

1 AN ACT relating to fair pay practices.

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

3 ➔Section 1. KRS 337.070 is amended to read as follows:

4 *(1) Within one (1) week after the first date of employment, all employers who employ*
5 *ten (10) or more employees shall provide each new employee a written notice of:*

6 *(a) The employee's rate of pay;*

7 *(b) Whether the employee is paid by the hour, shift, day, week, salary, piece,*
8 *commission, or any other basis;*

9 *(c) Allowances the employer will claim as part of the employee's wage*
10 *including tip allowances, meal allowances, and lodging allowances;*

11 *(d) The regular payday the employer sets;*

12 *(e) Leave benefits; and*

13 *(f) The employer's legal name, physical and mailing addresses of the main*
14 *office or principal place of business, and telephone number.*

15 *(2) All employers who employ ten (10) or more ~~employees~~ [and pay their employees by*
16 *check or otherwise, making deductions from the salaries and wages due said*
17 *employees,] shall, at the end of each pay period, furnish each employee with a*
18 *statement which lists:*

19 *(a) The gross earning of the employee and deductions from those gross*
20 *earnings;*

21 *(b) The dates of work covered by the payment of wages for the pay period;*

22 *(c) The name of the employee;*

23 *(d) The name of the employer;*

24 *(e) The rate or rates of pay;*

25 *(f) Whether the rate of pay is by the hour, the shift, the day, the week, salary,*
26 *piece, commission, or any other basis of pay, including:*

27 *1. For employees not exempt from payment of overtime, each employee's*

1 regular rate of pay, overtime rate of pay, and number of hours worked
 2 at each rate of pay; and

3 2. For employees paid at piece rate, the applicable piece rates of pay and
 4 the number of pieces completed at each piece rate;

5 (g) The net wages; and

6 (h) The allowances claimed by the employer as part of the employee's wage
 7 including tip allowances.

8 ~~[state specifically the amount for which the deductions are made, and each such employer~~
 9 ~~at the time of payment of salary or wage to each employee shall furnish the employee a~~
 10 ~~paper or electronic statement giving the amount of each deduction and the general~~
 11 ~~purpose for which the deduction is made.]~~

12 (3) If an employer provides an electronic statement, then the employer shall provide
 13 access to a computer and printer for review and printing by the employee.

14 (4) On written request of an employee, an employer shall provide a written
 15 explanation of how the employee's wages were calculated for one (1) or more pay
 16 periods.

17 ➔Section 2. KRS 337.320 is amended to read as follows:

18 (1) Every employer shall keep a record of:

19 (a) The amount paid each pay period to each employee;

20 (b) The hours worked each day and each week by each employee;~~and~~

21 (c) Whether each employee is paid by the hour, shift, day, week, salary, piece,
 22 commission, or any other basis of pay;

23 (d) Allowance claimed as part of the employee's wage including tip allowances,
 24 meal allowances, and lodging allowances;

25 (e) Deductions from each employee's wages;

26 (f) For employees not exempt from payment of overtime, each employee's
 27 regular hourly rate of pay, overtime rate of pay, and number of hours

1 *worked at each rate;*

2 *(g) For employees paid at a piece rate, the piece rate and the number of pieces*
3 *completed at that rate; and*

4 ~~*(h)*~~~~*(e)*~~ Such other information as the commissioner requires.

5 (2) Such records shall be kept on file for at least *three (3) years*~~*one (1) year*~~ after
6 entry. They shall be open to the inspection and transcript of the commissioner or the
7 commissioner's authorized representative at any reasonable time, and every
8 employer shall furnish to the commissioner or the commissioner's authorized
9 representative on demand a sworn statement of them. The commissioner may
10 require the statement to be upon forms prescribed or approved by him or her.

11 ➔Section 3. KRS 337.423 is amended to read as follows:

12 (1) No employer shall discriminate between employees in the same establishment on
13 the basis of sex, by paying wages to any employee in any occupation in this state at
14 a rate less than the rate at which he or she pays any employee of the opposite sex for
15 comparable work on jobs which have comparable requirements relating to skill,
16 effort and responsibility. Differentials which are paid pursuant to established
17 seniority systems or merit increase systems, which do not discriminate on the basis
18 of sex, shall not be included within this prohibition. Nothing in KRS 337.420 to
19 337.433 and 337.990(11) shall apply to any employer who is subject to the federal
20 Fair Labor Standards Act of 1938, as amended, when that act imposes comparable
21 or greater requirements than contained in KRS 337.420 to 337.433 and 337.990(11)
22 and when the employer files with the commissioner of the Department of
23 Workplace Standards a statement that the employer is covered by the federal Fair
24 Labor Standards Act of 1938, as amended.

25 (2) An employer who is paying a wage differential in violation of KRS 337.420 to
26 337.433 and 337.990(11) shall not, in order to comply with it, reduce the wage rates
27 of any employee.

1 (3) No person shall cause or attempt to cause an employer to discriminate against any
2 employee in violation of KRS 337.420 to 337.433 and 337.990(11).

3 (4) No employer may discharge or discriminate against any employee by reason of any
4 action taken by such employee to invoke or assist in any manner the enforcement of
5 KRS 337.420 to 337.433 and 337.990(11).

6 **(5) No employer may:**

7 **(a) Prohibit any employee from inquiring about, discussing, or disclosing the**
8 **wages of the employee to any other employee or from requesting that the**
9 **employer provide a reason why the employee's wages are a condition of**
10 **employment;**

11 **(b) Require an employee to sign a waiver or any other document which**
12 **purports to deny the employee the right to disclose or discuss the employee's**
13 **wages; or**

14 **(c) Take any adverse employment action against an employee for asking about**
15 **another employee's wages, disclosing his or her own wages, discussing**
16 **another employee's wages if those wages have been disclosed voluntarily,**
17 **asking the employer to provide a reason for the employee's wages, or aiding**
18 **or encouraging another employee's exercise of rights under this section.**