

KENTUCKY LABOR LAW POSTINGS



OSHA

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 in 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. An employer who commits a willful or repeat violation(s) may be assessed a penalty up to \$70,000 for each violation and not less than \$5,000 for each willful violation.

Contesting Procedures: An employer who has been cited may contest the action before the Kentucky Occupational Safety and Health Review Commission. Equally, any employee or employee representative of an employer who has been cited may also contest the action. Any party wishing to contest a citation(s) must notify the Division of Occupational Safety and Health Compliance in writing of its intent to do so. Notices of contest must be postmarked within 15 working days of receipt by the employer of the citation(s). Notices of contest will be transmitted to the Review Commission in accordance with its rules.

Recordkeeping: Employers are required to maintain records of occupational fatalities, injuries, and illnesses experienced by their employees. Records must be kept using OSHA 300, 300-A, 301, or equivalent forms. Certain employers are required to submit injury and illness data electronically at osha.gov/injuryreporting/ia. Unless requested to do so by the U.S. Bureau of Labor Statistics, employers with 10 or fewer employees, or whose establishment(s) fall within an exempted North American Industry Classification System code are exempt from recordkeeping requirements.

Reporting: Employers must report to the Division of Occupational Safety and Health Compliance the work-related death of an employee, including death resulting from a heart attack, within 8 hours from when the incident is reported to the employer, the employer's agent, or another employee. Work-related incidents resulting in the loss of an eye, an amputation, or the in-patient hospitalization of an employee, including hospitalization resulting from a heart attack, must be reported to the Division of Occupational Safety and Health Compliance within 72 hours from when the incident is reported to the employer, the employer's agent, or another employee. Mechanical power press point-of-operation injuries must be reported to the Division of Occupational Safety and Health Compliance within 30 days of the occurrence. Employees have a right to report a safety and health concern or report a work-related injury or illness without being retaliated against.

Education and Training Services: The Division of Occupational Safety and Health Education and Training assists employers who are interested in preventing workplace injuries and illnesses by developing and improving their workplace safety management programs. All assistance, such as on-site audits, consultation, and training, is provided **cost-free** upon request.

Kentucky provides occupational safety and health protections under a plan approved in 1973 by the U.S. Department of Labor. Questions and concerns regarding Kentucky's program may be addressed to the Education and Labor Cabinet, Office of Federal-State Coordinator. The U.S. Department of Labor monitors Kentucky's program. Any person who has a complaint regarding the administration of the Kentucky program may contact the U.S. Department of Labor, OSHA, Atlanta Federal Center, 61 Forsyth Street SW, Atlanta, Georgia, 30303; (678) 237-0400.

Kentucky Education and Labor Cabinet
Mayo-Underwood Building
500 Metro Street, 3rd Floor
Frankfort, KY 40601
(502) 564-3070
elc.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.

updated January 2024

WORKERS' COMPENSATION

COMMONWEALTH OF KENTUCKY 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.

UNEMPLOYMENT INSURANCE

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 at <https://uicla.msportal.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 877-33W-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 draw 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.

Kentucky Education and Labor Cabinet
Office of Unemployment Insurance
500 Metro St.
Frankfort, KY 40621



POS-UI-5.1 (REV. 11.12)

WAGE DISCRIMINATION

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.
Employees 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 ENFORCE

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 Metro Street, 3rd Floor
Frankfort, Kentucky 40601
Phone: (502) 564-3534
www.labor.ky.gov

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POST THIS ORDER WHERE ALL EMPLOYEES MAY READ

PAID FOR WITH STATE FUNDS

UPDATED September 2022

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Kentucky Education and Labor Cabinet
Office of Unemployment Insurance
500 Metro St.
Frankfort, KY 40621



POS-UI-5.1 (REV. 11.12)

FAIR EMPLOYMENT



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 condition 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

KENTUCKY 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) work week 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, 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 in: manufacturing, mining, or processing occupations, including occupations requiring the performance of any duties in 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

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

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REVISED September 2022

MINIMUM WAGE

KENTUCKY WAGE AND HOUR LAWS



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

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