

1 AN ACT relating to certified living 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) As used in this section, "certified living wage" means the average hourly rate  
6 paid to employees based on their occupation type and geographic area and  
7 certified by the department. The Office of the Kentucky Center for Statistics shall  
8 determine the certified living wage based on occupation type and geographic area  
9 utilizing data from the Occupational Employment and Wage Statistics program in  
10 the United States Bureau of Labor Statistics.

11 (2) Any employer that begins doing business in Kentucky on or after the effective  
12 date of this Act shall be required to pay all of its employees a certified living wage  
13 if the business:

14 (a) Receives any local, state, or federal government subsidies, economic  
15 incentives, tax incentives, financing, workforce assistance, loans, or grants;

16 (b) Is located in an enterprise zone or opportunity zone in Kentucky and tax  
17 incentives have been or will be provided in the future to the business or any  
18 investor in the business;

19 (c) Contracts with any local, state, or federal government agency to provide  
20 goods or services; or

21 (d) Leases or subleases any local, state, or federal government property.

22 ➔Section 2. KRS 151B.133 is amended to read as follows:

23 The duties of the Office of the Kentucky Center for Statistics shall be to:

24 (1) Oversee and maintain the warehouse of data in the Kentucky Longitudinal Data  
25 System;

26 (2) Develop de-identification standards and processes using modern statistical methods;

27 (3) Conduct research and evaluation regarding federal, state, and local education and

- 1 training programs at all levels;
- 2 (4) Audit and ensure compliance of education and training programs with applicable
- 3 federal and state requirements as authorized by federal and state law;
- 4 (5) Work with public agencies and other entities to define statewide education,
- 5 workforce development, and employment metrics and ensure the integrity and
- 6 quality of data being collected;
- 7 (6) Link data from multiple sources for consideration in developing broad public policy
- 8 initiatives;
- 9 (7) Develop requirements and definitions for data to be provided by any public agency,
- 10 private institution of higher education, private school, or parochial school, as
- 11 directed by the Board of the Kentucky Center for Statistics;
- 12 (8) Develop a reasonable fee schedule for services provided;
- 13 (9) Establish data quality standards;
- 14 (10) Promulgate administrative regulations necessary for the proper administration of
- 15 the Kentucky Longitudinal Data System;
- 16 (11) Ensure compliance with the federal Family Educational Rights and Privacy Act, 20
- 17 U.S.C. sec. 1232g, and all other relevant federal and state privacy laws;
- 18 (12) Respond to approved research data requests in accordance with the data access and
- 19 use policy established by the board;
- 20 (13) Develop and disseminate, in cooperation with the Council on Postsecondary
- 21 Education and the Department of Education, information on the employment and
- 22 earnings of the public postsecondary institution graduates in Kentucky. This
- 23 information shall be updated at least every three (3) years and shall be:
- 24 (a) Posted on the website~~[Web site]~~ of the Office of the Kentucky Center for
- 25 Statistics;
- 26 (b) Posted on the website~~[Web site]~~ of the Council on Postsecondary Education;
- 27 (c) Posted on the website~~[Web site]~~ of each public postsecondary institution, with

1 the website~~[Web site]~~ address published in each institution's catalogue; and

2 (d) Made available to every high school guidance and career counselor, who shall  
3 be notified of its availability for the purpose of informing all high school  
4 students preparing for postsecondary education;

5 **(14) Annually establish a certified living wage pursuant to subsection (1) of Section 1**  
6 **of this Act based on occupation type and geographic area by July 1, 2027, and no**  
7 **later than July 1 of every year thereafter;** and

8 ~~(15)~~~~[(14)]~~ Enter into contracts or other agreements with appropriate entities, including  
9 but not limited to federal, state, and local agencies, to the extent necessary to carry  
10 out its duties and responsibilities only if such contracts or agreements incorporate  
11 adequate protections with respect to the confidentiality of any information to be  
12 shared.

13 ➔Section 3. KRS 337.990 is amended to read as follows:

14 The following civil penalties shall be imposed by the Education and Labor Cabinet, in  
15 accordance with the provisions in KRS 336.985, for violations of the provisions of this  
16 chapter:

17 (1) Any firm, individual, partnership, or corporation that violates KRS 337.020 shall be  
18 assessed a civil penalty of not less than one hundred dollars (\$100) nor more than  
19 one thousand dollars (\$1,000) for each offense. Each failure to pay an employee the  
20 wages when due him or her under KRS 337.020 shall constitute a separate offense.

21 (2) Any employer who violates KRS 337.050 shall be assessed a civil penalty of not  
22 less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000).

23 (3) Any employer who violates KRS 337.055 shall be assessed a civil penalty of not  
24 less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000)  
25 for each offense and shall make full payment to the employee by reason of the  
26 violation. Each failure to pay an employee the wages as required by KRS 337.055  
27 shall constitute a separate offense.

- 1 (4) Any employer who violates KRS 337.060 shall be assessed a civil penalty of not  
2 less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000)  
3 and shall also be liable to the affected employee for the amount withheld, plus  
4 interest at the rate of ten percent (10%) per annum.
- 5 (5) Any employer who violates the provisions of KRS 337.065 shall be assessed a civil  
6 penalty of not less than one hundred dollars (\$100) nor more than one thousand  
7 dollars (\$1,000) for each offense and shall make full payment to the employee by  
8 reason of the violation.
- 9 (6) Any person who fails to comply with KRS 337.070 shall be assessed a civil penalty  
10 of not less than one hundred dollars (\$100) nor more than one thousand dollars  
11 (\$1,000) for each offense and each day that the failure continues shall be deemed a  
12 separate offense.
- 13 (7) Any employer who violates any provision of KRS 337.275 to 337.325, KRS  
14 337.345, and KRS 337.385 to 337.405, or willfully hinders or delays the  
15 commissioner or the commissioner's authorized representative in the performance  
16 of his or her duties under KRS 337.295, or fails to keep and preserve any records as  
17 required under KRS 337.320 and 337.325, or falsifies any record, or refuses to  
18 make any record or transcription thereof accessible to the commissioner or the  
19 commissioner's authorized representative shall be assessed a civil penalty of not  
20 less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000).  
21 A civil penalty of not less than one thousand dollars (\$1,000) shall be assessed for  
22 any subsequent violation of KRS 337.285(4) to (9) and each day the employer  
23 violates KRS 337.285(4) to (9) shall constitute a separate offense and penalty.
- 24 (8) Any employer who pays or agrees to pay wages at a rate less than the rate  
25 applicable under KRS 337.275 and 337.285, or any wage order issued pursuant  
26 thereto shall be assessed a civil penalty of not less than one hundred dollars (\$100)  
27 nor more than one thousand dollars (\$1,000).

- 1 (9) Any employer who discharges or in any other manner discriminates against any  
2 employee because the employee has made any complaint to his or her employer, to  
3 the commissioner, or to the commissioner's authorized representative that he or she  
4 has not been paid wages in accordance with KRS 337.275 and 337.285 or  
5 regulations issued thereunder, or because the employee has caused to be instituted  
6 or is about to cause to be instituted any proceeding under or related to KRS  
7 337.385, or because the employee has testified or is about to testify in any such  
8 proceeding, shall be deemed in violation of KRS 337.275 to 337.325, KRS 337.345,  
9 and KRS 337.385 to 337.405 and shall be assessed a civil penalty of not less than  
10 one hundred dollars (\$100) nor more than one thousand dollars (\$1,000).
- 11 (10) Any employer who violates KRS 337.365 shall be assessed a civil penalty of not  
12 less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000).
- 13 (11) A person shall be assessed a civil penalty of not less than one hundred dollars  
14 (\$100) nor more than one thousand dollars (\$1,000) when that person discharges or  
15 in any other manner discriminates against an employee because the employee has:
- 16 (a) Made any complaint to his or her employer, the commissioner, or any other  
17 person;~~[-or]~~
- 18 (b) Instituted, or caused to be instituted, any proceeding under or related to KRS  
19 337.420 to 337.433; or
- 20 (c) Testified, or is about to testify, in any such proceedings.
- 21 **(12) Any employer who violates Section 1 of this Act shall be assessed a civil penalty**  
22 **of not less than one hundred dollars (\$100) nor more than one thousand dollars**  
23 **(\$1,000) per employee for each offense, and each day that the violation continues**  
24 **shall be deemed a separate offense.**