

1 AN ACT relating to employment advertising.

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:

6 (a) "Ghost job" means any job posting that is not intended to be filled within a
7 reasonable time frame or is posted by an employer without the intention to
8 hire; and

9 (b) "Job posting" means any public or internal advertisement, listing, or
10 announcement seeking applicants for employment, whether published
11 electronically or in print.

12 (2) An employer shall not publish a job posting for a ghost job.

13 (3) Any job posting shall include a statement disclosing if the posting is for an
14 existing vacancy or a future vacancy which occurs no later than sixty (60) days
15 after the initial posting date.

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

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

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

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

26 (3) Any employer who violates KRS 337.055 shall be assessed a civil penalty of not
27 less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000)

1 for each offense and shall make full payment to the employee by reason of the
2 violation. Each failure to pay an employee the wages as required by KRS 337.055
3 shall constitute a separate offense.

4 (4) Any employer who violates KRS 337.060 shall be assessed a civil penalty of not
5 less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000)
6 and shall also be liable to the affected employee for the amount withheld, plus
7 interest at the rate of ten percent (10%) per annum.

8 (5) Any employer who violates the provisions of KRS 337.065 shall be assessed a civil
9 penalty of not less than one hundred dollars (\$100) nor more than one thousand
10 dollars (\$1,000) for each offense and shall make full payment to the employee by
11 reason of the violation.

12 (6) Any person who fails to comply with KRS 337.070 shall be assessed a civil penalty
13 of not less than one hundred dollars (\$100) nor more than one thousand dollars
14 (\$1,000) for each offense and each day that the failure continues shall be deemed a
15 separate offense.

16 (7) Any employer who violates any provision of KRS 337.275 to 337.325, KRS
17 337.345, and KRS 337.385 to 337.405, or willfully hinders or delays the
18 commissioner or the commissioner's authorized representative in the performance
19 of his or her duties under KRS 337.295, or fails to keep and preserve any records as
20 required under KRS 337.320 and 337.325, or falsifies any record, or refuses to
21 make any record or transcription thereof accessible to the commissioner or the
22 commissioner's authorized representative shall be assessed a civil penalty of not
23 less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000).
24 A civil penalty of not less than one thousand dollars (\$1,000) shall be assessed for
25 any subsequent violation of KRS 337.285(4) to (9) and each day the employer
26 violates KRS 337.285(4) to (9) shall constitute a separate offense and penalty.

27 (8) Any employer who pays or agrees to pay wages at a rate less than the rate

1 applicable under KRS 337.275 and 337.285, or any wage order issued pursuant
2 thereto shall be assessed a civil penalty of not less than one hundred dollars (\$100)
3 nor more than one thousand dollars (\$1,000).

4 (9) Any employer who discharges or in any other manner discriminates against any
5 employee because the employee has made any complaint to his or her employer, to
6 the commissioner, or to the commissioner's authorized representative that he or she
7 has not been paid wages in accordance with KRS 337.275 and 337.285 or
8 regulations issued thereunder, or because the employee has caused to be instituted
9 or is about to cause to be instituted any proceeding under or related to KRS
10 337.385, or because the employee has testified or is about to testify in any such
11 proceeding, shall be deemed in violation of KRS 337.275 to 337.325, KRS 337.345,
12 and KRS 337.385 to 337.405 and shall be assessed a civil penalty of not less than
13 one hundred dollars (\$100) nor more than one thousand dollars (\$1,000).

14 (10) Any employer who violates KRS 337.365 shall be assessed a civil penalty of not
15 less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000).

16 (11) A person shall be assessed a civil penalty of not less than one hundred dollars
17 (\$100) nor more than one thousand dollars (\$1,000) when that person discharges or
18 in any other manner discriminates against an employee because the employee has:
19 (a) Made any complaint to his or her employer, the commissioner, or any other
20 person; or
21 (b) Instituted, or caused to be instituted, any proceeding under or related to KRS
22 337.420 to 337.433; or
23 (c) Testified, or is about to testify, in any such proceedings.

24 (12) Any employer with fifty (50) employees or less who violates Section 1 of this Act
25 shall be assessed a civil penalty of one hundred dollars (\$100) for each offense.
26 Any employer with fifty-one (51) employees or more who violates Section 1 of this
27 Act shall be assessed a civil penalty of:

- 1 *(a) One hundred dollars (\$100) for a first offense;*
- 2 *(b) Not less than one thousand dollars (\$1,000) for a second offense; and*
- 3 *(c) Double the amount of the previous fine assessed under this subsection for a*
- 4 *third offense and each subsequent offense.*