

### **803 KAR 2:230. Pay during inspection activity.**

RELATES TO: KRS 338.111, 338.121(3)

STATUTORY AUTHORITY: KRS 338.051, 338.061

NECESSITY, FUNCTION, AND CONFORMITY: KRS 338.051(3) requires the Kentucky Occupational Safety and Health Standards Board to promulgate occupational safety and health administrative regulations and authorizes the chairman to reference federal standards without board approval if necessary to meet federal time requirements. KRS 338.061 authorizes the board to establish, modify, or repeal standards and reference federal standards. This administrative regulation establishes employee payment during inspection activity.

#### **Section 1. Definitions.**

(1) "Commissioner" is defined by KRS 338.015.

(2) "Compliance officer" means a person authorized by the commissioner to conduct occupational safety and health inspections.

(3) "Employee" is defined by KRS 338.015(2).

(4) "Employer" is defined by KRS 338.015(1).

#### **Section 2.**

(1) Employees, when on regular duty time, shall be paid their regular rate of pay during the conduct of the walkaround inspection and other inspection related activities such as responding to compliance officer questions and participating in an opening and closing conference.

(2) An employer's failure to pay employees for time engaged in inspection activity is discriminatory pursuant to KRS 338.121(3).

(5 Ky.R. 833; 1067; eff. 6-6-1979; Recodified from 803 KAR 2:092, eff. 4-19-84; TAm eff. 8-9-2007; TAm eff. 9-8-2011; 47 Ky.R. 2685; eff. 11-30-2021.)