Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for

FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions,

that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that

For additional information or to file a complaint:

## FED

OF LABOR

OF AMERICA

KY

UNITED STATES

### **EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT**

**ENFORCEMENT** 

### **\$7.25 PER HOUR BEGINNING JULY 24, 2009** The law requires employers to display this poster

**FEDERAL MINIMUM WAGE** 

where employees can readily see it. **OVERTIME PAY** At least 11/2 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

**NURSING MOTHERS** The FLSA requires employers to provide reasonable break time for requirements in order for the employee to express breast milk

a nursing mother employee who is subject to the FLSA's overtime for her nursing child for one year after the child's birth each time such employee has a need to express breast milk. Employers are also required to provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and

Some state laws provide greater employee protections; employers must comply with both.

Some employers incorrectly classify workers as "independent contractors" when they are actually employees under the FLSA. It is important to know the difference between the two because employees (unless exempt) are entitled to the FLSA's minimum wage and overtime pay protections and correctly classified

independent contractors are not.

the public, which may be used by the employee to express breast

The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum

litigate and/or recommend criminal prosecution. Employers may

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

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

results 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 wage, and/or overtime pay provisions.

Special provisions apply to workers in American Samoa

the Commonwealth of the Northern Mariana Islands, and

and such assessments may be doubled when the violations

participate in any proceeding under the FLSA.

**ADDITIONAL INFORMATION** 

wage, overtime, and other violations. The Department may

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 Department of Labor.

1-866-487-9243

TTY: 1-877-889-5627

www.dol.gov/whd

REV. 07/2016

WH1088

**Labor Cabinet WAGE AND HOUR LAWS** 

WAGE AND HOUR DIVISION

UNITED STATES DEPARTMENT

OF LABOR

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

### **WAGES 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** No employer shall withhold from any employee's wages any No employer shall deduct the following from the wages of part of the agreed wage rate; unless employees:

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<sup>1</sup> 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.

nonpayment for goods or services received by the customer if such losses are not attributable to employee's willful or intentional disregard of employer's interest

a) Fines

c) Breakage:

used by two (2) or more persons;

Any employer who permits any employee to work seven days ir 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 during the workweek.

TIME AND ONE HALF FOR WORK DONE

ON SEVENTH DAY OF WEEK

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

are subsequently dishonored if such employee is given

discretion to accept or reject any check; or

## **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 adding the tips received to wages paid, not less than the minimum wage is received by the employee. No employer shall: Use all or part of any tips or gratuities received by employees toward the payment of the minimum wage. 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

Require an employee to participate in a tip pool whereby the employee is required to remit to the pool any gratuity, or any portion thereof, for distribution among employees of the employer. Employees may voluntarily enter into an agreement to divide gratuities among themselves. The employer may inform the employees of the existence of a voluntary pool and the customary tipping arrangements of the employees at the establishment. Upon petition by the participants in the voluntary pool, and at the employer's own option and expense, an employer may provide custodial services for the safekeeping of funds placed in the pool if the account is properly identified and segregated from the other business records and open to examination by pool 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 RECORDS 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

### Every employer subject to the provisions of the Kentucky 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 (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

Kentucky 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

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 Kentucky Labor Cabinet."

"No individual in the United States shall, on the grounds of race, color, religion,

**REV. 02/2020** 

NOTICE: This state has its own minimum wage law. Employers are also required to display the federal Employee Rights Under THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.

# KY

the Fair Labor Standards Act posting, which indicates the federal minimum wage. Where federal and state rates both apply to an employee, 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:\_

, Contact Person\_

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

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

promptly answered call THE KENTUCKY DEPARTMENT OF WORKERS CLAIMS at 1-800-554-8601 to speak to an Ombudsman or Workers

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

# UNEMPLOYMENT INSURANCE LAW. OR YOUR HOURS ARE REDUCED.

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:

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

-DO NOT COMMIT FRAUD-If you make a false statement in claiming benefits, you can be disqualified for up to 52 weeks. You could face other penalties as well including felony

charges, fines and possible imprisonment Also, all benefits fraudulently received must be repaid to the Division of Unemployment Insurance. Interest will accrue and there may be a lien filing fee as well as a lien release fee.

EDUCATION AND WORKFORCE DEVELOPMENT CABINET DEPARTMENT FOR WORKFORCE INVESTMENT OFFICE OF EMPLOYMENT AND TRAINING

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

REV. 11/2012

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!

within the first four weeks that you are unemployed following

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

Disability · Age (40 Years Old and

Color Religion Pregnancy National Origin

The Kentucky Civil Rights Act prohibits employment

· Licensing Agencies

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 Compensation

is not a bathroom for expressing breast milk.

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

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

**LEAVE ENTITLEMENTS** 

The United States Department of Labor Wage and Hour Division

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following The birth of a child or placement of a child for adoption or foster care;

To bond with a child (leave must be taken within 1 year of the child's birth or placement); To care for the employee's spouse, child, or parent who has a qualifying serious health condition;

For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job; For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness. An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies. **BENEFITS & PROTECTIONS** While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

**ELIGIBILITY REQUIREMENTS** An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

Have worked for the employer for at least 12 months: Have at least 1,250 hours of service in the 12 months before taking leave;\* and

Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite. \*Special "hours of service" requirements apply to airline flight crew employees.

provides greater family or medical leave rights.

**ENFORCEMENT** 

**EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT** 

DEPARTMENT OF LABOR UNITED STATES OF

is not eligible, the employer must provide a reason for ineligibility.

**EMPLOYER RESPONSIBILITIES** 

1-866-4-USWAGE

the employer as soon as possible and, generally, follow the employer's usual procedures.

employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

incomplete, it must provide a written notice indicating what additional information is required.

(1-866-487-9243) TTY: 1-877-889-5627 www.dol.gov/whd

U.S. Department of Labor • Wage and Hour Division • WH1420

detector tests.

**EXAMINEE RIGHTS** 

**ENFORCEMENT** 

bring their own court actions.

REV. 04/2016

**REV. 07/2016** 

The law does not preempt any provision of any State or local law or any

Where polygraph tests are permitted, they are subject to numerous strict

standards concerning the conduct and length of the test. Examinees have

a number of specific rights, including the right to a written notice before

The Secretary of Labor may bring court actions to restrain violations and

assess civil penalties against violators. Employees or job applicants may also

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES

AND JOB APPLICANTS CAN READILY SEE IT.

testing, the right to refuse or discontinue a test, and the right not to have test

collective bargaining agreement which is more restrictive with respect to lie

FED

KY

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.

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;

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

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

have applied for membership in the uniformed service; then an employer may not deny you:

> initial employment; promotion; or retention in employment;

because of this status.

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

| AGE   | MAY NOT<br>WORK BEFORE | MAY NOT WORK<br>AFTER   | MAXIMUM HOURS WHEN<br>SCHOOL IS IN SESSION <sup>1</sup>   | MAXIMUM HOURS WHEN SCHOOL IS NOT IN SESSION          |
|---|------------------------|---|---|--|
| 14 & 15 years   | 7:00 A.M.              | 7:00 P.M.<br>(9:00 P.M. June 1<br>through Labor Day)                        | Three (3) hours per day on<br>school day<br>Eight (8) hours per day on non-<br>school day<br>Eighteen (18) hours per week                   | Eight (8) hours per day<br>Forty (40) hours per week |
| 16 & 17 years   | 6:00 A.M.              | 10:30 P.M. preceding<br>school day/1:00 A.M.<br>preceding non-school<br>day | Six (6) hours per day on school<br>day<br>Eight (8) hours per day on non-<br>school day<br>Thirty (30) hours per week                       | NO RESTRICTIONS                                      |
| 16 & 17 years<br>with Parental<br>Permission <sup>2</sup> | 6:00 A.M.              | 11:00 P.M. preceding<br>school day/1:00 A.M.<br>preceding non-school<br>day | Six and one-half (6.5) hours per<br>day on school day<br>Eight (8) hours per day on non-<br>school day<br>Thirty-two and one-half (32.5) or | NO RESTRICTIONS                                      |

forty (40) hours per week<sup>3</sup> "School in session" means the time established by local school district authorities, pursuant to KRS 160.290. Parental or guardian 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 quardian 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 and 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

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<sup>4</sup>

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. 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,

MAYO-UNDERWOOD BUILDING

KY

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.

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). processing, or rendering. 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 Kentucky Labor Cabinet KENTUCKY LABOR CABINET **DIVISION OF WAGES AND HOURS** 

500 Mero Street, 3rd Floor Frankfort, Kentucky 4060 PHONE: (502) 564-3534 www.labor.ky.gov

POST THIS ORDER WHERE ALL EMPLOYEES MAY READ

**Wage Discrimination Because of Sex** 

**Labor Cabinet** 

**DEFINITIONS** (KRS 337.420 to 337.433 and KRS 337.990 (11)) **COLLECTION OF UNPAID WAGES:** 

Any individual employed by any employer, including but not limited to individuals employed by the State or any of its political employee or employees affected in the amount of the unpaid subdivisions, instrumentalities, or instrumentalities of political **EMPLOYER** 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** The employer is prohibited from discriminating between

employees of opposite sexes in the same establishment by

**EXEMPTIONS FROM COVERAGE:** 

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 enforcement of KRS 337.423

discriminate on the basis of sex 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

A differential paid through an established seniority system or

The Commissioner or his authorized agent has the power to

enter the employer's premises to inspect records, compare

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

character of work and operations of employees, question employees, and to obtain any information necessary administer and enforce KRS 337.420 – 337.433. The Commissioner 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.

# screening or during the course of employment.

### **EMPLOYEE RIGHTS EMPLOYEE POLYGRAPH PROTECTION ACT**

workplace incident (theft, embezzlement, etc.) that resulted in economic loss The Employee Polygraph Protection Act prohibits most private employers from using lie detector tests either for pre-employment to the employer.

Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from discharging, disciplining, or discriminating against an employee or prospective employee

for refusing to take a test or for exercising other rights under the Act. **EXEMPTIONS** Federal, State and local governments are not affected by the law. Also, the law

does not apply to tests given by the Federal Government to certain private individuals engaged in national security-related activities. The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective employees of security service firms (armored car, alarm, and guard), and of pharmaceutical

The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a DEPARTMENT OF

manufacturers, distributors and dispensers.

1-866-487-9243 TTY: 1-877-889-5627

www.dol.gov/whd

results disclosed to unauthorized persons.

FED

**UNITED STATES OF** 

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.

an inquiry through the EEOC's public portal:

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

Who is Protected? What can You Do if You Believe Discrimination has Employees (current and former), including managers and temporary employees Contact the EEOC promptly if you suspect discrimination. Do not delay, because there are strict time limits for filing Job applicants

E-Mail

www.eeoc.gov.

employees.

Disability

WAGE AND HOUR DIVISION

UNITED STATES DEPARTMENT OF LABOR

a charge of discrimination (180 or 300 days, depending on Union members and applicants for membership in a where you live/work). You can reach the EEOC in any of the following ways: **What Organizations are Covered?** Most private employers

Educational institutions (as employers) Staffing agencies What Types of Employment Discrimination are

State and local governments (as employers)

Under the EEOC's laws, an employer may not discriminate against you, regardless of your immigration status, on the

Color

National origin

Sex (including pregnancy and related conditions, sexual orientation, or gender identity) Age (40 and older) Disability

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

lawsuit, investigation, or proceeding.

Genetic information (including employer requests for,

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

Discharge, firing, or lay-off Harassment (including unwelcome verbal or physical

Hiring or promotion Assignment Pay (unequal wages or compensation)

Classification

observance or practice Benefits Job training

Failure to provide reasonable accommodation

for a disability or a sincerely-held religious belief,

Referral 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.

Additional information about the EEOC, including information about filing a charge of

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

religion, sex, sexual orientation, gender identity, or national

protected under Federal law from discrimination on the

info@eeoc.gov

1-800-669-4000 (toll free)

www.eeoc.gov/field-office)

1-844-234-5122 (ASL video phone)

an EEOC field office (information at

**EMPLOYERS HOLDING FEDERAL** CONTRACTS OR SUBCONTRACTS The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) enforces the

discrimination, is available at

following bases Race, Color, Religion, Sex, Sexual Orientation, **Gender Identity, National Origin** Executive Order 11246, as amended, prohibits employment discrimination by Federal contractors based on race, color,

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

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 of an otherwise qualified individual with a disability who

is an applicant or employee, barring undue hardship

of employment, including the executive level.

to the employer. Section 503 also requires that Federal

contractors take affirmative action to employ and advance in

employment qualified individuals with disabilities at all levels

# **Protected Veteran Status**

discrimination against, and requires affirmative action to recruit, employ, and advance in employment, disabled 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 Retaliation

The Vietnam Era Veterans' Readjustment Assistance Act of

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

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

Retaliation is prohibited against a person who files a

OFCCP's authorities should contact immediately: The Office of Federal Contract Compliance Programs (OFCCP) 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

relay services. OFCCP may also be contacted by

https://www.dol.gov/agencies/ofccp/contact.

https://ofccphelpdesk.dol.gov/s/, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor and on OFCCP's "Contact Us" webpage at

submitting a guestion online to OFCCP's Help Desk at

disability, please dial 7-1-1 to access telecommunications

PROGRAMS OR ACTIVITIES RECEIVING 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 employment

discrimination causes or may cause discrimination in

providing services under such programs. Title IX of the compensation or the compensation of other applicants or 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 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 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. 10/20/2022

## **Labor Cabinet** Safety and Health on the Job

Occupational Safety and Health Kentucky Revised Statute (KRS) Chapter 338 establishes a program for protecting occupational safety and health. This notice details the

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

safety and health protections for public and private sector employees

**Employee Responsibilities:** Employees shall comply with 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

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 Labor who serves as Chair, and 12 other members equally representing agriculture, industry, labor, and the safety and health

**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.

and Health Compliance requesting an inspection if they believe a hazardous condition(s) exists in their workplace. The name of the 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

**Complaints:** Employees or their authorized representative have

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

Complaint forms are available at www.labor.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

days or until the violation is corrected, whichever is longer. serious violation. Failure to correct a violation within the specified 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. Unless requested to do so by the U.S. Bureau

whose establishment(s) fall within an exempted North American

Industry Classification System code are exempt from recordkeeping

of Labor Statistics, employers with 10 or fewer employees, or

**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

**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 Kentucky 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 LABOR CABINET

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 Labor Cabinet.

QR CODE Scan with phone camera: Go to: JJKeller.com/LLPverify **ONLINE** Enter this code: 62812-102022

**TWO** ways to verify poster compliance!

800-327-6868 65770F

retaliated against.

REV. 09/2021

This poster is in compliance with federal and state posting requirements.

about the premises wherein any employee is employed. Any person who discharges or in any other manner discriminates against an employee because such employee has related to KRS 337.420 to his employer, the 337.433, or

FOR FURTHER INFORMATION CONTACT: KENTUCKY LABOR CABINET **DIVISION OF WAGES AND HOURS ENFORCEMENT OF LAW AND POWER TO INSPECT:** 

500 Mero Street, 3rd Floor FRANKFORT, KENTUCKY 40601 Phone: (502) 564-3534 www.la<u>bor.ky.gov</u> "No individual in the United States shall, on the grounds of

MAYO-UNDERWOOD BUILDING

Any employer who discriminates based on sex is liable to the

wages. If the employer is in willful violation, he is liable for an

may order other appropriate action, including reinstatement of

employees discharged in violation of KRS 337.420 – 337.433.

the Commissioner may bring any legal action necessary to

bar any legal action or voluntary wage restitution.

**STATUTE OF LIMITATIONS:** 

Commissioner or any

other person, or

instituted or caused

to be instituted any

proceeding under o

the cause of action occurs.

collect the claim for unpaid wages in behalf of the employee.

An agreement between an employer and employee to work for

ess than the wage to which such employee is entitled will not

Court action may be commenced no later than six months after

All employers shall post this abstract in a conspicuous place in or

The employee or employees affected may maintain an action to

collect the amount due. At the written request of any employee,

additional equal amount as liquidated damages. The court

POST THIS ORDER WHERE ALL EMPLOYEES MAY READ

race, color, religion, sex, national origin, age, disability, political

program or activity under the jurisdiction of the Kentucky Labor

the benefits of, or be subjected to discrimination under any

OCT2022

REV. 02/2020

testified or is about

to testify in any such

proceedings, shall be

assessed a civil penalt

of not less than \$100

nor more than \$1,000.

**REV. 02/2020** 

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

concern or reporting a work-related injury or illness.

profession. The Board meets annually and additionally as needed. All meetings are open to the public.

and health laws. Employees who feel they have been so discriminated against may file a complaint with the Kentucky 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 within 30 days of the alleged discrimination.

be corrected. To inform employees, the employer must post each citation at or near the location of the alleged violation for three (3) **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-thantime period may result in penalties up to \$7,000 per day. An employer

> To update your labor law posters contact J. J. Keller & Associates, Inc. JJKeller.com/laborlaw

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

Kentucky provides occupational safety and health protections under

Frankfort, KY 40601 (502) 564-3070 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

Mayo-Underwood Building, 3rd Floor

**500 Mero Street** 

FED-KY-ENG

62812

The Kentucky Civil Rights Act prohibits employment discrimination regarding: Recruitment Training and

The Kentucky Civil Rights Act prohibits employmen discrimination based on:

discrimination by:

Employers Labor Organizations **Employment Agencies** 

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**EMPLOYERS ARE SUBJECT TO KENTUCKY** YOU MAY BE ELIGIBLE FOR UNEMPLOYMENT BENEFITS IF YOU LOSE YOUR JOB, ARE LAID OFF TO QUALIFY FOR BENEFITS, YOU MUST

File your claim within the first week after you become unemployed, by filing on the internet at www.oet.ky.gov,

KY **Kentucky Law Requires EQUAL EMPLOYMENT OPPORTUNITY** Apprenticeship

Tobacco-Smoking Status

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