

LABOR CABINET
Department of Workplace Standards
(New Administrative Regulation)

803 KAR 1:068. Recordkeeping requirements.

RELATES TO: KRS 337.275, 337.285

STATUTORY AUTHORITY: KRS 337.295

NECESSITY, FUNCTION, AND CONFORMITY: KRS 337.320 requires employers to keep records of hours of work and wages paid to employees subject to the provisions of KRS Chapter 337 for one year after entry and provides that the commissioner determine what information is required. The function of this administrative regulation is to set forth the recordkeeping requirements for employers subject to KRS Chapter 337.

Section 1. Definition. "Workday" means any consecutive twenty-four (24) hours.

Section 2. Each employer shall keep the records required by this administrative regulation safe and accessible at the place or places of employment, or at one or more established central recordkeeping offices where the records are customarily maintained. Where the records are maintained at a central recordkeeping office, other than in the place or places of employment, the records shall be made available within seventy-two (72) hours following notice from the commissioner or the commissioner's authorized representative.

Section 3. Every employer shall maintain and preserve payroll or other records containing the following information and data for employees subject to KRS Chapter 337:

- (1) Name in full, and on the same record, the employee's identifying symbol or number if used in place of name on any time, work, or payroll records;
- (2) Social Security number;
- (3) Home address, including zip code;
- (4) Date of birth, if under eighteen (18);
- (5) Sex and occupation in which employed;
- (6) Time of day and day of week on which the employee's workweek begins.
 - (a) If the employee is part of a work force or employed in or by an employer all of whose workers have a workweek beginning at the same time on the same day, a single notation of the time of the day and beginning day of the workweek for the whole work force shall suffice.
 - (b) If, however, any employee or group of employees has a workweek beginning and ending at a different time, a separate notation shall be kept for that employee or group of employees;
- (7) Hours worked each workday and each workweek;
- (8) Regular rate of pay and total straight-time earnings or wages for all hours worked during the workweek;
- (9) Total overtime compensation for the workweek;
- (10) Total additions to or deductions from wages paid each pay period. Every employer making additions to or deductions from wages shall also maintain, in individual employee accounts, a record of the dates, amounts, and nature of the items which make up the total addition and deductions; and
- (11) Total wages paid each pay period and date of payment.

Section 4. Employers who make retroactive payment of wages or compensation due under KRS 337.275 and 337.285 shall:

- (1) Prepare a report of each payment showing the amount of payment to each employee, the period covered by the payment, and the date of payment;

- (2) File the original report, which shall evidence payment by the employer and receipt by the employee, with the commissioner or the commissioner's authorized representative within ten (10) days after payment is made;
- (3) Deliver a copy of the report to the employee; and
- (4) Preserve a copy of the report as part of the employee's records.

KIMBERLEE C. PERRY, Commissioner
JAMIE LINK, Secretary

APPROVED BY AGENCY: January 3, 2022
FILED WITH LRC: January 10, 2022

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on March 28, 2022 at 1:00pm (ET). This hearing will be conducted by live videoconference (ZOOM) pursuant to Senate Bill 150, Section 1, subparagraph 8(b) (R.S. 2020) and the continuing state of emergency due to the novel coronavirus pandemic. Public access to the meeting will be available at <https://us06web.zoom.us/j/88108844438>, or by telephone at (713) 353-0212 or 888-822-7517 (toll free), conference code 786462. Individuals interested in being heard at this hearing shall notify this agency in writing five (5) working days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through March 31, 2022. Send notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

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