

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5026-01
Bill No.: SB 907
Subject: Attorney General, State; Domestic Relations; Employees-Employers; Health Care;
Labor and Industrial Relations Department
Type: Original
Date: February 25, 2016

Bill Summary: This proposal creates a right to unpaid leave for employees that are affected by domestic violence.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
General Revenue	(Unknown)	(Unknown)	(Unknown)
Total Estimated Net Effect on General Revenue	(Unknown)	(Unknown)	(Unknown)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Other	(Unknown)	(Unknown)	(Unknown)
Total Estimated Net Effect on <u>Other</u> State Funds	(Unknown)	(Unknown)	(Unknown)

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 10 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Federal Funds	(Unknown)	(Unknown)	(Unknown)
Total Estimated Net Effect on <u>All</u> Federal Funds	(Unknown)	(Unknown)	(Unknown)

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on FTE	0	0	0

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Local Government	(Unknown)	(Unknown)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Office of Administration - Accounting** assume this proposal will have a negative fiscal impact on all state agencies.

Currently, state employees who require time away from work to address tasks related to domestic violence may use annual leave or compensatory time or, under specific circumstances, sick leave or leave without pay may be used. The fiscal impact would be limited to employees who use leave without pay. There is no fiscal impact on other leave types.

In CY15, there were approximately 13,560 state employees on a leave without pay status at some point during the year. OA does not track whether the use of leave without pay, or any other type of leave, is related to domestic violence. Accordingly, OA has no mechanism with which to estimate the number of instances in which an employee's use of leave without pay is related to a domestic violence incident. OA assumes this proposal would not cause the use of leave without pay to increase.

If all employees who require leave related to domestic violence utilize annual, compensatory, or sick leave, there would be no cost to the proposal. However, if we assume each employee who has a domestic violence event would cause them to incur two weeks of leave without pay, the state would continue to pay the employer's share of their health insurance at approximately \$360 per employee. If 13,560 state employees utilized 2 weeks of leave without pay due to a domestic violence incident, the total cost would be \$4.9 million. It is highly unlikely that the minimum or the maximum amounts will occur.

In short, the proposal would cost the state \$360 for every two weeks of leave without pay utilized related to domestic violence, but OA has no way of estimating the amount of leave without pay that will be so used.

Oversight will show this proposal will have an unknown negative fiscal impact to state government because the number of leave hours taken without pay due to domestic violence has not been specifically tracked.

Officials at the **City of Jefferson City** assume this proposal will have a minimal fiscal impact on their organization.

Officials at the **City of O'Fallon** assume this proposal will have an unknown negative fiscal impact on their organization.

ASSUMPTION (continued)

Officials at the **University of Central Missouri** assume this proposal will have a negative fiscal impact on their organization estimated at \$50,000 for increased costs for additional administrative staff hours to enact and monitor the program.

Officials at the **Missouri State University** assume this proposal will have an unknown negative fiscal impact to their organization.

Officials at the **Kansas City** school district assume this proposal will have a negative fiscal impact because classified positions require coverage during normal business hours which may require overtime compensation be paid to the employee backfilling the vacant position. Therefore, they estimate the impact to be less than \$25,000 per year.

Officials at the **Concordia R-II** school district assume this proposal will have a negative fiscal impact on their organization based on the cost for a teaching/support staff position is \$80.98 per day and would be necessary to incur for replacement staff to cover for those on leave.

Officials at the **Seymour R-II** school district assume this proposal will have a negative fiscal impact on their organization based on a substitute teacher for two weeks would cost \$1,000 in additional wages.

Officials at the **Wright City R-II** school district assume this proposal will have an unknown negative fiscal impact on their organization.

Officials at the **City of Kansas City** assume this proposal will have an unknown negative fiscal impact to their organization due to increase costs to be in compliance with this proposal.

Officials at the **St. Louis County** assume this proposal will have an unknown negative fiscal impact to their organization.

Officials at the **Office of Administration - Budget and Planning, Department of Labor and Industrial Relations, and Department of Revenue** each defer to the Office of Administration - Personnel to estimate a the fiscal impact from this proposal.

Oversight will show this proposal will have an unknown negative fiscal impact on local government based on estimates that were provided without reference to historical information related to the number of leave hours taken without pay taken due to domestic violence.

ASSUMPTION (continued)

Officials at the **Department of Transportation, Office of State Courts Administrator, Office of Administration - Personnel, and Department of Conservation** each assume this proposal will not have a fiscal impact on their respective organizations.

Officials at the **State Technical College of Missouri, Missouri Western State University, Northwest Missouri State University, and University of Missouri** each assume this proposal will not have a fiscal impact on their respective organizations.

Officials at the Boards of Elections Commissioners for **Jackson County** and **St. Louis County** each assume this proposal will not have a fiscal impact on their respective organizations.

Officials at the **Callaway County** assume this proposal will not have a fiscal impact on their organization.

Officials at the school districts of **St. Elizabeth, Kearney R-I, Macon County R-IV, Malta Bend, Pettis County R-12, and Webster Groves** each assume this proposal will not have a fiscal impact on their respective organizations.

Officials at the following boards of election commissioners: Kansas City Board of Election Commission, St. Louis City Board of Election Commission, Clay County Board of Election Commission, and Platte County Board of Election Commission did not respond to **Oversight's** request for fiscal impact.

Officials at the following counties: Andrew, Atchison, Audrain, Barry, Bollinger, Boone, Buchanan, Camden, Cape Girardeau, Carroll, Cass, Christian, Clay, Cole, Cooper, DeKalb, Dent, Franklin, Greene, Holt, Jefferson, Johnson, Knox, Laclede, Lawrence, Lincoln, Maries, Marion, McDonald, Miller, Mississippi, Moniteau, Monroe, Montgomery, New Madrid, Nodaway, Ozark, Perry, Pettis, Phelps, Platte, Pulaski, Scott, Shelby, St. Charles, St. Francois, Taney, Warren, Wayne and Worth did not respond to **Oversight's** request for fiscal impact.

Officials at the following cities: Ashland, Belton, Bernie, Bonne Terre, Boonville, California, Cape Girardeau, Clayton, Columbia, Dardenne Prairie, Des Peres, Excelsior Springs, Florissant, Frontenac, Fulton, Gladstone, Grandview, Harrisonville, Independence, Joplin, Kearney, Knob Noster, Ladue, Lake Ozark, Lee Summit, Liberty, Louisiana, Maryland Heights, Maryville, Mexico, Monett, Neosho, Pacific, Peculiar, Pineville, Popular Bluff, Raytown, Republic, Richmond, Rolla, Sedalia, Springfield, St. Charles, St. Joseph, St. Louis, St. Robert, Sugar Creek, Sullivan, Warrensburg, Warrenton, Webb City, Weldon Spring and West Plains did not respond to **Oversight's** request for fiscal impact.

ASSUMPTION (continued)

Officials at the following colleges: Crowder, East Central Community College, Harris-Stowe, Jefferson College, Lincoln University, Metropolitan Community College, Moberly Area Community College, Missouri Southern State University, Southeast Missouri State University, State Fair Community College, St. Charles Community College, St. Louis Community College, Three Rivers Community College, and Truman State University did not respond to **Oversight's** request for fiscal impact.

Officials at the following school districts: Arcadia Valley R-2, Aurora R-8, Avilla R-13, Bakersfield, Belton, Benton County R-2, Bismark R-5, Bloomfield R-14, Blue Springs, Bolivar R-I, Bowling Green R-1, Branson, Brentwood, Bronaugh R-7, Campbell R-2, Carrollton R-7, Caruthersville, Cassville R-4, Central R-III, Chilhowee R-4, Chillicothe R-II, Clarkton C-4, Cole R-I, Columbia, Crawford County R-1, Crocker R-II, Delta C-7, East Carter R-2, East Newton R-6, Eldon R-I, Everton R-III, Fair Grove, Fair Play, Fayette R-3, Forsyth R-3, Fox C-6, Fredericktown R-I, Fulton, Grain Valley, Hancock Place, Hannibal, Harrisonburg R-8, Harrisonville, Hillsboro R-3, Hollister R-5, Humansville R-4, Hurley R-1, Independence, Jefferson City, Kearney R-1, Kennett #39, King City R-1, Kingston 42, Kirbyville R-VI, Kirksville, Laclede County R-1, Laredo R-7, Lee Summit, Leeton R-10, Lewis County C-1, Lindbergh, Lonedell R-14, Macon County R-1, Mehville, Mexico, Middle Grove C-1, Midway R-1, Milan C-2, Moberly, Monroe City R-I, Morgan County R-2, New Haven, Nixa, North St. Francois Co. R-1, Northeast Nodaway R-5, Odessa R-VII, Oregon-Howell R-III, Orrick R-11, Osage County R-II, Osborn R-O, Parkway, Pattonville, Pierce City, Plato R-5, Princeton R-5, Raymore-Peculiar R-III, Raytown, Reeds Springs R-IV, Renick R-5, Richland R-1, Riverview Gardens, Salisbury R-4, Sarcoxie R-2, Scotland County R-I, Sedalia, Shelby County R-4, Shell Knob #78, Sikeston, Silex, Slater, Smithville R-2, Special School District of St. Louis County, Spickard R-II, Springfield, St Joseph, St Louis, St. Charles, Sullivan, Tipton R-6, Valley R-6, Verona R-7, Warren County R-3, Warrensburg R-6, West Plains R-VII, and Westview C-6 did not respond to **Oversight's** request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
GENERAL REVENUE			
<u>Costs - Group Health Insurance</u>	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
NET EFFECT ON GENERAL REVENUE	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
OTHER STATE FUNDS			
<u>Costs - Group Health Insurance</u>	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
NET EFFECT ON OTHER STATE FUNDS	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
FEDERAL FUNDS			
<u>Costs - Group Health Insurance</u>	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
NET EFFECT ON FEDERAL FUNDS	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
LOCAL POLITICAL SUBDIVISIONS			
<u>Costs - Related to Employees taking Leave due to Domestic Violence</u>	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
NET EFFECT ON POLITICAL SUBDIVISIONS	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ALL SCHOOL DISTRICT FUNDS			
<u>Costs - Related to Employees taking Leave due to Domestic Violence</u>	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
NET EFFECT ON ALL SCHOOL DISTRICT FUNDS	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

FISCAL IMPACT - Small Business

A direct fiscal impact to small businesses could be expected as a result of this proposal.

FISCAL DESCRIPTION

This act creates a right to unpaid leave for employees that are affected by domestic violence.

Any person employed by a public employer or private employer with at least 15 employees is entitled to unpaid leave if the person, or a family or household member, is a victim of domestic violence. Domestic violence is defined as assault, battery, coercion, harassment, sexual assault, unlawful imprisonment, and stalking. Such individuals are entitled to 2 weeks of leave per year if their employer employs at least 50 employees and 1 week per year if their employer employs at least 15 but not more than 49 employees.

Employees are required to give 48 hours notice of the intent to take such leave and may be required to provide certification to the employer that such leave is necessary. Permissible reasons for taking leave include seeking medical attention, recovering from injury, obtaining victim services, obtaining counseling, participating in safety planning, and seeking legal assistance.

On return from leave, employees are to be restored to the same or equivalent employment position and shall not lose accrued benefits. Employers are required to maintain health coverage for the employee while on leave but the premium may be recovered if the employee does not return.

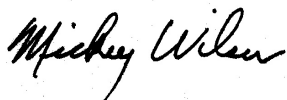
Employers and public agencies delivering public assistance are barred from discriminating against individuals covered under the act and such entities are required to make reasonable accommodations regarding such individual unless the accommodation would constitute an undue hardship. Reasonable accommodations include an adjustment to a job structure, workplace facility, or work requirement, including a transfer, reassignment, or modified schedule, leave, changed telephone number or seating assignment, installation of a lock, or implementation of a safety procedure, or assistance in documenting domestic violence that occurs at the workplace or in work-related settings.

The Attorney General is given the authority to enforce the provisions of the act.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

City of O'Fallon
City of Jefferson City
City of Kansas City
Callaway County
St. Louis County
Office of Administration - Budget and Planning
Office of Administration - Personnel
Office of Administration - Accounting
Department of Revenue
Department of Transportation
Department of Conservation
Department of Labor and Industrial Relations
Office of State Courts Administrator
State Technical College of Missouri
Northwest Missouri State University
University of Missouri
University of Central Missouri
Missouri State University
Missouri Western State University
Jackson County Board of Elections Commission
St. Louis County Board of Elections Commission
St. Elizabeth School District
Macon County R-IV School District
Malta Bend School District
Webster Groves School District
Kansas City School District
Concordia R-II School District
Seymour R-II School District
Wright City R-II School District
Kearney R-I School District
Pettis County R-12



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