

to work in an average month, in the language the employer typically uses to communicate with the employee.

Section 3 would require an employer maintain a “standby” list of employees who may be asked to work additional hours and would establish the conditions allowing an employer to request an employee work additional hours. The employer shall notify employees in writing that the standby list is voluntary and they are not required to accept additional hours.

Section 4 would require an employer provide written work schedules at least 7 days in advance to employees and posting work schedules in English and in the language the employer typically communicates with the employee if other than English, and would require advance notice of changes to a work schedule.

Section 5 would establish employee rest periods and prohibit an employer requiring an employee to work during specified rest periods; the employer shall compensate an employee for work during a rest period at 1½ times their regular rate of pay, except if the employee is providing roadside assistance services.

Section 6 would authorize an employee to identify and request limitations or changes in the employee’s work schedule availability; the employer may require the employee provide verification of the need for such request, and may not retaliate against an employee for making it, but is not obligated to grant the request.

Section 7 of the bill would require an employer pay additional compensation to an employee if the employer changes an employee’s written work schedule without the advance notice required in Section 4. The employer shall pay the employee for one additional hour at the employee’s regular hourly rate if adding more than an additional 30 minutes of work, or if the employer changes the date, start, or end time of the employee’s shift with no loss of work time, or schedules the employee for an additional shift. The employer shall pay the employee ½ times their regular hourly rate if the employer: subtracts hours from the employee’s shift before or after they report for work, changes the date, start, or end time of the employee’s shift resulting in a loss of hours, cancels the employee’s shift, or does not have the employee work when scheduled for an on-call shift. Exceptions to the requirement for additional compensation are identified at Section 7(2)(a)-(j) and include changes to an employee’s work schedule for disciplinary reasons, work interruption due to natural causes, and other reasons.

Section 8 of the bill would deem it an unlawful practice for an employer to interfere with or deny an employee’s exercise of a right under the bill, or to retaliate or discriminate against a person in hiring or tenure or other condition of employment because the person asked about the provisions of the bill.

Section 9 would establish a civil penalty of \$500-\$2,000 for each violation of Sections 1 to 8 of the bill. In the case of a continuing violation each day would be a separate and distinct violation.

HB 237 would have a minimal negative fiscal impact on local governments. In work places impacted there would likely be additional administrative costs for record keeping, posting of information, perhaps for dealing with an increase in labor complaints and personnel costs (paying time-and-a-half in instances when overtime would not otherwise be applicable, paying overtime due to a lack of available standby employees, paying ½ wages for hours not worked).

Data Source(s): Kentucky Association of Counties; Kentucky League of Cities; LRC staff

Preparer: Mary Stephens (BW) **Reviewer:** KHC **Date:** 1/22/24