

1 AN ACT relating to prevailing wage.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 337 IS CREATED TO  
4 READ AS FOLLOWS:

5 *(1) For purposes of this Section:*

6 *(a) "City" means the following:*

7 *1. A city of the first class described in KRS 81.005(1)(a);*

8 *2. A home rule class city described in KRS 81.005(1)(b); and*

9 *3. A merged government that adopts the responsibilities and duties of the*  
10 *city or cities it incorporates including the following:*

11 *a. Charter county government as described in KRS 67.825;*

12 *b. Unified local government as described in KRS 67.900;*

13 *c. Urban-county government as described in KRS 67A.010; and*

14 *d. Consolidated local government as described in KRS 67C.101;*

15 *(b) "Prevailing wage" means the hourly rate of wages and benefits paid to*  
16 *employees employed on a public work project;*

17 *(c) "Prevailing wage rate" means the average hourly rate of wages and*  
18 *benefits paid to an employee employed within the same city in the same*  
19 *trade or occupation and performing substantially similar job duties; and*

20 *(d) "Public works project" means any project that involves a contract for*  
21 *public works as defined in KRS 45A.487 that is solicited and funded by a*  
22 *local public agency or the Commonwealth of Kentucky and performed*  
23 *within the city's boundaries, excluding any project subject to the Davis-*  
24 *Bacon Act, 40 U.S.C. sec. 3141, et seq.*

25 *(2) The applicable legislative body may enact ordinances establishing a prevailing*  
26 *wage rate and requiring an employer to pay an employee a prevailing wage when*  
27 *he or she is employed on a public works project that is estimated to cost at least*

1 fifty thousand dollars (\$50,000).

2 (3) If the applicable legislative body enacts prevailing wage ordinances it shall  
3 establish within the body of the ordinances at least the following:

4 (a) Classifications of each applicable trade or occupation and descriptions of  
5 various positions that occupy each class;

6 (b) The prevailing wage rate for each classification of trade or occupation;

7 (c) An annual prevailing wage rate schedule;

8 (d) A process for record keeping;

9 (e) A process for compliance investigations; and

10 (f) Penalties.

11 ➔Section 2. The following KRS section is repealed:

12 65.016 Prohibition against requiring any employer to pay employee a certain wage or  
13 fringe benefit.