

1 AN ACT relating to local government.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 82 IS CREATED TO
4 READ AS FOLLOWS:

5 (1) As used in this section:

6 (a) "City" includes:

7 1. A city of any class; and

8 2. A merged government that adopts the responsibilities and duties of the
9 city or cities it incorporates, including:

10 a. A charter county government;

11 b. A unified local government;

12 c. An urban-county government; and

13 d. A consolidated local government;

14 (b) "Project workforce agreement" means a collective bargaining agreement
15 that applies to a specific public construction project, lasts only for the
16 duration of the project, and guarantees the project will use contractors
17 registered with an apprenticeship and training program; and

18 (c) "Public construction project" means any project performed within the city's
19 boundaries that:

20 1. Is solicited and funded by a local public agency or the Commonwealth
21 of Kentucky;

22 2. Is for the purpose of making public improvements or building new, or
23 performing maintenance on existing, publicly owned buildings; and

24 3. Has an aggregate cost of over one million dollars (\$1,000,000).

25 (2) The applicable legislative body of a city may enact an ordinance establishing a
26 mandatory preference for awarding a bid for a public construction project
27 contract to a contractor or group of contractors registered with an apprenticeship

1 and training program, which shall be incorporated into a project workforce
2 agreement.

3 (3) Notwithstanding KRS Chapter 337, the applicable legislative body of a city may
4 negotiate all terms of a project workforce agreement, including any provision
5 related to the payment of wages that are greater than the existing state or federal
6 minimum wage.

7 ➔ SECTION 2. A NEW SECTION OF KRS CHAPTER 337 IS CREATED TO
8 READ AS FOLLOWS:

9 (1) As used in this section:

10 (a) "City" includes:

11 1. A city of any class; and
12 2. A merged government that adopts the responsibilities and duties of the
13 city or cities it incorporates, including:
14 a. A charter county government;
15 b. A unified local government;
16 c. An urban-county government; and
17 d. A consolidated local government;

18 (b) "Prevailing wage" means the hourly rate of wages and benefits paid to
19 employees employed on a public works project;

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

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

1 (2) The applicable legislative body of a city may enact ordinances establishing a
2 prevailing wage rate and requiring an employer to pay an employee a prevailing
3 wage when he or she is employed on a public works project that is estimated to
4 cost at least one million dollars (\$1,000,000).

5 (3) If the applicable legislative body of a city enacts prevailing wage ordinances, it
6 shall establish within the body of the ordinances at a minimum:

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

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

10 (c) An annual prevailing wage rate schedule;

11 (d) A process for record keeping;

12 (e) A process for compliance investigations; and

13 (f) Penalties.

14 ➔ Section 3. KRS 65.016 is amended to read as follows:

15 The legislative body of any city, county, consolidated local government, urban-county
16 government, charter county government, or unified local government may adopt and
17 enforce:

18 (1) Minimum wage ordinances that set rates in excess of state and federal minimum
19 wage rates; and

20 (2) Ordinances requiring employers, as defined in KRS 337.010, to provide leave to
21 their employees[shall not have the authority to require any employer to pay to an
22 employee a certain wage or fringe benefit other than as determined by the
23 employer].