

1 AN ACT relating to prevailing wage.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 337 IS CREATED TO
4 READ AS FOLLOWS:

5 **(1) As used in this section, "certified living wage" means the average hourly rate**
6 **paid to employees based on their occupation type and geographic area and**
7 **certified by the department. The Office of Kentucky Center for Statistics shall**
8 **determine the certified living wage based on occupation type and geographic area**
9 **utilizing data from the Occupational Employment and Wage Statistics program in**
10 **the United States Bureau of Labor Statistics.**

11 **(2) Any employer that begins doing business in Kentucky on or after the effective**
12 **date of this Act shall be required to pay all of its employees a certified living wage**
13 **if the business:**

14 **(a) Receives any local, state, or federal government subsidies, economic**
15 **incentives, tax incentives, financing, workforce assistance, loans, or grants;**

16 **(b) Is located in an enterprise zone or opportunity zone in Kentucky and tax**
17 **incentives have been or will be provided in the future to the business or any**
18 **investor in the business;**

19 **(c) Contracts with any local, state, or federal government agency to provide**
20 **goods or services; or**

21 **(d) Leases or subleases any local, state, or federal government property.**

22 ➔Section 2. KRS 151B.133 is amended to read as follows:

23 The duties of the Office of the Kentucky Center for Statistics shall be to:

24 (1) Oversee and maintain the warehouse of data in the Kentucky Longitudinal Data
25 System;

26 (2) Develop de-identification standards and processes using modern statistical methods;

27 (3) Conduct research and evaluation regarding federal, state, and local education and

- 1 training programs at all levels;
- 2 (4) Audit and ensure compliance of education and training programs with applicable
- 3 federal and state requirements as authorized by federal and state law;
- 4 (5) Work with public agencies and other entities to define statewide education,
- 5 workforce development, and employment metrics and ensure the integrity and
- 6 quality of data being collected;
- 7 (6) Link data from multiple sources for consideration in developing broad public policy
- 8 initiatives;
- 9 (7) Develop requirements and definitions for data to be provided by any public agency,
- 10 private institution of higher education, private school, or parochial school, as
- 11 directed by the Board of the Kentucky Center for Statistics;
- 12 (8) Develop a reasonable fee schedule for services provided;
- 13 (9) Establish data quality standards;
- 14 (10) Promulgate administrative regulations necessary for the proper administration of
- 15 the Kentucky Longitudinal Data System;
- 16 (11) Ensure compliance with the federal Family Educational Rights and Privacy Act, 20
- 17 U.S.C. sec 1232g, and all other relevant federal and state privacy laws;
- 18 (12) Respond to approved research data requests in accordance with the data access and
- 19 use policy established by the board;
- 20 (13) Develop and disseminate, in cooperation with the Council on Postsecondary
- 21 Education and the Department of Education, information on the employment and
- 22 earnings of the public postsecondary institution graduates in Kentucky. This
- 23 information shall be updated at least every three (3) years and shall be:
- 24 (a) Posted on the website~~Web site~~ of the Office of the Kentucky Center for
- 25 Statistics;
- 26 (b) Posted on the website~~Web site~~ of the Council on Postsecondary Education;
- 27 (c) Posted on the website~~Web site~~ of each public postsecondary institution,

1 with the website~~[Web site]~~ address published in each institution's catalogue;
2 and

3 (d) Made available to every high school guidance and career counselor, who shall
4 be notified of its availability for the purpose of informing all high school
5 students preparing for postsecondary education;

6 **(14) Annually establish a certified living wage pursuant to subsection (1) of Section 1**
7 **of this Act based on occupation type and geographic area by July 1, 2025, and no**
8 **later than July 1 of every year thereafter;** and

9 **(15)**~~[(14)]~~ Enter into contracts or other agreements with appropriate entities, including
10 but not limited to federal, state, and local agencies, to the extent necessary to carry
11 out its duties and responsibilities only if such contracts or agreements incorporate
12 adequate protections with respect to the confidentiality of any information to be
13 shared.

14 ➔Section 3. KRS 337.990 is amended to read as follows:

15 The following civil penalties shall be imposed by the Education and Labor Cabinet, in
16 accordance with the provisions in KRS 336.985, for violations of the provisions of this
17 chapter:

18 (1) Any firm, individual, partnership, or corporation that violates KRS 337.020 shall be
19 assessed a civil penalty of not less than one hundred dollars (\$100) nor more than
20 one thousand dollars (\$1,000) for each offense. Each failure to pay an employee the
21 wages when due him under KRS 337.020 shall constitute a separate offense.

22 (2) Any employer who violates KRS 337.050 shall be assessed a civil penalty of not
23 less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000).

24 (3) Any employer who violates KRS 337.055 shall be assessed a civil penalty of not
25 less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000)
26 for each offense and shall make full payment to the employee by reason of the
27 violation. Each failure to pay an employee the wages as required by KRS 337.055

1 shall constitute a separate offense.

2 (4) Any employer who violates KRS 337.060 shall be assessed a civil penalty of not
3 less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000)
4 and shall also be liable to the affected employee for the amount withheld, plus
5 interest at the rate of ten percent (10%) per annum.

6 (5) Any employer who violates the provisions of KRS 337.065 shall be assessed a civil
7 penalty of not less than one hundred dollars (\$100) nor more than one thousand
8 dollars (\$1,000) for each offense and shall make full payment to the employee by
9 reason of the violation.

10 (6) Any person who fails to comply with KRS 337.070 shall be assessed a civil penalty
11 of not less than one hundred dollars (\$100) nor more than one thousand dollars
12 (\$1,000) for each offense and each day that the failure continues shall be deemed a
13 separate offense.

14 (7) Any employer who violates any provision of KRS 337.275 to 337.325, KRS
15 337.345, and KRS 337.385 to 337.405, or willfully hinders or delays the
16 commissioner or the commissioner's authorized representative in the performance
17 of his or her duties under KRS 337.295, or fails to keep and preserve any records as
18 required under KRS 337.320 and 337.325, or falsifies any record, or refuses to
19 make any record or transcription thereof accessible to the commissioner or the
20 commissioner's authorized representative shall be assessed a civil penalty of not
21 less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000).
22 A civil penalty of not less than one thousand dollars (\$1,000) shall be assessed for
23 any subsequent violation of KRS 337.285(4) to (9) and each day the employer
24 violates KRS 337.285(4) to (9) shall constitute a separate offense and penalty.

25 (8) Any employer who pays or agrees to pay wages at a rate less than the rate
26 applicable under KRS 337.275 and 337.285, or any wage order issued pursuant
27 thereto shall be assessed a civil penalty of not less than one hundred dollars (\$100)

1 nor more than one thousand dollars (\$1,000).

2 (9) Any employer who discharges or in any other manner discriminates against any
3 employee because the employee has made any complaint to his or her employer, to
4 the commissioner, or to the commissioner's authorized representative that he or she
5 has not been paid wages in accordance with KRS 337.275 and 337.285 or
6 regulations issued thereunder, or because the employee has caused to be instituted
7 or is about to cause to be instituted any proceeding under or related to KRS
8 337.385, or because the employee has testified or is about to testify in any such
9 proceeding, shall be deemed in violation of KRS 337.275 to 337.325, KRS 337.345,
10 and KRS 337.385 to 337.405 and shall be assessed a civil penalty of not less than
11 one hundred dollars (\$100) nor more than one thousand dollars (\$1,000).

12 (10) Any employer who violates KRS 337.365 shall be assessed a civil penalty of not
13 less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000).

14 (11) A person shall be assessed a civil penalty of not less than one hundred dollars
15 (\$100) nor more than one thousand dollars (\$1,000) when that person discharges or
16 in any other manner discriminates against an employee because the employee has:

17 (a) Made any complaint to his or her employer, the commissioner, or any other
18 person; or

19 (b) Instituted, or caused to be instituted, any proceeding under or related to KRS
20 337.420 to 337.433; or

21 (c) Testified, or is about to testify, in any such proceedings.

22 **(12) Any employer who violates Section 1 of this Act shall be assessed a civil penalty**
23 **of not less than one hundred dollars (\$100) nor more than one thousand dollars**
24 **(\$1,000) for each offense, and each day that the violation continues shall be**
25 **deemed a separate offense.**