

1 AN ACT relating to employment.

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

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

5 *(1) Subject to KRS 18A.140 and 61.080, an employer of seventy-five (75) or more*
6 *persons shall not demote, dismiss, discipline, or in any way discriminate against*
7 *an employee because he or she is:*

8 *(a) A candidate for membership of:*

- 9 *1. The General Assembly;*
- 10 *2. A legislative body of a city;*
- 11 *3. A consolidated local government council;*
- 12 *4. An urban-county government council;*
- 13 *5. A legislative body of a charter county government; or*
- 14 *6. A legislative body of a unified local government;*

15 *(b) Currently serving as a member of:*

- 16 *1. The General Assembly;*
- 17 *2. A legislative body of a city;*
- 18 *3. A consolidated local government council;*
- 19 *4. An urban-county government council;*
- 20 *5. A legislative body of a charter county government; or*
- 21 *6. A legislative body of a unified local government;*

22 *(c) A member-elect to:*

- 23 *1. The General Assembly;*
- 24 *2. A legislative body of a city;*
- 25 *3. A consolidated local government council;*
- 26 *4. An urban-county government council;*
- 27 *5. A legislative body of a charter county government; or*

1 6. A legislative body of a unified local government; or

2 (d) Absent from work to perform member or member-elect duties of:

3 1. The General Assembly;

4 2. A legislative body of a city;

5 3. A consolidated local government council;

6 4. An urban-county government council;

7 5. A legislative body of a charter county government; or

8 6. A legislative body of a unified local government.

9 (2) Any employee elected or appointed, if applicable, to any qualifying office under
 10 subsection (1) of this section may request a leave of absence, and any employer
 11 subject to subsection (1) of this section shall grant the request. The leave of
 12 absence:

13 (a) May be paid or unpaid; and

14 (b) Shall not exceed:

15 1. Three (3) terms of office for a member of the House of
 16 Representatives;

17 2. Two (2) terms of office for a member of the Senate; or

18 3. Two (2) terms of office for a member of a legislative body of a city,
 19 consolidated local government council, urban county government
 20 council, legislative body of a charter county government, or legislative
 21 body of a unified local government.

22 (3) Nothing in subsection (2) of this section shall be construed to:

23 (a) Prevent the employee from working and being compensated for time worked
 24 during the leave of absence; or

25 (b) Impair the employee's seniority rights of the job.

26 ➔ Section 2. KRS 336.990 is amended to read as follows:

27 (1) Upon proof that any person employed by the Education and Labor Cabinet as a

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

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

5 (a) Any person who violates KRS 336.110 or 336.130 shall for each offense be
6 assessed a civil penalty of not less than one hundred dollars (\$100) nor more
7 than one thousand dollars (\$1,000);

8 (b) Any corporation, association, organization, or person that violates KRS
9 336.190 and 336.200 shall be assessed a civil penalty of not less than one
10 hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each
11 offense. Each act of violation, and each day during which such an agreement
12 remains in effect, shall constitute a separate offense;

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

16 (d) Any labor organization who violates KRS 336.135 shall be assessed a civil
17 penalty of not less than one hundred dollars (\$100) nor more than one
18 thousand dollars (\$1,000) for each offense.

19 (e) Any public employer or labor organization that violates KRS 161.158,
20 164.365, 336.133, 336.134, 336.1341, 336.135, or 336.180 shall be assessed a
21 civil penalty of not less than one hundred dollars (\$100) nor more than one
22 thousand dollars (\$1,000) for each offense.

23 **(f) Any employer who violates Section 1 of this Act shall be assessed a civil**
24 **penalty of not less than one hundred dollars (\$100) nor more than one**
25 **thousand dollars (\$1,000) for each offense.**

26 (3) Any labor organization, employer, or other person who directly or indirectly
27 violates KRS 336.130(3) shall be guilty of a Class A misdemeanor.

1 (4) Any person aggrieved as a result of any violation or threatened violation of KRS
2 336.130(3) or Section 1 of this Act may seek abatement of the violation or
3 threatened violation by petitioning a court of competent jurisdiction for injunctive
4 relief and shall be entitled to costs and reasonable attorney fees if he or she prevails
5 in the action.

6 (5) Any person injured as a result of any violation or threatened violation of KRS
7 336.130(3) or Section 1 of this Act may recover all damages resulting from the
8 violation or threatened violation and shall be entitled to costs and reasonable
9 attorney fees if he or she prevails in the action.