

AN ACT relating to Kentucky jobs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 336 IS CREATED TO READ AS FOLLOWS:

As used in Sections 1 to 3 of this Act, unless the context requires otherwise:

- (1) "Apprentice" means an employee that is employed through an apprenticeship program approved by the cabinet pursuant to KRS Chapter 343;*
- (2) "Commissioner" means the commissioner of the Department of Workplace Standards;*
- (3) "Construction" includes construction, reconstruction, improvement, enlargement, alteration, or repair of any public works project;*
- (4) "Contractor" or "subcontractor" includes any subcontractor, superintendent, foreman, or other authorized agent of any contractor or subcontractor who is in charge of construction of a public works project or who is in charge of the employment or payment of the employees of the contractor or subcontractor who are employed in performing the work to be done or being done by the contractor or subcontractor under the particular contract with any public authority;*
- (5) "Department" means the Department of Workplace Standards in the Kentucky Labor Cabinet;*
- (6) "Public authority" means any officer, board, or commission of this state or any political subdivision or department thereof in the state, or any institution supported in whole or in part by public funds, including publicly owned or controlled corporations, authorized by law to enter into any contract for the construction of public works projects, any nonprofit corporation involved with the construction of public works projects, and any private provider, as defined in KRS 197.500, which enters into any contract for construction of an adult correctional facility, as defined in KRS 197.500; and*

(7) "Public works" means all buildings, bridges, roads, streets, alleys, sewers, ditches, sewage disposal plants, waterworks, and all other structures or work, including adult correctional facilities, as defined in KRS 197.500, constructed under contract with a public authority using any public funds.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 336 IS CREATED TO READ AS FOLLOWS:

(1) A contractor or subcontractor performing construction on a public works project that is estimated to cost more than two hundred fifty thousand dollars (\$250,000) shall:

(a) Have at least fifty-one percent (51%) of its employees on the project be Kentucky residents;

(b) Have at least fifteen percent (15%) of the employees on the project be apprentices; and

(c) Maintain the requirements of paragraphs (a) and (b) of this subsection throughout the entirety of the project.

(2) A contractor or subcontractor performing construction on a public works project that is estimated to cost two hundred fifty thousand dollars (\$250,000) or less shall have at least one (1) apprentice employed on the project throughout the entirety of the project.

(3) (a) A public authority shall include the requirements of subsections (1) and (2) of this section in the written advertising for a bid and in the written contract for a public works project as well as provide separate written notice of these requirements to the contractor or subcontractor awarded the bid for a public works project.

(b) A public authority shall require monthly reports throughout the project which require a contractor or subcontractor to verify compliance with subsection (1) or (2) of this section.

→SECTION 3. A NEW SECTION OF KRS CHAPTER 336 IS CREATED TO READ AS FOLLOWS:

(1) If it is found that a public authority has not complied with subsection (3) of Section 2 of this Act, the commissioner shall give notice in writing to the public authority. Sufficient time may be allowed for compliance as the commissioner deems necessary.

(2) (a) After the expiration of the time prescribed in the notice, the department shall at the earliest possible time bring suit in the Circuit Court of the county in which the public authority is located to enjoin the award of such contract for a public works project or any further work or payments thereunder if the contract has been awarded until the requirements of the notice are complied with.

(b) The court may issue a temporary restraining order without notice to the defendant in such action.

(c) Upon final hearing, if the court is satisfied that the requirements of the notice by the department to the defendant were not unreasonable or arbitrary, it shall issue an order enjoining the defendant from awarding such contract for a public works project or any further work or payments if the contract has been awarded until the notice is complied with.

(d) The court's injunction shall continue until the court is satisfied that the requirements of the notice have been complied with, and the court shall have and exercise with respect to the enforcement of such injunctions all the power invested in it in other similar cases.

(e) Both the plaintiff and the defendant in such action have the same rights of appeal as are provided by law in other injunction actions.

→Section 4. KRS 336.990 is amended to read as follows:

(1) Upon proof that any person employed by the Labor Cabinet as a labor inspector has

taken any part in any strike, lockout or similar labor dispute, the person shall forfeit his or her office.

(2) The following civil penalties shall be imposed, in accordance with the provisions in KRS 336.985, for violations of the provisions of this chapter:

(a) Any person who violates KRS 336.110 shall for each offense be assessed a civil penalty of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000);

(b) Any corporation, association, organization, or person that violates KRS 336.190 and 336.200 shall be assessed a civil penalty of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each offense. Each act of violation, and each day during which such an agreement remains in effect, shall constitute a separate offense;~~and~~

(c) Any employer who violates the provisions of KRS 336.220 shall be assessed a civil penalty of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each violation; and

(d) Any contractor or subcontractor who fails to comply with Section 2 of this Act shall be assessed a civil penalty of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000). Each day of a violation shall constitute a separate offense.

→Section 5. Sections 1 to 3 of this Act shall be known and may be cited as the "Kentucky Jobs Act."