

1 AN ACT relating to employment protections.

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

3 ➔Section 1. KRS 337.420 is amended to read as follows:

4 (1) "Employee" means any individual employed by any employer, including but not  
5 limited to individuals employed by the state or any of its political subdivisions,  
6 instrumentalities, or instrumentalities of political subdivisions.

7 (2) "Employer" means a person who has one (1)~~two (2)~~ or more employees within the  
8 state in each of twenty (20) or more calendar weeks in the current or preceding  
9 calendar year and an agent of such a person.

10 (3) "Wage rate" means all compensation for employment, including payment in kind  
11 and amounts paid by employers for employee benefits, as defined by the  
12 commissioner in regulations issued under KRS 337.420 to 337.433 and 337.990(  
13 11).

14 (4) "Employ" includes to suffer or permit to work.

15 (5) "Occupation" includes any industry, trade, business, or branch thereof, or any  
16 employment or class of employment.

17 (6) "Commissioner" means the commissioner of the Department of Workplace  
18 Standards under the direction and supervision of the secretary of the Labor Cabinet.

19 (7) "Person" includes one (1) or more individuals, partnerships, corporations, legal  
20 representatives, trustees, trustees in bankruptcy, or voluntary associations.

21 ➔Section 2. KRS 337.423 is amended to read as follows:

22 (1) No employer shall discriminate between employees in the same establishment on  
23 the basis of sex, by paying wages to any employee in any occupation in this state at  
24 a rate less than the rate at which he or she pays or has paid any employee of the  
25 opposite sex for comparable work on jobs which have comparable requirements  
26 relating to skill, effort and responsibility. Differentials which are paid pursuant to  
27 established seniority systems or merit increase systems, which do not discriminate

1 on the basis of sex, shall not be included within this prohibition. Nothing in KRS  
2 337.420 to 337.433 and 337.990(11) shall apply to any employer who is subject to  
3 the federal Fair Labor Standards Act of 1938, as amended, when that act imposes  
4 comparable or greater requirements than contained in KRS 337.420 to 337.433 and  
5 337.990(11) and when the employer files with the commissioner of the Department  
6 of Workplace Standards a statement that the employer is covered by the federal Fair  
7 Labor Standards Act of 1938, as amended.

8 (2) An employer who is paying a wage differential in violation of KRS 337.420 to  
9 337.433 and 337.990(11) shall not, in order to comply with it, reduce the wage rates  
10 of any employee.

11 (3) No person shall cause or attempt to cause an employer to discriminate against any  
12 employee in violation of KRS 337.420 to 337.433 and 337.990(11).

13 (4) No employer may discharge or discriminate against any employee by reason of any  
14 action taken by such employee to invoke or assist in any manner the enforcement of  
15 KRS 337.420 to 337.433 and 337.990(11).

16 **(5) (a) It shall be discriminatory and an unlawful practice for an employer to:**

17 **1. Discharge, discipline, discriminate against, coerce, intimidate,**  
18 **threaten, or interfere with any employee or other person because the**  
19 **employee inquired about, disclosed, compared, or otherwise discussed**  
20 **the employee's wages;**

21 **2. Require as a condition of employment nondisclosure by an employee**  
22 **of his or her wages; or**

23 **3. Require an employee to sign a waiver or other document that purports**  
24 **to deny an employee the right to disclose his or her wage information.**

25 **(b) This subsection shall not apply to employers who are exempt from the**  
26 **National Labor Relations Act, 29 U.S.C. secs. 151 et seq.**