ENFORCEMENT

The Department has authority to recover back wages and an

equal amount in liquidated damages in instances of minimum

be assessed civil money penalties for each willful or repeated

violation of the minimum wage or overtime pay provisions of

of the FLSA's child labor provisions. Heightened civil money

penalties may be assessed for each child labor violation that

and such assessments may be doubled when the violations

participate in any proceeding under the FLSA.

the Commonwealth of Puerto Rico.

employers must comply with both.

independent contractors are not.

ADDITIONAL INFORMATION

work requirements

esults in the death or serious injury of any minor employee,

are determined to be willful or repeated. The law also prohibits

retaliating against or discharging workers who file a complaint or

Certain occupations and establishments are exempt from

the minimum wade, and/or overtime pay provisions.

Certain narrow exemptions also apply to the pump at

Special provisions apply to workers in American Samoa,

the Commonwealth of the Northern Mariana Islands, and

Some state laws provide greater employee protections;

Some employers incorrectly classify workers as

"independent contractors" when they are actually

exempt) are entitled to the FLSA's minimum wage

employees under the FLSA. It is important to know the

and overtime pay protections and correctly classified

Certain full-time students, student learners, apprentices,

and workers with disabilities may be paid less than the

minimum wage under special certificates issued by the

difference between the two because employees (unless

litigate and/or recommend criminal prosecution. Employers may

the law. Civil money penalties may also be assessed for violations

wage, overtime, and other violations. The Department may

FED

OVERTIME PAY

EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

FEDERAL MINIMUM WAGE \$7.25 PER HOUR BEGINNING JULY 24, 2009

The law requires employers to display this poster where employees can readily see it.

At least 1½ times the regular rate of pay for all hours worked over 40 in a workweek. **CHILD LABOR** An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared

hazardous by the Secretary of Labor. Youths 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs with certain work hours restrictions. Different rules apply in agricultural employment. **TIP CREDIT**

Employers of "tipped employees" who meet certain conditions may claim a partial wage credit based on tips received by their employees. Employers must pay tipped employees a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employee's tips combined with the employer's cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the

The FLSA requires employers to provide reasonable break time for a nursing employee to express breast milk for their nursing child for one year after the child's birth each time the employee needs to express breast milk. Employers must provide a place. other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk.

OF LABOR UNITED STATES OF AMERICA

KY

WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243 www.dol.gov/agencies/whd

REV. 04/2023

No employer shall deduct the following from the wages of

b) Cash shortages in a common money till, cash box or register

d) Losses due to acceptance by an employee of checks which

e) Losses due to defective or faulty workmanship, lost or stolen

property, damage to property, default of customer credit or

nonpayment for goods or services received by the customer

TIME AND ONE HALF FOR WORK DONE

ON SEVENTH DAY OF WEEK

Any employer who permits any employee to work seven days i

any one workweek shall pay the rate of time and a half for the

time worked on the seventh day. This shall not apply where an

employee is not permitted to work more than forty (40) hours

if such losses are not attributable to employee's willful or

Labor Cabinet WAGE AND HOUR LAWS

MINIMUM WAGE = \$7.25 per hour (Effective July 1, 2009)

PAYMENT OF WAGES:

Any employee who leaves or is discharged from employment shall be paid in full all wages or salary earned not later than the next normal pay period following the date of dismissal or voluntary leaving or fourteen (14) days following such date of dismissal or voluntary leaving whichever last occurs. **UNLAWFUL FOR EMPLOYER TO WITHHOLD WAGES**

emplovees:

c) Breakage;

used by two (2) or more persons;

discretion to accept or reject any check; or

intentional disregard of employer's interest

WAGES

No employer shall withhold from any employee's wages any part of the agreed wage rate; unless a) the employer is required to do so by local, state, or federal

b) when a deduction is expressly authorized in writing by the employee to cover insurance premiums, hospital, or medical c) when a deduction is expressly authorized in writing by the

employee for other deductions not amounting to a rebate or deduction from the standard wage arrived at by collective bargaining or pursuant to wage agreement or statute; or d) Deductions for union dues where such deductions are authorized by joint wage agreements or collective bargaining contracts negotiated between employers and employees or their representatives.

OVERTIME No employer shall employ any employee for a workweek longer

than forty hours unless such employee receives compensation for employment in excess of forty hours in a workweek. The rate of pay for time in excess of forty hours shall be not less than one and one-half the hourly rate employed.

during the workweek. **TIPPED EMPLOYEES**

Any employee engaged in an occupation in which more than \$30 dollars per month is customarily and regularly received in tips, the employer may pay a minimum of \$2.13 per hour if the employer' records can establish for each week where credit is taken, when Use all or part of any tips or gratuities received by employees toward the payment of the minimum wage

adding the tips received to wages paid, not less than the minimum wage is received by the employee. No employer shall: Require an employee to remit to the employer any gratuity, or any portion thereof, except for the purpose of withholding

amounts required by federal or state law. Employees may enter into an agreement to divide tips among themselves. If employees enter into this type of agreement, the amounts retained by the employees shall be considered tips of the individuals who retain them. If an employer requires the use of a tip pool, then the account used to hold the tip pool shall be segregated from the employer's other business records and the employer shall make the account open to the pool's participants.

PERFORMANCE BONDS: Performance Bonds must be kept on file for employers in the construction and mining industries (including the transportation of minerals) who have conducted business within the Commonwealth for less than five (5) consecutive years. For more information, see KRS 337.200.

Certain exemptions from minimum wage and overtime apply. For questions, please call (502)564-3534. **BREAKS REST PERIODS:** No employer shall require any employee **RECORD RETENTION: ONE (1) YEAR AFTER ENTRY**

to work without a rest period of at least ten (10) minutes during each four (4) hours worked. This shall be in addition to the regularly scheduled lunch period. No reduction in compensation shall be made for hourly or salaried employees. **LUNCH PERIODS:** Employers shall grant their employees a reasonable period for lunch, and such time shall be as close to

the middle of the employee's scheduled work shift as possible. In no case shall an employee be required to take a lunch period sooner than three (3) hours after the work shift commences. nor more than five (5) hours from the time the work shift commences. This section shall not be construed to negate any provision of a collective bargaining agreement or mutual agreement between the employee and employer

Minimum Wage Law shall make and preserve records containing the following information (a) Name, address, and Social Security Number of each

(b) Hours worked each day and each week by each employee; (c) Regular hourly rate of pay; (d) Overtime hourly rate of pay for hours in excess of forty hours

Every employer subject to the provisions of the Kentucky

(e) Additions to cash wages at cost, or deductions (meals, board, lodging, etc.) from stipulated wages in the amount deducted, or at cost of the item for which deductions are made; (f) Total wages paid for each workweek and date of payment.

POST THIS ORDER WHERE ALL EMPLOYEES MAY READ

Education and Labor Cabinet Division of Wages and Hours Mayo-Underwood Building 500 Mero Street, 3rd Floor Frankfort, Kentucky 40601-4381

Phone (502) 564-3534

www.labor.ky.gov

"No individual in the United States shall, on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, be excluded from participation in, or denied the benefits of, or be subjected to discrimination under any program or activity under the jurisdiction of the Education and Labor Cabinet."

REV. 09/2022

NOTICE: This state has its own minimum wage law. Employers are also required to display the federal Employee Rights Under the Fair Labor Standards Act posting, which indicates the federal minimum wage. Where federal and state rates both apply to an THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.

KY

mployee, the U.S. Department of Labor dictates that the employee is entitled to the higher minimum wage rate.

Workers' Compensation Notice

Employees of this business are covered by the Kentucky Workers' Compensation Act (KRS Chapter 342). Conspicuous posting of this Notice is required by law. Employer Name:

EMPLOYEES: IF INJURED – NOTIFY your supervisor IMMEDIATELY; when possible Notice should be in writing. FAILURE to notify your supervisor could result in denial of benefits. OBTAIN MEDICAL CARE. Your employer must pay for ALL NECESSARY MEDICAL CARE

to treat a workplace injury. The employee may select the physician or medical facility to render care. If the employer is enrolled in an approved Managed Care Plan employee selection of physicians is LIMITED to the Approved Provider Network, except in certain emergencies. FOR INJURIES REQUIRING CONTINUING CARE the EMPLOYEE MUST DESIGNATE A TREATING PHYSICIAN, a form to do so will be furnished by your employer or its insurance carrier This employer IS

IS NOT

participating in a Managed Care Plan for medical care. The name of the Managed Care Plan is

DISABILITY BENEFITS to replace wages lost due to a workplace injury are payable under the Workers Compensation Act after seven (7) day of disability. A CLAIM MUST BE filed with the Department of Workers' Claim WITHIN TWO YEARS of the date of injury, or last payment of temporary total disability benefits. NEED ASSISTANCE? Contact your employer's claim representative. If your questions about workers' compensation rights are not promptly answered call THE KENTUCKY DEPARTMENT OF WORKERS CLAIMS at 1-800-554-8601 to speak to an Ombudsman or Workers

EMPLOYER SUPERVISORS - NOTIFY MANAGEMENT IMMEDIATELY OF ALL INJURIES SO THAT TIMELY REPORT CAN BE MADE AS REQUIRED BY LAW

KY Information about Unemployment Insurance Benefits paid in the case of reduction in hours due to total disability.

EMPLOYERS ARE SUBJECT TO KENTUCKY UNEMPLOYMENT INSURANCE LAW. YOU MAY BE ELIGIBLE FOR UNEMPLOYMENT BENEFITS IF YOU LOSE YOUR JOB, ARE LAID OFF OR YOUR HOURS ARE REDUCED.

TO QUALIFY FOR BENEFITS, YOU MUST Be unemployed through no fault of your own; Be able and available to work and making a reasonable effort to obtain new work; and Register for work when you file your claim You must also meet monetary eligibility requirements based

on your earnings in the "base period," the first four of the five completed calendar quarters preceding your claim. These earnings also determine the amount of benefits you may be entitled to draw. Generally, if you have worked for more than a year and earned at least \$1500 during your base period, you may meet the monetary requirements for a claim

IF YOU LOSE YOUR JOB OR ARE LAID OFF: File your claim within the first week after you become unemployed, by filing on the internet at www.oet.ky.gov, or by telephone at **502-875-0442** Monday through

Friday, 7:30am-5:30pm ET (this is not a toll-free number). After filing your claim, file continuing claims bi-weekly while you are unemployed, through the web site or by toll-free telephone at 877-369-5984 or 877-3MY-KYUI

IF YOUR HOURS ARE REDUCED You may be eligible for partial benefits if you are still employed

by your regular employer but are working less than your normal full-time hours due to lack of available work. Benefits are not

DEPARTMENT FOR WORKFORCE INVESTMENT

as a lien release fee.

vacation or personal reasons

WORKERS' COMPENSATION RECIPIENTS

If you missed at least seven weeks of earnings due to injury

in any quarter during your base period, and were eligible for

Workers' Compensation (whether or not you drew it), you may

be able to use wages earned **before** your injury to qualify for

unemployment benefits. To qualify, you must file your claim

the period covered by Workers' Compensation. Contact your

nearest Unemployment Insurance office for more information.

CONTRIBUTIONS TO THE UNEMPLOYMENT

BENEFIT FUND ARE PAID BY EMPLOYERS.

NO DEDUCTIONS ARE MADE FROM EMPLOYEE

WAGES FOR THAT PURPOSE!

-DO NOT COMMIT FRAUD-

If you make a false statement in claiming benefits, you can

Also, all benefits fraudulently received must be repaid to the

Interest will accrue and there may be a lien filing fee as well

EDUCATION AND WORKFORCE DEVELOPMENT CABINET

You could face other penalties as well including felony

be disqualified for up to 52 weeks.

Division of Unemployment Insurance

charges, fines and possible imprisonment

within the first four weeks that you are unemployed following

OFFICE OF EMPLOYMENT AND TRAINING DIVISION OF UNEMPLOYMENT INSURANCE 275 EAST MAIN STREET Frankfort, KY 40621 POS-UI-5.1

REV. 11/2012

Kentucky Law Requires EQUAL EMPLOYMENT OPPORTUNITY

Advertising

KY

 Compensation Termination or Lavof · Physical Facilities Any other terms, conditions or privileges of

The Kentucky Civil Rights Act prohibits employmen discrimination based on: Disability · Age (40 Years Old and Colo

Tobacco-Smoking Status Religion **National Origin** Pregnancy The Kentucky Civil Rights Act prohibits employment discrimination by:

 Licensing Agencies Labor Organizations **Employment Agencies**

Training and Apprenticeship

The Kentucky Civil Rights Act prohibits employment Kentucky Pregnant Workers Act, (eff. 6/27/2019) The Kentucky Pregnant Workers Act, (KPWA), (KRS 344,030 to 344.110), expressly prohibits employment discrimination in relation to an employee's pregnancy, childbirth, and related

> In addition, under the KPWA it is unlawful for an employer to fail to make reasonable accommodations for any employee with limitations related to pregnancy, childbirth, or a related medical conditions who requests an accommodation, including but not *limited to*: (1) the need for more frequent or longer breaks; (2) time off to recover from childbirth; (3) acquisition or modification of equipment; (4) appropriate seating; (5) temporary transfer to a less strenuous or less hazardous position; (6) job restructuring (7) light duty; modified work schedule; and (8) private space that

is not a bathroom for expressing breast milk.

For help with discrimination, contact **The Kentucky Commission on Human Rights** 332 W. Broadway, Suite 1400, Louisville, Kentucky 40202. PHONE: 502.595.4024 Toll-free: 800.292.5566. Fax: 502.595.4801 E-mail: kchr.mail@ky.gov Website: kchr.ky.gov

FED

LABOR

LAWS

The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with job-protected leave for qualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most employees Eligible employees can take **up to 12 workweeks** of FMLA leave in a 12-month period for:

The birth, adoption or foster placement of a child with you. Your serious mental or physical health condition that makes you unable to work,

To care for your spouse, child or parent with a serious mental or physical health condition, and Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military servicemember.

An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness may take up to 26 workweeks of FMLA leave in a single 12-month period to care for the servicemember. You have the right to use FMLA leave in one block of time. When it is medically necessary or otherwise permitted, you may take FMLA leave intermittently in separate blocks of time, or on a reduced schedule by working less hours each day or week. Read Fact Sheet #28M(c) for more information. FMLA leave is **not paid leave**, but you may choose, or be required by your employer, to use any employer-provided paid leave if your employer's paid leave policy covers

the reason for which you need FMLA leave. Am I eligible to take FMLA leave?

You are an eligible employee if all of the following apply: You work for a covered employer.

You have worked for your employer at least 12 months

You have at least 1,250 hours of service for your employer during the 12 months before your leave, and Your employer has at least 50 employees within 75 miles of your work location

You work for a covered employer if one of the following applies: You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous calendar year,

Airline flight crew employees have different "hours of service" requirements.

You work for an elementary or public or private secondary school, or You work for a public agency, such as a local, state or federal government agency. Most federal employees are covered by Title II of the FMLA, administered by the Office of Personnel Managemen

How do I request FMLA leave? Generally, to request FMLA leave you must

FED

Follow your employer's normal policies for requesting leave, Give notice at least 30 days before your need for FMLA leave, or If advance notice is not possible, give notice as soon as possible.

> YOUR RIGHTS UNDER USERRA THE UNIFORMED SERVICES EMPLOYMENT

AND REEMPLOYMENT RIGHTS ACT USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

REEMPLOYMENT RIGHTS You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and: you ensure that your employer receives advance written or verbal notice of your service; you have five years or less of cumulative service in the uniformed services while with that particular employer;

you have not been separated from service with a disqualifying discharge or under other than honorable conditions.

promotion; or

If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not

been absent due to military service or, in some cases, a comparable job. RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

are a past or present member of the uniformed service; • are obligated to serve in the uniformed service; have applied for membership in the uniformed service;

you return to work or apply for reemployment in a timely manner after conclusion of service; and

then an employer may not deny you: initial employment;

retention in employment; because of this status.

KY

with Parental

Permission

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection. If you leave your job to perform military service, you have the right to elect to continue your existing employer-based

health plan coverage for you and your dependents for up to 24 months while in the military. Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., preexisting condition exclusions) except for service-connected illnesses or injuries.

The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.

For assistance in filing a complaint, or for any other information on USERRA, contact VETS at 1-866-4-USA-DOL or visit its website at https://www.dol.gov/agencies/vets/. An interactive online USERRA Advisor can be viewed at https://webapps.dol.gov/elaws/vets/userra If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation

You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.

The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on the internet at this address: https://www.dol.gov/agencies/vets/programs/userra/poster Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees. U.S. Department of Labor • 1-866-487-2365 U.S. Department of Justice Office of Special Counsel

Employer Support of the Guard and Reserve • 1-800-336-4590 REV. 05/2022

Labor Cabinet CHILD LABOR LAWS

HOURS OF WORK PERMITTED FOR MINORS 14 TO 18 YEARS OF AGE **MAXIMUM HOURS** MAY NOT MAY NOT WORK **MAXIMUM HOURS WHEN** WHEN SCHOOL IS NOT **WORK BEFORE** AFTER SCHOOL IS IN SESSION IN SESSION Three (3) hours per day on 7:00 P.M. school day Eight (8) hours per day 14 & 15 years (9:00 P.M. June 1 7:00 A.M. Eight (8) hours per day on non-Forty (40) hours per weel through Labor Day) school day Eighteen (18) hours per week Six (6) hours per day on school 10:30 P.M. preceding school day/1:00 A.M. 16 & 17 years 6:00 A.M. NO RESTRICTIONS Eight (8) hours per day on nonpreceding non-school school day day Thirty (30) hours per week Six and one-half (6.5) hours per 11:00 P.M. preceding day on school day 16 & 17 years school day/1:00 A.M. Eight (8) hours per day on non-

school day

Thirty-two and one-half (32.5) or

forty (40) hours per week "School in session" means the time established by local school district authorities, pursuant to KRS 160.290. Parental or quardian permission must be in writing and shall remain at the employer's place of business. A minor may work up to thirty-two and one-half (32.5) hours in any one (1) workweek if a parent or legal guardian gives permission in writing. A minor may work up to forty (40) hours in any one (1) work week if a parent or legal guardian gives permission in writing <u>and</u> the principal or head of the school the minor attends certifies in writing that the minor has maintained at least a 2.0 grade point average in the most recent grading period. School certification shall be valid for one (1) year unless revoked sooner by the school authority. The parental permission and school certification shall remain at the

preceding non-school

Lunch Break. Minors under 18 years of age shall not be permitted to work more than five (5) hours continuously without an interval of at least thirty (30) minutes for a lunch period. The beginning and ending of the lunch period shall be documented

OCCUPATIONS PROHIBITED FOR MINORS UNDER 18 YEARS OF AGE

Occupations in or about Plants or Establishments

Manufacturing or Storing Explosives or Articles Containing Explosive Components. Motor-vehicle Driver and outside helper on a motor Coal Mine Occupations.

6:00 A.M.

Logging or Sawmill Operations. Operation of Power-Driven Woodworking machines. Exposure to Radioactive Substances. Power-driven hoisting apparatus, including forklifts. • Operation of Power-Driven Metal Forming, punching, and shearing machines.

Mining, other than coal mining. Operating power-driven meat processing equipment, including meat slicers and other food slicers, in retail establishments (such as grocery stores, restaurants, kitchens and Delis), wholesale establishments, and most occupations in meat slaughtering, packing, processing, or rendering.

Operation of Power-driven bakery machines including vertical dough or batter mixers. Power-driven paper products machines including scrap paper baler and cardboard box compactors. Manufacturing bricks, tile, and kindred products. Power-driven circular saws, band saws, and Guillotine Wrecking, demolition, and shipbreaking operations.

NO RESTRICTIONS

Roofing operations and all work on or about a roof. Excavating Operations. In, about or in connection with any establishment where alcoholic liquors are distilled, rectified compounded, brewed, manufactured, bottled, sold for consumption or dispensed unless permitted by the rules and regulations of the Alcoholic Beverage Control Board (except they may be employed in places where the sale of alcoholic beverages by the package is merely incidental to the main business actually conducted).

Pool or Billiard Room. Limited exemptions for 16 and 17 year old apprentices and student-learners may apply. For questions, please call (502) 564-3534.

Minors fourteen (14) but not yet sixteen (16) years of age may NOT be employed in: manufacturing, mining, or processing occupations, including occupations requiring the performance of any duties in workrooms or workplaces where goods are manufactured, mined, or otherwise processed; occupations which involve the operation or tending of hoisting apparatus or any power-driven machinery other than office machines; operation of motor vehicles or service as helpers on such vehicles; public messenger service; occupations in connection with: (1) transportation of persons or property by rail, highway, air, water, pipeline, or other means, (2) warehousing and storage, (3) communications and public utilities, or (4) construction (including

> PROOF OF AGE REQUIRED FOR MINORS 14 BUT NOT YET 18 YEARS OF AGE Driver's License, Birth Certificate, Government Document with Date of Birth

"No individual in the United States shall, on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, be excluded from participation in, or denied the benefits of, or be subjected to "discrimination under any program or activity under the jurisdiction of the Education and Labor Cabinet

EDUCATION AND LABOR CABINET DIVISION OF WAGES AND HOURS MAYO-UNDERWOOD BUILDING 500 Mero Street, 3rd Floor Frankfort, Kentucky 40601 PHONE: (502) 564-3534 www.labor.ky.gov

(KRS 337.420 to 337.433 and KRS 337.990 (11))

KY

POST THIS ORDER WHERE ALL EMPLOYEES MAY READ

REV. 09/2022

Labor Cabinet Wage Discrimination Because of Sex

Any individual employed by any employer, including but not limited to individuals employed by the State or any of its political subdivisions, instrumentalities, or instrumentalities of political

A person who has two or more employees within the State in each of twenty or more calendar weeks in the current or preceding calendar year and an agent of such a person.

All compensation for employment, including payment in kind and amounts paid by employers for employee benefits, as defined by the Commissioner in regulations issued under KRS PROHIBITION OF THE PAYMENT OF WAGES BASED ON SEX:

The employer is prohibited from discriminating between

enforcement of KRS 337.423.

EXEMPTIONS FROM COVERAGE:

employees of opposite sexes in the same establishment by

paying different wage rates for comparable work on jobs which have comparable requirements. This prohibition covers any employee in any occupation in Kentucky. Any employer in violation shall not reduce the wages of any employee in order to comply with KRS 337.420 - 337.433. No employer can discharge or discriminate against any employee for the reason that the employee sought to invoke or assist in the

Employers subject to the Fair Labor Standards Act of 1938, as amended, are excluded "when that act imposes comparable or greater requirements than contained" in KRS 337.420 – 337.433 However, to be excluded, the employer must file with the Commissioner of the Kentucky Office of Workplace Standards a statement that he is covered by the Fair Labor Standards Act of

ENFORCEMENT OF LAW AND POWER TO INSPECT:

The Commissioner or his authorized agent has the power to

enter the employer's premises to inspect records, compare

character of work and operations of employees, question

employees, and to obtain any information necessary

A differential paid through an established seniority system or

merit increase system is permitted by KRS 337.423 if it does not

to administer and enforce KRS 337.420 - 337.433. The sioner or his authorized representative may examine witnesses under oath, and require by subpoena the attendance and testimony of witnesses and the production of any documentary evidence relating to the subject matter of any investigation undertaken pursuant to KRS 337.425. If a person fails to obey a subpoena, the Circuit Court of the Judicial District wherein the hearing is being held may issue an order requiring the subpoena to be obeyed. Failure to obey the court order may oe punished as contempt of that court.

COLLECTION OF UNPAID WAGES: Any employer who discriminates based on sex is liable to the employee or employees affected in the amount of the unpaid

wages. If the employer is in willful violation, he is liable for an additional equal amount as liquidated damages. The court may order other appropriate action, including reinstatement of employees discharged in violation of KRS 337.420 – 337.433. The employee or employees affected may maintain an action to collect the amount due. At the written request of any employee, the Commissioner may bring any legal action necessary to collect the claim for unpaid wages in behalf of the employee. An agreement between an employer and employee to work for less than the wage to which such employee is entitled will not bar any legal action or voluntary wage restitution.

Court action may be commenced no later than six months after the cause of action occurs. POSTING OF LAW: All employers shall post this abstract in a conspicuous place in or

about the premises wherein any employee is employed.

STATUTE OF LIMITATIONS:

Any person who discharges or in any other manner discriminates against an employee because such employee has related to KRS 337.420 made any complaint to his employer, the 337.433, or testified or is about other person, or

to testify in any such

instituted or caused proceedings, shall be to be instituted any assessed a civil penalt proceeding under or of not less than \$100 nor more than \$1,000 FOR FURTHER INFORMATION CONTACT: **EDUCATION AND LABOR CABINET**

DIVISION OF WAGES AND HOURS

MAYO-UNDERWOOD BUILDING

500 Mero Street, 3rd Floor

Frankfort, Kentucky 40601

PHONE: (502) 564-3534

www.labor.ky.gov "No individual in the United States shall, on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, be excluded from participation in, or denied the benefits of, or be subjected to discrimination under any program or activity under the jurisdiction of the Education and

POST THIS ORDER WHERE ALL EMPLOYEES MAY READ

REV. 09/2022

YOUR EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

You do not have to share a medical diagnosis but must provide enough information to your employer so they can determine whether the leave qualifies for FMLA protection. You must also inform your employer if FMLA leave was previously taken or approved for the same reason when requesting additional leave. Your **employer may request certification** from a health care provider to verify medical leave and may request certification of a qualifying exigency.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their own serious health conditions. Most federal and certain

congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress

What does my employer need to do? If you are eligible for FMLA leave, your employer must

Call 1-866-487-9243 or visit dol.gov/fmla to learn more.

does not apply to tests given by the Federal Government to certain private

The Act also permits polygraph testing, subject to restrictions, of certain

employees of private firms who are reasonably suspected of involvement in a

WAGE AND HOUR DIVISION

E-Mail

following bases

individuals engaged in national security-related activities.

manufacturers, distributors and dispensers.

Allow you to take job-protected time off work for a qualifying reason,

Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including shift and location, at the end of

Your employer cannot interfere with your FMLA rights or threaten or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD investigation.

After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your employer must confirm whether you are eligible or not eligible for FMLA leave. If your employer determines that you are eligible, your employer must notify you in writing: About your FMLA rights and responsibilities, and

How much of your requested leave, if any, will be FMLA-protected leave. Where can I find more information?

If you believe your rights under the FMLA have been violated, you may file a complaint with WHD or file a private lawsuit against your employer in court. Scan the QR code to learn about our WHD complaint process. SCAN MF

DEPARTMENT OF LABOR UNITED STATES OF AMERICA **WAGE AND HOUR DIVISION** UNITED STATES DEPARTMENT OF LABOR

EMPLOYEE RIGHTS EMPLOYEE POLYGRAPH PROTECTION ACT

The Employee Polygraph Protection Act prohibits most private workplace incident (theft, embezzlement, etc.) that resulted in economic loss employers from using lie detector tests either for pre-employment to the employer. screening or during the course of employment. The law does not preempt any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect to lie **PROHIBITIONS**

detector tests. Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from discharging, **EXAMINEE RIGHTS** disciplining, or discriminating against an employee or prospective employee Where polygraph tests are permitted, they are subject to numerous strict for refusing to take a test or for exercising other rights under the Act. standards concerning the conduct and length of the test. Examinees have a number of specific rights, including the right to a written notice before **EXEMPTIONS** testing, the right to refuse or discontinue a test, and the right not to have test Federal, State and local governments are not affected by the law. Also, the law

ENFORCEMENT The Act permits polygraph (a kind of lie detector) tests to be administered in The Secretary of Labor may bring court actions to restrain violations and the private sector, subject to restrictions, to certain prospective employees of assess civil penalties against violators. Employees or job applicants may also security service firms (armored car, alarm, and guard), and of pharmaceutical bring their own court actions.

results disclosed to unauthorized persons.

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.

Retaliation

REV. 04/2023

REV. 02/2022

1-866-487-9243

FED

DEPARTMENT OF LABOR

Color

U.S. Equal Employment Opportunity Commission **Know Your Rights: Workplace Discrimination is Illegal**

The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from discrimination in employment. If you believe you've been discriminated against at work or in applying for a job, the EEOC may be able to help. Conduct that coerces, intimidates, threatens, or employment qualified individuals with disabilities at all levels of employment, including the executive level.

and temporary employees Job applicants (including accommodation) or pregnancy Union members and applicants for membership in a What can You Do if You Believe **What Types of Employment Discrimination are**

Under the EEOC's laws, an employer may not discriminate against you, regardless of your immigration status, on the where you live/work). You can reach the EEOC in any of the

Religion National origin Sex (including pregnancy, childbirth, and related medical conditions, sexual orientation, or gender

Employees (current and former), including managers

Age (40 and older) Disability Genetic information (including employer requests for, or purchase, use, or disclosure of genetic tests, genetic services, or family medical history) Retaliation for filing a charge, reasonably opposing

discrimination, or participating in a discrimination

Interference, coercion, or threats related to exercising rights regarding disability discrimination or pregnancy **What Organizations are Covered?**

lawsuit, investigation, or proceeding

Educational institutions (as employers) Staffing agencies

Discharge, firing, or lay-off

Classification

Referral

Most private employers

What Employment Practices can be Challenged as **Discriminatory?** All aspects of employment, including:

State and local governments (as employers)

Harassment (including unwelcome verbal or physical conduct) Hiring or promotion Assianment

Pay (unequal wages or compensation)

Failure to provide reasonable accommodation for a disability; pregnancy, childbirth, or related medical condition; or a sincerely-held religious belief, observance or practice Benefits Job training

Obtaining or disclosing genetic information of

Requesting or disclosing medical information of Conduct that might reasonably discourage someone from opposing discrimination, filing a charge, or participating in an investigation or proceeding

interferes with someone exercising their rights, or someone assisting or encouraging someone else to **Protected Veteran Status** exercise rights, regarding disability discrimination The Vietnam Era Veterans' Readjustment Assistance Act of

an inquiry through the EEOC's public portal:

https://publicportal.eeoc.gov/Portal/Login.aspx

Discrimination has Occurred? Contact the EEOC promptly if you suspect discrimination. Do not delay, because there are strict time limits for filing a charge of discrimination (180 or 300 days, depending on

1-800-669-4000 (toll free) 1-800-669-6820 (TTY) 1-844-234-5122 (ASL video phone) an EEOC field office (information at www.eeoc.gov/field-office)

info@eeoc.gov

Additional information about the EEOC.

including information about filing a

charge of discrimination, is available at

EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) enforces the nondiscrimination and affirmative action commitments of companies doing business with the Federal Government. If you are applying for a job with, or are an employee of, a company with a Federal contract or subcontract, you are

protected under Federal law from discrimination on the

Race, Color, Religion, Sex, Sexual Orientation,

Gender Identity, National Origin

religion, sex, sexual orientation, gender identity, or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment. Asking About, Disclosing, or Discussing Pay Executive Order 11246, as amended, protects applicants and employees of Federal contractors from discrimination based on inquiring about, disclosing, or discussing their

compensation or the compensation of other applicants or

Disability Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals with disabilities from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment by Federal contractors. Disability discrimination includes not making reasonable

accommodation to the known physical or mental limitations

contractors take affirmative action to employ and advance in

of an otherwise qualified individual with a disability who

is an applicant or employee, barring undue hardship

to the employer. Section 503 also requires that Federal

complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination by Federal contractors under these Federal laws. Any person who believes a contractor has violated its

nondiscrimination or affirmative action obligations under

The Office of Federal Contract Compliance Programs (OFCCP)

Retaliation is prohibited against a person who files a

1974, as amended, 38 U.S.C. 4212, prohibits employment

discrimination against, and requires affirmative action to

veterans, recently separated veterans (i.e., within three years

of discharge or release from active duty), active duty wartime

or campaign badge veterans, or Armed Forces service medal

recruit, employ, and advance in employment, disabled

U.S. Department of Labor 200 Constitution Avenue, N.W. Washington, D.C. 20210 1-800-397-6251 (toll-free) If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services. OFCCP may also be contacted by submitting a question online to OFCCP's Help Desk at

OFCCP's authorities should contact immediately:

directories under U.S. Government, Department of Labor and on OFCCP's "Contact Us" webpage at https://www.dol.gov/agencies/ofccp/contact PROGRAMS OR ACTIVITIES RECEIVING

regional or district office, listed in most telephone

https://ofccphelpdesk.dol.gov/s/, or by calling an OFCCP

FEDERAL FINANCIAL ASSISTANCE Race, Color, National Origin, Sex In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employmen

Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance. **Individuals with Disabilities** Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of

essential functions of the job. If you believe you have been discriminated against in a

program of any institution which receives Federal financial

assistance, you should immediately contact the Federal

agency providing such assistance.

REV. 06/27/2023

Education and Labor Cabinet

Safety and Health on the Job

Occupational Safety and Health Kentucky Revised Statute (KRS) Chapter 338 establishes a program

safety and health protections for public and private sector employees working in the Commonwealth of Kentucky and must be prominently displayed in the workplace. **Employer Responsibilities:** Employers shall furnish employment and places of employment which are free from recognized hazards that are causing, or are likely to cause, death or serious physical harm to employees; and comply with the occupational safety and health regulations, standards, and rules issued pursuant to KRS 338. Employers must provide information and training on hazards in the workplace including all hazardous substances. Required training must be provided to all employees in a language and vocabulary they understand. It is illegal to retaliate against an employee for exercising

for protecting occupational safety and health. This notice details the

occupational safety and health regulations, standards, and rules issued pursuant to KRS 338 which are applicable to their own actions **Records:** Employees may request from their employer copies of their

Employee Responsibilities: Employees shall comply with the

any of their rights under the law, including raising a safety and health

concern or reporting a work-related injury or illness.

medical records, tests that measure hazards in the workplace, as well as the injury and illness log. Standards: Kentucky's occupational safety and health standards are adopted by the Kentucky Occupational Safety and Health Standards Board. The Board consists of 13 members, comprised of the Secretary of Education and Labor who serves as Chair, and 12 other members equally representing agriculture, industry, labor, and the safety and health profession. The Board meets annually and additionally as

needed. All meetings are open to the public.

Inspections: The Division of Occupational Safety and Health Compliance conducts workplace inspections to determine the cause or prevent the occurrence of occupational injuries and illnesses. During an inspection a representative of the employer and a representative authorized by the employees are given an opportunity to accompany the Compliance Officer for the purpose of aiding the inspection. Where there is no authorized employee representative, the Compliance Officer must consult with a reasonable number of employees regarding safety and health at the workplace.

Complaints: Employees or their authorized representative have

and Health Compliance requesting an inspection if they believe a

hazardous condition(s) exists in their workplace. The name of the

the right to file a complaint with the Division of Occupational Safety

complainant will be kept confidential upon request. **Discrimination Protections:** Employees are protected against discharge and other discriminatory actions for having filed complaints and exercising any other right provided by the occupational safety and health laws. Employees who feel they have been so discriminated against may file a complaint with the Education and Labor Cabinet within 120 days of the alleged discrimination. Private sector employees also have the option of filing discrimination complaints

with the U.S. Department of Labor at osha.gov within 30 days of the

alleged discrimination. Complaint forms are available at elc.ky.gov.

Citations: A citation(s) alleging violation of a Kentucky occupational safety and health law(s) or regulation(s) may be issued to an employer following an inspection. The citation(s) is provided to the employer and specifies an abatement date by which the alleged violation must be corrected. To inform employees, the employer must post each citation at or near the location of the alleged violation for three (3) days or until the violation is corrected, whichever is longer.

Proposed Penalties: An employer may be assessed a penalty up to \$7,000 for each serious violation and up to \$7,000 for each other-thanserious violation. Failure to correct a violation within the specified time period may result in penalties up to \$7,000 per day. An employer

TWO ways to verify poster compliance!

ONLINE

who commits a willful or repeat violation(s) may be assessed a penalty up to \$70,000 for each violation and not less than \$5,000 for each

Contesting Procedures: An employer who has been cited may contest the action before the Kentucky Occupational Safety and Health Review Commission. Equally, any employee or employee representative of an employer who has been cited may also contest the action. Any party wishing to contest a citation(s) must notify the Division of Occupational Safety and Health Compliance in writing of its intent to do so. Notices of contest must be postmarked within 15 working days of receipt by the employer of the citation(s). Notices of contest will be transmitted to the Review Commission in accordance with its rules.

Recordkeeping: Employers are required to maintain records of occupational fatalities, injuries, and illnesses experienced by their employees. Records must be kept using OSHA 300, 300-A, 301, or equivalent forms. Certain employers are required to submit injury and illness data electronically at osha.gov/injuryreporting/ita. Unless requested to do so by the U.S. Bureau of Labor Statistics, employers with 10 or fewer employees, or whose establishment(s) fall within an exempted North American Industry Classification System code are exempt from recordkeeping requirements. **Reporting:** Employers must report to the Division of Occupational

Safety and Health Compliance the work-related death of an employee, including death resulting from a heart attack, within 8 hours from when the incident is reported to the employer, the employer's agent, or another employee. Work-related incidents resulting in the loss of an eye, an amputation, or the in-patient hospitalization of an employee, including hospitalization resulting from a heart attack, must be reported to the Division of Occupational Safety and Health Compliance within 72 hours from when the incident is reported to the employer, the employer's agent, or another employee. Mechanical power press point-of-operation injuries must be reported to the Division of Occupational Safety and Health Compliance within 30 days of the occurrence. Employees have a right to report a safety and health concern or report a work-related injury or illness without being

Education and Training Services: The Division of Occupational Safety and Health Education and Training assists employers who are interested in preventing workplace injuries and illnesses by developing and improving their workplace safety management programs. All assistance, such as on-site audits, consultation, and training, is provided **cost-free** upon request.

a plan approved in 1973 by the U.S. Department of Labor. Questions and concerns regarding Kentucky's program may be addressed to the Education and Labor Cabinet, Office of Federal-State Coordinator. The U.S. Department of Labor monitors Kentucky's program. Any person who has a complaint regarding the administration of the Kentucky program may contact the U.S. Department of Labor, OSHA, Atlanta Federal Center, 61 Forsyth Street SW, Atlanta, Georgia, 30303; (678) 237-0400. KENTUCKY EDUCATION AND LABOR CABINET

ELC.KY.GOV No individual in the United States shall, on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or



Executive Order 11246, as amended, prohibits employment discrimination by Federal contractors based on race, color, discrimination causes or may cause discrimination in providing services under such programs. Title IX of the

> disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the

retaliated against.

Kentucky provides occupational safety and health protections under

MAYO-UNDERWOOD BUILDING 500 Mero Street, 3rd Floor Frankfort, KY 40601 (502) 564-3070

belief, be excluded from participation in, or denied the benefits of, or be subjected to discrimination under any program or activity under the jurisdiction of the Education and Labor Cabinet. REV. 01/2024

JJKeller.com/laborlaw 800-327-6868 FED-KY-ENG 62812 **MAR2024** 65770F

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