

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;*
- 14 *6. A legislative body of a unified local government; or*
- 15 *7. A local board of education.*

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

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

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

- 25 *1. The General Assembly;*
- 26 *2. A legislative body of a city;*
- 27 *3. A consolidated local government council;*

- 1            4. An urban-county government council;
- 2            5. A legislative body of a charter county government;
- 3            6. A legislative body of a unified local government; or
- 4            7. A local board of education; or

5            (d) Absent from work to perform duties as a member or member-elect of:

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

13           (2) Any employee who is elected or appointed to any qualifying office listed in  
14           subsection (1) of this section may request a leave of absence, and any employer  
15           subject to subsection (1) of this section shall grant the request. The leave of  
16           absence:

17           (a) May be paid or unpaid; and

18           (b) Shall not exceed:

- 19           1. Four (4) terms of office for a member of the House of  
20           Representatives;
- 21           2. Three (3) terms of office for a member of the Senate; or
- 22           3. Three (3) terms of office for a member of a legislative body of a city,  
23           consolidated local government council, urban-county government  
24           council, legislative body of a charter county government, legislative  
25           body of a unified local government, or local school board of  
26           education.

27           (3) Subsection (2) of this section shall not be construed to:

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

3        (b) Impair the employee's seniority rights on the job.

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

5        (1) Upon proof that any person employed by the Education and Labor Cabinet as a  
6            labor inspector has taken any part in any strike, lockout or similar labor dispute, the  
7            person shall forfeit his or her office.

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

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

13        (b) Any corporation, association, organization, or person that violates KRS  
14            336.190 and 336.200 shall be assessed a civil penalty of not less than one  
15            hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each  
16            offense. Each act of violation, and each day during which such an agreement  
17            remains in effect, shall constitute a separate offense;

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

21        (d) Any labor organization who violates KRS 336.135 shall be assessed a civil  
22            penalty of not less than one hundred dollars (\$100) nor more than one  
23            thousand dollars (\$1,000) for each offense; ~~and~~

24        (e) Any public employer or labor organization that violates KRS 161.158,  
25            164.365, 336.133, 336.134, 336.1341, 336.135, or 336.180 shall be assessed a  
26            civil penalty of not less than one hundred dollars (\$100) nor more than one  
27            thousand dollars (\$1,000) for each offense; and ~~and~~

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

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

6        (4) Any person aggrieved as a result of any violation or threatened violation of KRS  
7                    336.130(3) *or Section 1 of this Act* may seek abatement of the violation or  
8                    threatened violation by petitioning a court of competent jurisdiction for injunctive  
9                    relief and shall be entitled to costs and reasonable attorney fees if he or she prevails  
10                    in the action.

11        (5) Any person injured as a result of any violation or threatened violation of KRS  
12                    336.130(3) *or Section 1 of this Act* may recover all damages resulting from the  
13                    violation or threatened violation and shall be entitled to costs and reasonable  
14                    attorney fees if he or she prevails in the action.