

The fiscal impact of HB 140 on local government is expected to be minimal to moderate regarding law enforcement supplemental pay. It would depend on the size of the local police department of sheriff's office, the number of officers, and the size of their respective operating budgets.

HB 140 requires all police officers to have a high school degree or equivalent and to successfully complete a basic training course of 928 hours within one year of employment at a school certified or recognized by the Kentucky Law Enforcement Council, **except** for an officer employed prior to the hiring department's participation in the Law Enforcement Foundation Program.

HB 140 increases the annual supplement from \$3,000 to \$4,000 available from the Law Enforcement Foundation Program Fund (LEFPF) beginning July 1, 2018. These amounts shall include any additional contribution the employers are required to make to any retirement system. The pay shall be in addition to the officer's pay.

HB 140 forbids:

- the Department of Criminal Justice Training, the Justice and Public Safety Cabinet, or the council to investigate, judge, or exercise any control or jurisdiction regarding disciplinary procedures of a local government regarding its officers.
- the creation of a private right of action for any police officer regarding the agency's participation in the LEFPF
- termination of an agency's participation in the LEFPF due to any cause of action brought by a police officer against a local government,
- prevention of the adoption, amendment, or repeal of any laws related to disciplinary procedures of a local government's police officers.

Supplemental pay is not included when calculating hourly wage rates for scheduled overtime and thus would not affect overtime pay rates.

However, supplemental pay **must be included when calculating hourly wage rates for unscheduled overtime**, thus increasing the hourly wage rate for overtime pay resulting in minimal to moderate increases in expenditures for local governments. Overtime is calculated at 150 percent of base pay. With the supplemental pay entering the equation, the basic pay rate per hour increases, and thus overtime liability to the local government would increase proportionately. Additionally, the employer is required to pay 6.2 percent Social Security Tax and 1.45 percent Medicare tax on the additional pay. There may be a minor increase on state and federal unemployment taxes that are also required to be paid by the employer.

Conversely, there is a positive impact to the individual officer due to increased base pay and increased overtime pay.

The Fraternal Order of Police stated the expected impact of this bill will be positive for their members. The organization cited improved recruitment and retention efforts.

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

The Part II section above pertains to the bill as introduced and there are not any prior introduced versions of the bill to complete the Part III section.

Data Source(s): LRC Staff, Fraternal Order of Police,

Preparer: Wendell F. Butler **Reviewer:** KHC **Date:** 1/8/18