

1 AN ACT relating to labor standards.

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, unless the context requires otherwise:

6 (a) "Emergency" means an unforeseen situation that:

7 1. Threatens an employee, customer, or the public;

8 2. Disrupts or shuts down operations; or

9 3. Causes physical or environmental damage;

10 (b) "Nonworking hours" means hours before or after an employee's assigned
11 hours of work, regardless of whether assigned hours are stated in their job
12 description; and

13 (c) "Right to disconnect" means that an employee has the right to ignore
14 communications from the employer during nonworking hours, except as
15 provided in subsection (3) of this section.

16 (2) (a) Every employer shall establish a workplace policy that provides employees
17 the right to disconnect from communications from the employer during
18 nonworking hours.

19 (b) Nonworking hours shall be established by written agreement between an
20 employer and employee.

21 (3) Notwithstanding subsection (2) of this section, any employer may contact an
22 employee during nonworking hours for an emergency or for scheduling
23 purposes.

24 (4) This section shall not apply to employees covered by a collective bargaining
25 agreement.

26 (5) Any employer who violates the right to disconnect workplace policy three (3) or
27 more times shall be fined in accordance with subsection (10) of Section 2 of this

1 Act.

2 ➔Section 2. KRS 337.990 is amended to read as follows:

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

- 6 (1) Any firm, individual, partnership, or corporation that violates KRS 337.020 shall be
7 assessed a civil penalty of not less than one hundred dollars (\$100) nor more than
8 one thousand dollars (\$1,000) for each offense. Each failure to pay an employee the
9 wages when due him under KRS 337.020 shall constitute a separate offense;~~;~~
- 10 (2) Any employer who violates KRS 337.050 shall be assessed a civil penalty of not
11 less than one hundred dollars (\$100) nor more than one thousand dollars
12 (\$1,000);~~;~~
- 13 (3) Any employer who violates KRS 337.055 shall be assessed a civil penalty of not
14 less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000)
15 for each offense and shall make full payment to the employee by reason of the
16 violation. Each failure to pay an employee the wages as required by KRS 337.055
17 shall constitute a separate offense;~~;~~
- 18 (4) Any employer who violates KRS 337.060 shall be assessed a civil penalty of not
19 less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000)
20 and shall also be liable to the affected employee for the amount withheld, plus
21 interest at the rate of ten percent (10%) per annum;~~;~~
- 22 (5) Any employer who violates the provisions of KRS 337.065 shall be assessed a civil
23 penalty of not less than one hundred dollars (\$100) nor more than one thousand
24 dollars (\$1,000) for each offense and shall make full payment to the employee by
25 reason of the violation;~~;~~
- 26 (6) Any person who fails to comply with KRS 337.070 shall be assessed a civil penalty
27 of not less than one hundred dollars (\$100) nor more than one thousand dollars

- 1 (\$1,000) for each offense and each day that the failure continues shall be deemed a
2 separate offense;~~[-]~~
- 3 (7) Any employer who violates any provision of KRS 337.275 to 337.325, KRS
4 337.345, and KRS 337.385 to 337.405, or willfully hinders or delays the
5 commissioner or the commissioner's authorized representative in the performance
6 of his or her duties under KRS 337.295, or fails to keep and preserve any records as
7 required under KRS 337.320 and 337.325, or falsifies any record, or refuses to
8 make any record or transcription thereof accessible to the commissioner or the
9 commissioner's authorized representative shall be assessed a civil penalty of not
10 less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000).
11 A civil penalty of not less than one thousand dollars (\$1,000) shall be assessed for
12 any subsequent violation of KRS 337.285(4) to (9) and each day the employer
13 violates KRS 337.285(4) to (9) shall constitute a separate offense and penalty;~~[-]~~
- 14 (8) Any employer who pays or agrees to pay wages at a rate less than the rate
15 applicable under KRS 337.275 and 337.285, or any wage order issued pursuant
16 thereto shall be assessed a civil penalty of not less than one hundred dollars (\$100)
17 nor more than one thousand dollars (\$1,000);~~[-]~~
- 18 (9) Any employer who discharges or in any other manner discriminates against any
19 employee because the employee has made any complaint to his or her employer, to
20 the commissioner, or to the commissioner's authorized representative that he or she
21 has not been paid wages in accordance with KRS 337.275 and 337.285 or
22 regulations issued thereunder, or because the employee has caused to be instituted
23 or is about to cause to be instituted any proceeding under or related to KRS
24 337.385, or because the employee has testified or is about to testify in any such
25 proceeding, shall be deemed in violation of KRS 337.275 to 337.325, KRS 337.345,
26 and KRS 337.385 to 337.405 and shall be assessed a civil penalty of not less than
27 one hundred dollars (\$100) nor more than one thousand dollars (\$1,000);~~[-]~~

- 1 (10) Any employer who violates KRS 337.355 or 337.365 or Section 1 of this Act shall
2 be assessed a civil penalty of not less than one hundred dollars (\$100) nor more
3 than one thousand dollars (\$1,000); and ~~and~~
- 4 (11) A person shall be assessed a civil penalty of not less than one hundred dollars
5 (\$100) nor more than one thousand dollars (\$1,000) when that person discharges or
6 in any other manner discriminates against an employee because the employee has:
- 7 (a) Made any complaint to his or her employer, the commissioner, or any other
8 person; or
- 9 (b) Instituted, or caused to be instituted, any proceeding under or related to KRS
10 337.420 to 337.433; or
- 11 (c) Testified, or is about to testify, in any such proceedings.