

1 AN ACT relating to worker fairness in the construction industry.

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

3 ➔Section 1. The Legislative Research Commission shall establish the  
4 Classification of Workers in the Construction Industry Task Force.

5 ➔Section 2. The duties of the task force shall include but are not limited to:

6 (1) Studying the cooperation and sharing of information between relevant state  
7 and federal agencies as it relates to the classification of workers in the construction  
8 industry;

9 (2) Studying the existing methods, both in Kentucky and in other jurisdictions, of  
10 preventing, investigating, receiving complaints, and taking enforcement action against  
11 employers that incorrectly classify employees;

12 (3) Studying ways to prevent the incorrect classification of workers, such as  
13 through education of employers, employees, and the general public or changes to statutes  
14 or regulations; and

15 (4) Developing a comprehensive plan with measurable goals to reduce the  
16 practice of incorrectly classifying employees in the Commonwealth.

17 ➔Section 3. (1) The task force shall be composed of the following members,  
18 with final membership of the task force being subject to the consideration and approval of  
19 the Legislative Research Commission:

20 (a) Three members of the Senate, two to be appointed by the President of the  
21 Senate and one to be appointed by the Minority Floor Leader of the Senate;

22 (b) Three members of the House of Representatives, two to be appointed by the  
23 Speaker of the House and one to be appointed by the Minority Floor Leader of the House;

24 (c) The commissioner of the Department of Workers' Claims or designee;

25 (d) The commissioner of the Department of Workplace Standards or designee;

26 (e) The commissioner of the Department of Revenue or designee;

27 (f) The commissioner of the Department of Workforce Investment or designee;

1 (g) The president of the Kentucky Employers' Mutual Insurance or designee;

2 (h) The president and chief executive officer of the Kentucky Chamber of  
3 Commerce or designee;

4 (i) Three representatives of the Indiana/Kentucky/Ohio Regional Council of  
5 Carpenters submitted by the organization;

6 (j) Three representatives of the construction industry, one to be chosen by the  
7 Speaker of the House, one to be chosen by the President of the Senate, and one to be  
8 chosen jointly by the Speaker of the House and the President of the Senate, from a list of  
9 six candidates, consisting of two candidates submitted by the Indiana/Kentucky Chapter  
10 of the Associated Builders and Contractors, two candidates submitted by the Associated  
11 General Contractors of Kentucky, and two candidates submitted by the Home Builders  
12 Association of Kentucky; and

13 (k) One representative from a public employer to be selected from a list of three  
14 candidates, consisting of one candidate submitted by the Kentucky League of Cities, one  
15 candidate submitted by the Kentucky Association of Counties, and one candidate  
16 submitted by the Kentucky School Boards Association.

17 (2) The President of the Senate and the Speaker of the House shall each appoint  
18 one co-chair of the task force from among that chamber's members appointed to the task  
19 force.

20 ➔Section 4. The task force shall meet at least monthly during the 2020 Interim of  
21 the General Assembly. The task force shall submit its findings, recommendations, and  
22 any proposed legislation to the Legislative Research Commission for referral to the  
23 appropriate committee or committees by December 1, 2020.

24 ➔Section 5. Provisions of this Resolution to the contrary notwithstanding, the  
25 Legislative Research Commission shall have the authority to alternatively assign the  
26 issues identified herein to an interim joint committee or subcommittee thereof and to  
27 designate a study completion date.

- 1           ➔Section 6. Sections 1 to 5 of this Act shall have the same legal status as a House
- 2 Concurrent Resolution.