



Louisville Metro Government

Action Summary - Final Labor and Economic Development Committee

Chair Pat Mulvihill (D-10)
Vice Chair Anthony Piagentini (R-19)
Committee Member Tammy Hawkins (D-1)
Committee Member Donna L. Purvis (D-5)
Committee Member Robin Engel (R-22)
Committee Member Khalil Batshon (R-25)
Committee Member Brent Ackerson (D-26)
(Vacancy)

Tuesday, January 24, 2023

3:00 PM

Council Chambers/ Virtual

**THIS MEETING IS BEING HELD VIA VIDEO TELECONFERENCE / THIS IS CONSIDERED
A SPECIAL MEETING.**

Call to Order

Chair Mulvihill called the meeting to order at 3:00 p.m.

Roll Call

Note: All committee members and non-committee members present attended in Chambers except for Committee Member Purvis, Committee Member Engel, Committee Member Ackerson, Council Member Arthur and Council Member Chambers Armstrong.

Present: 7 - Committee Member Tammy Hawkins (D-1), Committee Member Donna L. Purvis (D-5), Chair Pat Mulvihill (D-10), Vice Chair Anthony Piagentini (R-19), Committee Member Robin Engel (R-22), Committee Member Khalil Batshon (R-25), and Committee Member Brent Ackerson (D-26)

Non-Committee Member(s)

Council Member Jecorey Arthur (D-4), Council Member Cassie Chambers Armstrong (D-8) and Council Member Dan Suem (D-13)

Support Staff

**Kathryn Meador, Jefferson County Attorney's Office
Jason Fowler, Jefferson County Attorney's Office**

Clerk(s)

**Olivia Bennett, Assistant Clerk
Sonya Harward, Clerk**

Pending Legislation

1. [O-321-22](#)

AN ORDINANCE AMENDING LOUISVILLE METRO CODE OF ORDINANCES (“LMCO”) CHAPTER 39 TO REQUIRE ORGANIZATIONS RECEIVING INCENTIVES, BENEFITS, OR CONTRACTS FROM LOUISVILLE METRO GOVERNMENT TO REPORT INSTANCES OF WORKPLACE SEXUAL HARASSMENT AND PROHIBITING THOSE ORGANIZATIONS FROM ENTERING INTO CERTAIN TYPES OF NON-DISCLOSURE AGREEMENTS THAT ARE CONTRARY TO THE PUBLIC INTEREST.

Sponsors: Primary Cassie Chambers Armstrong (D-8) and Primary Jecorey Arthur (D-4)

Attachments: [O-321-22 V.1 102722 Requiring Reporting by Contractors and Not Allowing Non-Disclosure Agreements.pdf](#)
[King Spalding Full Report to USSF 1-23-23.pdf](#)

A motion was made by Vice Chair Piagentini, seconded by Committee Member Purvis, that this Ordinance be recommended for approval.

The following spoke to this item:

- Chair Mulvihill
- Council Member Chambers Armstrong
- Council Member Arthur
- Kathryn Meador, Jefferson County Attorney's Office
- Vice Chair Piagentini
- Committee Member Batshon

The following was discussed:

- This Ordinance is designed to combat the rise in sexual harassment and sexual assault in Louisville
- This Ordinance prohibits any organization, business or non-profit that receives tax payer money of \$50,000 or more and incentives from Metro Government from entering into non-disclosure agreements that would cover up workplace sexual harassment and/or sexual assault -- If companies violate the prohibition stated in the contract they must pay Metro Government a fine of 10 percent of the financial incentives they receive
- There are 17 other states that have restricted these types of non-disclosure agreements -- 4 states have entirely banned non-disclosure agreements all together
- Congress passed the Speak Out Act in December 2022
- Referenced the attachment document titled "King Spalding Full Report to USSF 1-23-23.pdf" in regards to an incident that occurred within Louisville's soccer institution and briefly reviewed some of the recommendations the report offers
- It was asked whether the sponsors filed this Ordinance in conjunction to the attached report or in conjunction with Economic Development -- this Ordinance was drafted based on California, New Jersey and Washington laws
- It was asked whether there is an existing bill in Kentucky that has been pre-filed or filed regarding this same issue -- the Jefferson County Attorney's Office is not aware of any legislation that has been pre-filed or filed in regards

to this issue in Kentucky

- It was confirmed that the reporting requirements established in this Ordinance is an annual report required for anybody who is considered a covered entity
- It was asked how the Office of Equity would process this reporting -- though there are all genders who experience workplace harassment, it is predominately women and having the report concentrated in an office that deals mainly with equity issues would be preferred
- It was asked whether the violation of the law would result in a 10 percent fine or whether the failure to comply with the reporting requirements would result in the 10 percent fine -- this Ordinance is a transparency measure, where companies are required to disclose that an incident occurred and that the employer cannot prohibit the employee from sharing their experience
- In 2022, there was a bill introduced in the General Assembly by McKenzie Cantrell
- It was stated that the budget cycle that Metro Government is currently in has dozens of institutions that grants were provided through external agency funds -- it appears that only a few of these institutions would need to report due to the reporting requirements stated in the Ordinance -- examples of these institutions were provided
- It was asked whether this Ordinance is limited to organizations that do business with Metro Government -- Yes, this is the only authority that Metro Council has under state law -- Congress however just passed a bipartisan law addressing non-disclosure agreements which passed unanimously in Senate
- The need for non-disclosure agreements was discussed in order to protect companies from disgruntled employees
- Questions were asked regarding how this Ordinance is limited to only sexual harassment when discussing the banning of non-disclosure agreements all together -- page 4, Section III, in the Ordinance was referenced
- Private entities that do business with Metro Government are not subject to Open Records Law and therefore this Ordinance would apply to those businesses as Metro Government entities are not allowed to have non-disclosure agreements

A motion was made by Vice Chair Piagentini, seconded by Committee Member Engel, that this Ordinance be tabled.

The motion to table carried by a voice vote.

2. [R-184-22](#)

A RESOLUTION APPROVING THE GRANTING OF LOCAL INCENTIVES TO CONFLUENT HEALTH, LLC AND ANY SUBSEQUENT ASSIGNEES OR APPROVED AFFILIATES THEREOF PURSUANT TO KRS CHAPTER 154, SUBCHAPTER 32.

Sponsors: Primary Anthony Piagentini (R-19)

Attachments: [R-184-22 V.1 010323 Incentives for Confluent Health.pdf](#)

[Confluent Health, LLC- Louisville Support letter.pdf](#)

[Confluent Health, LLC- Preliminary Approval Jnaury 27, 2022.pdf](#)

A motion was made by Committee Member Batshon, seconded by Committee Member Purvis, that this Resolution be recommended for approval.

The following spoke to this item:

- Chair Mulvihill
- Jake Medley, Economic Development

The following was discussed:

- Confluent Health is a family, physical and occupational therapy company transforming health care through workplace wellness and injury prevention
- In January 2022, the company began a \$13M relocation and expansion of their corporate headquarters, located at 1650 Lyndon Farm Ct. in District 18
- Confluent Health's goal was to create 350 new full-time jobs within a 10-year period
- Confluent Health has deployed their project investment, commenced hiring, and is requesting final approval of their Kentucky Business Investment (KBI) incentives which is 1 percent of the wage assessment from Louisville Metro
- The Department of Economic Development is supportive of this incentive

The motion carried by a voice vote and the Resolution was sent to the Consent Calendar.

Adjournment

Without objection, Chair Mulvihill adjourned the meeting at 3:32 p.m.

Note: Items sent to the Consent Calendar or Old Business will be heard before the full Council at the Metro Council meeting on February 2, 2023.