

LABOR CABINET
Department of Workplace Standards
(New Administrative Regulation)

803 KAR 1:067. Hours worked.

RELATES TO: KRS 337.275, 337.285

STATUTORY AUTHORITY: KRS 337.295

NECESSITY, FUNCTION, AND CONFORMITY: KRS 337.295 authorizes the commissioner to issue administrative regulations to carry out the provisions of KRS 337.275-337.325, 337.345 and 337.385-337.405. The function of this administrative regulation is to define the principals involved in determining what constitutes working time pursuant to KRS 337.275 and 337.285.

Section 1. Definition. "Employee" is defined by KRS 337.010(1)(e) and (2)(a).

Section 2. Employees suffered or permitted to work. The criteria for "suffered or permitted to work" applicable to KRS 337.275 and 337.285 are as established in 29 C.F.R. 785.11 through 785.13.

Section 3. Waiting Time. The criteria for "waiting time" applicable to KRS 337.275 and 337.285 shall be as established in 29 C.F.R. 785.14 through 785.17.

Section 4. Rest and meal periods. The criteria for rest and meal periods applicable to KRS 337.275 and 337.285 are as established in 29 C.F.R. 785.18 and 785.19.

Section 5. Sleeping time and certain other activities. The requirements for sleeping time and certain other activities applicable to KRS 337.275 and 337.285 are as established in 29 C.F.R. 785.20, 785.21, and 785.23.

Section 6. Lectures, Meetings and Training Programs. The requirements for lectures, meetings, and training programs applicable to KRS 337.275 and 337.285 are as established in 29 C.F.R. 785.27 through 785.32.

Section 7. Travel time. The requirements for travel time applicable to KRS 337.275 and 337.285 are as established in 29 C.F.R. 785.33, 785.35, 785.38, and 785.39.

Section 8. Recording work time.

(1) In accordance with KRS 337.320, there is no particular method of keeping a time record worked by an employee. Recordkeeping requirements are set out in 803 KAR 1:068.

(2) Criteria for the use of time clocks applicable to KRS 337.275 and 337.285 are as established in 29 C.F.R. 785.48.

KIMBERLEE C. PERRY, Commissioner
JAMIE LINK, Secretary

APPROVED BY AGENCY: January 3, 2022

FILED WITH LRC: January 10, 2022

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on March 28, 2022 at 1:00pm (ET). This hearing will be conducted by live videoconference (ZOOM) pursuant to Senate Bill 150, Section 1, subparagraph 8(b) (R.S. 2020) and the continuing state of emergency due to the novel coronavirus pandemic. Public access to the meeting will be available at <https://us06web.zoom.us/j/88108844438>, or by telephone at (713) 353-0212 or 888-822-7517 (toll free), conference code 786462. Individuals interested in being heard at this

hearing shall notify this agency in writing five (5) working days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through March 31, 2022. Send notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Duane Hammons, Labor Cabinet, Mayo-Underwood Building, 500 Mero Street, 3rd Floor, Frankfort, Kentucky 40601, phone (502) 564-1507, fax (502) 564-5484, email Kenneth.hammons@ky.gov.