

1 AN ACT relating to employment leave related to COVID-19.

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

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

5 **(1) "COVID-19" means the novel coronavirus identified as SARS-CoV-2, or a virus**
6 **mutating from SARS-CoV-2, or any variant of SARS-CoV-2, and medical**
7 **conditions associated with the virus.**

8 **(2) If an employer provides paid leave or any other benefits to employees who have**
9 **been vaccinated against COVID-19 and later are required to be quarantined due**
10 **to exposure to or a diagnosis of COVID-19, it shall also provide the same type,**
11 **amount, and duration of paid leave and other benefits to employees who have not**
12 **been vaccinated against COVID-19 and are required to be quarantined due to**
13 **exposure to or a diagnosis of COVID-19.**

14 ➔Section 2. KRS 337.990 is amended to read as follows:

15 The following civil penalties shall be imposed, in accordance with the provisions in KRS
16 336.985, for violations of the provisions of this chapter:

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

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

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

- 1 shall constitute a separate offense.
- 2 (4) Any employer who violates KRS 337.060 shall be assessed a civil penalty of not
3 less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000)
4 and shall also be liable to the affected employee for the amount withheld, plus
5 interest at the rate of ten percent (10%) per annum.
- 6 (5) Any employer who violates the provisions of KRS 337.065 shall be assessed a civil
7 penalty of not less than one hundred dollars (\$100) nor more than one thousand
8 dollars (\$1,000) for each offense and shall make full payment to the employee by
9 reason of the violation.
- 10 (6) Any person who fails to comply with KRS 337.070 shall be assessed a civil penalty
11 of not less than one hundred dollars (\$100) nor more than one thousand dollars
12 (\$1,000) for each offense and each day that the failure continues shall be deemed a
13 separate offense.
- 14 (7) Any employer who violates any provision of KRS 337.275 to 337.325, KRS
15 337.345, and KRS 337.385 to 337.405, or willfully hinders or delays the
16 commissioner or the commissioner's authorized representative in the performance
17 of his or her duties under KRS 337.295, or fails to keep and preserve any records as
18 required under KRS 337.320 and 337.325, or falsifies any record, or refuses to
19 make any record or transcription thereof accessible to the commissioner or the
20 commissioner's authorized representative shall be assessed a civil penalty of not less
21 than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000). A
22 civil penalty of not less than one thousand dollars (\$1,000) shall be assessed for any
23 subsequent violation of KRS 337.285(4) to (9) and each day the employer violates
24 KRS 337.285(4) to (9) shall constitute a separate offense and penalty.
- 25 (8) Any employer who pays or agrees to pay wages at a rate less than the rate applicable
26 under KRS 337.275 and 337.285, or any wage order issued pursuant thereto shall be
27 assessed a civil penalty of not less than one hundred dollars (\$100) nor more than

- 1 one thousand dollars (\$1,000).
- 2 (9) Any employer who discharges or in any other manner discriminates against any
3 employee because the employee has made any complaint to his or her employer, to
4 the commissioner, or to the commissioner's authorized representative that he or she
5 has not been paid wages in accordance with KRS 337.275 and 337.285 or
6 regulations issued thereunder, or because the employee has caused to be instituted
7 or is about to cause to be instituted any proceeding under or related to KRS
8 337.385, or because the employee has testified or is about to testify in any such
9 proceeding, shall be deemed in violation of KRS 337.275 to 337.325, KRS 337.345,
10 and KRS 337.385 to 337.405 and shall be assessed a civil penalty of not less than
11 one hundred dollars (\$100) nor more than one thousand dollars (\$1,000).
- 12 (10) Any employer who violates KRS 337.365 shall be assessed a civil penalty of not
13 less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000).
- 14 (11) A person shall be assessed a civil penalty of not less than one hundred dollars
15 (\$100) nor more than one thousand dollars (\$1,000) when that person discharges or
16 in any other manner discriminates against an employee because the employee has:
- 17 (a) Made any complaint to his or her employer, the commissioner, or any other
18 person; or
- 19 (b) Instituted, or caused to be instituted, any proceeding under or related to KRS
20 337.420 to 337.433; or
- 21 (c) Testified, or is about to testify, in any such proceedings.