

Wage and Hour Laws

Labor Cabinet

MINIMUM WAGE = \$7.25 per hour
(Effective July 1, 2009)

WAGES

PAYMENT OF WAGES:

Any employee who leaves or is discharged from employment shall be paid in full all wages or salary earned not later than the next normal pay period following the date of dismissal or voluntary leaving or fourteen (14) days following such date of dismissal or voluntary leaving whichever last occurs.

UNLAWFUL FOR EMPLOYER TO WITHHOLD WAGES

No employer shall withhold from any employee's wages any part of the agreed wage rate; unless
a) the employer is required to do so by local, state, or federal law; or
b) when a deduction is expressly authorized in writing by the employee to cover insurance premiums, hospital, or medical dues; or
c) when a deduction is expressly authorized in writing by the employee for other deductions not amounting to a rebate or deduction from the standard wage arrived at by collective bargaining or pursuant to wage agreement or statute; or
d) Deductions for union dues where such deductions are authorized by joint wage agreements or collective bargaining contracts negotiated between employers and employees or their representatives.

- a) Fines
- b) Cash shortages in a common money till, cash box or register used by two (2) or more persons;
- c) Breakage;
- d) Losses due to acceptance by an employee of checks which are subsequently dishonored if such employee is given discretion to accept or reject any check; or
- e) Losses due to defective or faulty workmanship, lost or stolen property, damage to property, default of customer credit or nonpayment for goods or services received by the customer if such losses are not attributable to employee's willful or intentional disregard of employer's interest.

TIME AND ONE HALF FOR WORK DONE ON SEVENTH DAY OF WEEK

Any employer who permits any employee to work seven days in any one workweek shall pay the rate of time and a half for the time worked on the seventh day. This shall not apply where an employee is not permitted to work more than forty (40) hours during the workweek.

OVERTIME

No employer shall employ any employee for a workweek longer than forty hours unless such employee receives compensation for employment in excess of forty hours in a workweek. The rate of pay for time in excess of forty hours shall be not less than one and one-half the hourly rate employed.

No employer shall deduct the following from the wages of employees:

TIPPED EMPLOYEES

Any employee engaged in an occupation in which more than \$30 dollars per month is customarily and regularly received in tips, the employer may pay a minimum of \$2.13 per hour if the employer records can establish for each week where credit is taken, when adding the tips received to wages paid, not less than the minimum wage is received by the employee. No employer shall:

- Use all or part of any tips or gratuities received by employees toward the payment of the minimum wage.
- Require an employee to remit to the employer any gratuity, or any portion thereof, except for the purpose of withholding amounts required by federal or state law.
- Employees may enter into an agreement to divide tips among themselves. If employees enter into this type of agreement, the amounts retained by the employees shall be considered tips of the individuals who retain them. If an employer requires the use of a tip pool, then the account used to hold the tip pool shall be segregated from the employer's other business records and the employer shall make the account open to the pool's participants.

PERFORMANCE BONDS: Performance Bonds must be kept on file for employers in the construction and mining industries (including the transportation of minerals) who have conducted business within the Commonwealth for less than five (5) consecutive years. For more information, see KRS 337.200.

Certain exemptions from minimum wage and overtime apply. For questions, please call (502)564-3534.

BREAKS

REST PERIODS: No employer shall require any employee to work without a rest period of at least ten (10) minutes during each four (4) hours worked. This shall be in addition to the regularly scheduled lunch period. No reduction in compensation shall be made for hourly or salaried employees.

LUNCH PERIODS: Employers shall grant their employees a reasonable period for lunch, and such time shall be as close to the middle of the employee's scheduled work shift as possible. In no case shall an employee be required to take a lunch period sooner than three (3) hours after the work shift commences, nor more than five (5) hours from the time the work shift commences. This section shall not be construed to negate any provision of a collective bargaining agreement or mutual agreement between the employee and employer.

RECORDS

RECORD RETENTION: ONE (1) YEAR AFTER ENTRY

Every employer subject to the provisions of the Kentucky Minimum Wage Law shall make and preserve records containing the following information:

- (a) Name, address, and Social Security Number of each employee;
- (b) Hours worked each day and each week by each employee;
- (c) Regular hourly rate of pay;
- (d) Overtime hourly rate of pay for hours in excess of forty hours in a workweek;
- (e) Additions to cash wages at cost, or deductions (meals, board, lodging, etc.) from stipulated wages in the amount deducted, or at cost of the item for which deductions are made;
- (f) Total wages paid for each workweek and date of payment.

POST THIS ORDER WHERE ALL EMPLOYEES MAY READ

Education and Labor Cabinet
Division of Wages and Hours
Mayo-Underwood Building
500 Mero Street, 3rd Floor
Frankfort, Kentucky 40601-4381
Phone (502) 564-3534
www.labor.ky.gov

"No individual in the United States shall, on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, be excluded from participation in, or denied the benefits of, or be subjected to discrimination under any program or activity under the jurisdiction of the Education and Labor Cabinet."

REV. 09/2022

NOTICE: This state has its own minimum wage law. Employers are also required to display the federal Employee Rights Under the Fair Labor Standards Act posting, which indicates the federal minimum wage. Where federal and state rates both apply to an employee, the U.S. Department of Labor dictates that the employee is entitled to the higher minimum wage rate.
THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.

Workers' Comp.

Workers' Compensation Notice

Employees of this business are covered by the Kentucky Workers' Compensation Act (KRS Chapter 342). Conspicuous posting of this Notice is required by law.

Employer Name: _____

Address: _____

Workers Compensation Carrier (or third party administrator): _____

Policy #: _____, effective _____ to _____

Address: _____

Telephone: _____, Contact Person _____

EMPLOYEES: IF INJURED – NOTIFY your supervisor IMMEDIATELY; when possible Notice should be in writing. FAILURE to notify your supervisor could result in denial of benefits. OBTAIN MEDICAL CARE. Your employer must pay for ALL NECESSARY MEDICAL CARE to treat a workplace injury. The employee may select the physician or medical facility to render care. If the employer is enrolled in an approved Managed Care Plan employee selection of physicians is LIMITED to the Approved Provider Network, except in certain emergencies. FOR INJURIES REQUIRING CONTINUING CARE the EMPLOYEE MUST DESIGNATE A TREATING PHYSICIAN, a form to do so will be furnished by your employer or its insurance carrier.

This employer IS IS NOT participating in a Managed Care Plan for medical care. The name of the

Managed Care Plan is _____, its representative is _____, phone number _____.

DISABILITY BENEFITS to replace wages lost due to a workplace injury are payable under the Workers Compensation Act after seven (7) day of disability. A CLAIM MUST BE FILED with the Department of Workers' Claim WITHIN TWO YEARS of the date of injury, or last payment of temporary total disability benefits.

NEED ASSISTANCE? Contact your employer's claim representative. If your questions about workers' compensation rights are not promptly answered call THE KENTUCKY DEPARTMENT OF WORKERS CLAIMS at 1-800-554-8601 to speak to an Ombudsman or Workers' Compensation Specialist.

EMPLOYER SUPERVISORS – NOTIFY MANAGEMENT IMMEDIATELY OF ALL INJURIES SO THAT TIMELY REPORT CAN BE MADE AS REQUIRED BY LAW.

REV. 04/09/2009

Equal Employment Opportunity

Kentucky Law Requires

EQUAL EMPLOYMENT OPPORTUNITY

The Kentucky Civil Rights Act prohibits employment discrimination regarding:

- Recruitment
- Advertising
- Hiring
- Placement
- Promotion
- Transfer
- Training and Apprenticeship
- Compensation
- Termination or Layoff
- Physical Facilities
- Any other terms, conditions or privileges of employment

The Kentucky Civil Rights Act prohibits employment discrimination based on:

- Disability
- Race
- Color
- Religion
- National Origin
- Sex
- Age (40 Years Old and Over)
- Tobacco-Smoking Status
- Pregnancy

The Kentucky Civil Rights Act prohibits employment discrimination by:

- Employers
- Labor Organizations
- Employment Agencies
- Licensing Agencies

Kentucky Pregnant Workers Act, (eff. 6/27/2019)

The Kentucky Pregnant Workers Act, (KPWA), (KRS 344.030 to 344.110), expressly prohibits employment discrimination in relation to an employee's pregnancy, childbirth, and related medical conditions.

In addition, under the KPWA it is unlawful for an employer to fail to make reasonable accommodations for any employee with limitations related to pregnancy, childbirth, or a related medical conditions who requests an accommodation, including but not limited to: (1) the need for more frequent or longer breaks; (2) time off to recover from childbirth; (3) acquisition or modification of equipment; (4) appropriate seating; (5) temporary transfer to a less strenuous or less hazardous position; (6) job restructuring; (7) light duty; modified work schedule; and (8) private space that is not a bathroom for expressing breast milk.

For help with discrimination, contact

The Kentucky Commission on Human Rights

332 W. BROADWAY, SUITE 1400, LOUISVILLE, KENTUCKY 40202.

PHONE: 502.595.4024

TOLL-FREE: 800.292.5566 FAX: 502.595.4801

E-mail: kchr.mail@ky.gov Website: kchr.ky.gov

Child Labor

Labor Cabinet

CHILD LABOR LAWS

HOURS OF WORK PERMITTED FOR MINORS 14 TO 18 YEARS OF AGE

| AGE | MAY NOT WORK BEFORE | MAY NOT WORK AFTER | MAXIMUM HOURS WHEN SCHOOL IS IN SESSION | MAXIMUM HOURS WHEN SCHOOL IS NOT IN SESSION |
|--|---------------------|--|--|--|
| 14 & 15 years | 7:00 A.M. | 7:00 P.M. (9:00 P.M. June 1 through Labor Day) | Three (3) hours per day on school day Eight (8) hours per day on non-school day Eighteen (18) hours per week | Eight (8) hours per day Forty (40) hours per week |
| 16 & 17 years | 6:00 A.M. | 10:30 P.M. preceding school day/1:00 A.M. preceding non-school day | Six (6) hours per day on school day Eight (8) hours per day on non-school day Thirty (30) hours per week | NO RESTRICTIONS |
| 16 & 17 years with Parental Permission | 6:00 A.M. | 11:00 P.M. preceding school day/1:00 A.M. preceding non-school day | Six and one-half (6.5) hours per day on school day Eight (8) hours per day on non-school day Thirty-two and one-half (32.5) or forty (40) hours per week | NO RESTRICTIONS |

"School in session" means the time established by local school district authorities, pursuant to KRS 160.290. Parental or guardian permission must be in writing and shall remain at the employer's place of business. A minor may work up to thirty-two and one-half (32.5) hours in any one (1) workweek if a parent or legal guardian gives permission in writing. A minor may work up to forty (40) hours in any one (1) workweek if a parent or legal guardian gives permission in writing and the principal or head of the school the minor attends certifies in writing that the minor has maintained at least a 2.0 grade point average in the most recent grading period. School certification shall be valid for one (1) year unless revoked sooner by the school authority. The parental permission and school certification shall remain at the employer's place of business. **Lunch Break.** Minors under 18 years of age shall not be permitted to work more than five (5) hours continuously without an interval of at least thirty (30) minutes for a lunch period. The beginning and ending of the lunch period shall be documented by the employer.

OCCUPATIONS PROHIBITED FOR MINORS UNDER 18 YEARS OF AGE

- Occupations in or about Plants or Establishments Manufacturing or Storing Explosives or Articles Containing Explosive Components.
- Motor-vehicle Driver and outside helper on a motor vehicle.
- Coal Mine Occupations.
- Logging or Sawmill Operations.
- Operation of Power-Driven Woodworking machines.
- Exposure to Radioactive Substances.
- Power-driven hoisting apparatus, including forklifts.
- Operation of Power-Driven Metal Forming, punching, and shearing machines.
- Mining, other than coal mining.
- Operating power-driven meat processing equipment, including meat slicers and other food slicers, in retail establishments (such as grocery stores, restaurants, and kitchens and Delis), wholesale establishments, and most occupations in meat slaughtering, packing, processing, or rendering.
- Operation of Power-driven bakery machines including vertical dough or batter mixers.
- Power-driven paper products machines including scrap paper baler and cardboard box compactors.
- Manufacturing bricks, tile, and kindred products.
- Power-driven circular saws, band saws, and Guillotine shears.
- Wrecking, demolition, and shipbreaking operations.
- Roofing operations and all work on or about a roof.
- Excavating Operations.
- In, about or in connection with any establishment where alcoholic liquors are distilled, rectified, compounded, brewed, manufactured, bottled, sold for consumption or dispensed unless permitted by the rules and regulations of the Alcoholic Beverage Control Board (except they may be employed in places where the sale of alcoholic beverages by the package is merely incidental to the main business actually conducted).
- Pool or Billiard Room.

Limited exemptions for 16 and 17 year old apprentices and student-learners may apply. For questions, please call (502) 564-3534. Minors fourteen (14) but not yet sixteen (16) years of age may NOT be employed occupations, including occupations requiring the performance of any duties in workrooms or workplaces where goods are manufactured, mined, or otherwise processed; occupations which involve the operation or tending of hoisting apparatus or any power-driven machinery other than office machines; operation of motor vehicles or service as helpers on such vehicles; public messenger service; occupations in connection with: (1) transportation of persons or property by rail, highway, air, water, pipeline, or other means; (2) warehousing and storage; (3) communications and public utilities; or (4) construction (including demolition and repair).

PROOF OF AGE REQUIRED FOR MINORS 14 BUT NOT YET 18 YEARS OF AGE

Driver's License, Birth Certificate, Government Document with Date of Birth

"No individual in the United States shall, on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, be excluded from participation in, or denied the benefits of, or be subjected to discrimination under any program or activity under the jurisdiction of the Education and Labor Cabinet."

EDUCATION AND LABOR CABINET
DIVISION OF WAGES AND HOURS
MAYO-UNDERWOOD BUILDING
500 MERO STREET, 3RD FLOOR
FRANKFORT, KENTUCKY 40601
PHONE: (502) 564-3534
www.labor.ky.gov

POST THIS ORDER WHERE ALL EMPLOYEES MAY READ

REV. 09/2022

Wage Discrimination

Labor Cabinet

Wage Discrimination Because of Sex

DEFINITIONS

(KRS 337.420 to 337.433 and KRS 337.990 (11))

EMPLOYEE

Any individual employed by any employer, including but not limited to individuals employed by the State or any of its political subdivisions, instrumentalities, or instrumentalities of political subdivisions.

EMPLOYER

A person who has two or more employees within the State in each of twenty or more calendar weeks in the current or preceding calendar year and an agent of such a person.

WAGE RATE

All compensation for employment, including payment in kind and amounts paid by employers for employee benefits, as defined by the Commissioner in regulations issued under KRS 337.425.

PROHIBITION OF THE PAYMENT OF WAGES BASED ON SEX:

The employer is prohibited from discriminating between employees of opposite sexes in the same establishment by paying different wage rates for comparable work on jobs which have comparable requirements. This prohibition covers any employee in any occupation in Kentucky. Any employer in violation shall not reduce the wages of any employee in order to comply with KRS 337.420 – 337.433. No employer can discharge or discriminate against any employee for the reason that the employee sought to invoke or assist in the enforcement of KRS 337.423.

EXEMPTIONS FROM COVERAGE:

A differential paid through an established seniority system or merit increase system is permitted by KRS 337.423 if it does not discriminate on the basis of sex. Employers subject to the Fair Labor Standards Act of 1938, as amended, are excluded "when that act imposes comparable or greater requirements than contained" in KRS 337.420 – 337.433. However, to be excluded, the employer must file with the Commissioner of the Kentucky Office of Workplace Standards a statement that he is covered by the Fair Labor Standards Act of 1938, as amended.

ENFORCEMENT OF LAW AND POWER TO INSPECT:

The Commissioner or his authorized agent has the power to enter the employer's premises to inspect records, compare character of work and operations of employees, question employees, and to obtain any information necessary to administer and enforce KRS 337.420 – 337.433. The Commissioner or his authorized representative may examine witnesses under oath, and require by subpoena the attendance and testimony of witnesses and the production of any documentary evidence relating to the subject matter of any investigation undertaken pursuant to KRS 337.425. If a person fails to obey a subpoena, the Circuit Court of the Judicial District wherein the hearing is being held may issue an order requiring the subpoena to be obeyed. Failure to obey the court order may be punished as contempt of that court.

COLLECTION OF UNPAID WAGES:

Any employer who discriminates based on sex is liable to the employee or employees affected in the amount of the unpaid wages. If the employer is in willful violation, he is liable for an additional equal amount as liquidated damages. The court may order other appropriate action, including reinstatement of employees discharged in violation of KRS 337.420 – 337.433.

The employee or employees affected may maintain an action to collect the amount due. At the written request of any employee, the Commissioner may bring any legal action necessary to collect the claim for unpaid wages in behalf of the employee. An agreement between an employer and employee to work for less than the wage to which such employee is entitled will not bar any legal action or voluntary wage restitution.

STATUTE OF LIMITATIONS:

Court action may be commenced no later than six months after the cause of action occurs.

POSTING OF LAW:

All employers shall post this abstract in a conspicuous place in or about the premises wherein any employee is employed.

PENALTIES:

Any person who discharges or in any other manner discriminates against an employee because such employee has:
(a) made any complaint to his employer, the Commissioner or any other person, or
(b) instituted or caused to be instituted any proceeding under or related to KRS 337.420 – 337.433, or
(c) testified or is about to testify in any such proceedings, shall be assessed a civil penalty of not less than \$100 nor more than \$1,000.

FOR FURTHER INFORMATION CONTACT:

EDUCATION AND LABOR CABINET
DIVISION OF WAGES AND HOURS
MAYO-UNDERWOOD BUILDING
500 MERO STREET, 3RD FLOOR
FRANKFORT, KENTUCKY 40601
PHONE: (502) 564-3534
www.labor.ky.gov

"No individual in the United States shall, on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, be excluded from participation in, or denied the benefits of, or be subjected to discrimination under any program or activity under the jurisdiction of the Education and Labor Cabinet."

POST THIS ORDER WHERE ALL EMPLOYEES MAY READ

REV. 09/2022

Unemployment Ins.

Information about Unemployment Insurance Benefits

EMPLOYERS ARE SUBJECT TO KENTUCKY UNEMPLOYMENT INSURANCE LAW. YOU MAY BE ELIGIBLE FOR UNEMPLOYMENT BENEFITS IF YOU LOSE YOUR JOB, ARE LAID OFF OR YOUR HOURS ARE REDUCED.

TO QUALIFY FOR BENEFITS, YOU MUST

- Be unemployed through no fault of your own;
- Be able and available to work and making a reasonable effort to obtain new work; and
- Register for work when you file your claim.

You must also meet monetary eligibility requirements based on your earnings in the "base period," the first four of the five completed calendar quarters preceding your claim. These earnings also determine the amount of benefits you may be entitled to draw. Generally, if you have worked for more than a year and earned at least \$1500 during your base period, you may meet the monetary requirements for a claim.

IF YOU LOSE YOUR JOB OR ARE LAID OFF:

1. File your claim within the first week after you become unemployed, by filing on the internet at www.oet.ky.gov, or by telephone at 502-875-0442 Monday through Friday, 7:30am-5:30pm ET (this is not a toll-free number).
2. After filing your claim, file continuing claims bi-weekly while you are unemployed, through the web site or by toll-free telephone at 877-369-5984 or 877-3MY-KYUI.

IF YOUR HOURS ARE REDUCED

You may be eligible for partial benefits if you are still employed by your regular employer but are working less than your normal full-time hours due to lack of available work. Benefits are not paid in the case of reduction in hours due to total disability, vacation or personal reasons.

WORKERS' COMPENSATION RECIPIENTS

If you missed at least seven weeks of earnings due to injury in any quarter during your base period, and were eligible for Workers' Compensation (whether or not you drew it), you may be able to use wages earned before your injury to qualify for unemployment benefits. To qualify, you must file your claim within the first four weeks that you are unemployed following the period covered by Workers' Compensation. Contact your nearest Unemployment Insurance office for more information.

CONTRIBUTIONS TO THE UNEMPLOYMENT BENEFIT FUND ARE PAID BY EMPLOYERS. NO DEDUCTIONS ARE MADE FROM EMPLOYEE WAGES FOR THAT PURPOSE!

–DO NOT COMMIT FRAUD–

If you make a false statement in claiming benefits, you can be disqualified for up to 52 weeks.

You could face other penalties as well including felony charges, fines and possible imprisonment. Also, all benefits fraudulently received must be repaid to the Division of Unemployment Insurance.

Interest will accrue and there may be a lien filing fee as well as a lien release fee.

EDUCATION AND WORKFORCE DEVELOPMENT CABINET
DEPARTMENT FOR WORKFORCE INVESTMENT
OFFICE OF EMPLOYMENT AND TRAINING
DIVISION OF UNEMPLOYMENT INSURANCE
275 EAST MAIN STREET
FRANKFORT, KY 40621

POS-UI-5.1

REV. 11/2012

Education and Labor Cabinet

Safety and Health on the Job

Occupational Safety and Health

Kentucky Revised Statute (KRS) Chapter 338 establishes a program for protecting occupational safety and health. This notice details the safety and health protections for public and private sector employees working in the Commonwealth of Kentucky and must be prominently displayed in the workplace.

Employer Responsibilities: Employers shall furnish employment and places of employment which are free from recognized hazards that are causing, or are likely to cause, death or serious physical harm to employees; and comply with the occupational safety and health regulations, standards, and rules issued pursuant to KRS 338. Employers must provide information and training on hazards in the workplace including all hazardous substances. Required training must be provided to all employees in a language and vocabulary they understand. It is illegal to retaliate against an employee for exercising any of their rights under the law, including raising a safety and health concern or reporting a work-related injury or illness.

Employee Responsibilities: Employees shall comply with the occupational safety and health regulations, standards, and rules issued pursuant to KRS 338 which are applicable to their own actions and conduct.

Records: Employees may request from their employer copies of their medical records, tests that measure hazards in the workplace, as well as the injury and illness log.

Standards: Kentucky's occupational safety and health standards are adopted by the Kentucky Occupational Safety and Health Standards Board. The Board consists of 13 members, comprised of the Secretary of Education and Labor who serves as Chair, and 12 other members equally representing agriculture, industry, labor, and the safety and health profession. The Board meets annually and additionally as needed. All meetings are open to the public.

Inspections: The Division of Occupational Safety and Health Compliance conducts workplace inspections to determine the cause or prevent the occurrence of occupational injuries and illnesses. During an inspection a representative of the employer and a representative authorized by the employees are given an opportunity to accompany the Compliance Officer for the purpose of aiding the inspection. Where there is no authorized employee representative, the Compliance Officer must consult with a reasonable number of employees regarding safety and health at the workplace.

Complaints: Employees or their authorized representative have the right to file a complaint with the Division of Occupational Safety and Health Compliance requesting an inspection if they believe a hazardous condition(s) exists in their workplace. The name of the complainant will be kept confidential upon request.

Discrimination Protections: Employees are protected against discharge and other discriminatory actions for having filed complaints and exercising any other right provided by the occupational safety and health laws. Employees who feel they have been so discriminated against may file a complaint with the Education and Labor Cabinet within 120 days of the alleged discrimination. Private sector employees also have the option of filing discrimination complaints with the U.S. Department of Labor at osha.gov within 30 days of the alleged discrimination. Complaint forms are available at elc.ky.gov.

Citations: A citation(s) alleging violation of a Kentucky occupational safety and health law(s) or regulation(s) may be issued to an employer following an inspection. The citation(s) is provided to the employer and specifies an abatement date by which the alleged violation must be corrected. To inform employees, the employer must post each citation at or near the location of the alleged violation for three (3) days or until the violation is corrected, whichever is longer.

Proposed Penalties: An employer may be assessed a penalty up to \$7,000 for each serious violation and up to \$7,000 for each other-than-serious violation. Failure to correct a violation within the specified time period may result in penalties up to \$7,000 per day.