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# LaborLawCenter.com 1-800-745-9970 • Product ID: KY50



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FMLA - FAMILY AND MEDICAL LEAVE ACT

Your Employee Rights Under the Family and Medical Leave Act

# **EEOC - KNOW YOUR RIGHTS: WORKPLACE DISCRIMINATION IS ILLEGAL**

#### 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.

<ul> <li>Who is Protected?</li> <li>Employees (current and former), including managers and temporary employees</li> <li>Job applicants</li> <li>Union members and applicants for membership in a union What Organizations are Covered?</li> <li>Most private employers</li> <li>State and local governments (as employers)</li> <li>Educational institutions (as employers)</li> <li>Unions</li> <li>Staffing agencies</li> <li>What Types of Employment Discrimination are Illegal?</li> <li>Under the EEOC's laws, an employer may not discriminate against you, regardless of your immigration status, on the bases of:</li> <li>Race</li> <li>Color</li> <li>Religion</li> <li>National origin</li> <li>Sex (including pregnancy, childbirth, and related medical conditions, sexual orientation, or gender identity)</li> <li>Age (40 and older)</li> <li>Disability</li> <li>Genetic information (including employer requests for, or purchase, use, or disclosure of genetic tests, genetic services, or family medical history)</li> </ul>	<ul> <li>Retaliation for filing a charge, reasonably opposir discrimination, or participating in a discrimination lawsuit, investigation, or proceeding</li> <li>Interference, coercion, or threats related to exercir rights regarding disability discrimination or pregraccommodation</li> <li>What Employment Practices can be Challenged Discriminatory? All aspects of employment, inclue</li> <li>Discharge, firing, or lay-off</li> <li>Harassment (including unwelcome verbal or physical conduct)</li> <li>Hiring or promotion</li> <li>Assignment</li> <li>Pay (unequal wages or compensation)</li> <li>Failure to provide reasonable accommodation for disability; pregnancy, childbirth, or related medic condition; or a sincerely-held religious belief, observance or practice</li> <li>Benefits</li> <li>Job training</li> <li>Classification</li> <li>Referral</li> <li>Obtaining or disclosing genetic information of employees</li> <li>Requesting or disclosing medical information of employees</li> </ul>

KENTUCKY

· Conduct that might reasonably discourage someone from opposing discrimination, filing a charge, or participating in an investigation or proceeding · Conduct that coerces, intimidates, threatens, or interferes sing with someone exercising their rights, or someone inancv assisting or encouraging someone else to exercise rights, regarding disability discrimination (including d as accommodation) or pregnancy accommodation What can You Do if You Believe Discrimination has Iding **Occurred?** Contact the EEOC promptly if you suspect discrimination. Do not delay, because there are strict time imits for filing a charge of discrimination (180 or 300 days, depending on where you live/work). You can reach the EEOC in any of the following ways Submit an inquiry through the EEOC's public portal: https://publicportal.eeoc.gov/Portal/Login.aspx Call 1-800-669-4000 (toll free) -800-669-6820 (TTY) 1-844-234-5122 (ASL video phone) Visit an EEOC field office (information at <u>www.eeoc.gov/field-office</u>) E-Mail info@eeoc.gov Additional information about the EEOC. including information about filing a charge

of discrimination, is available at www.eeoc.gov.

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

has violated its nondiscrimination or affirmative action obligations under OFCCP's

The Office of Federal Contract Compliance Programs (OFCCP)

authorities should contact immediately:

U.S. Department of Labor

1-800-397-6251 (toll-free)

Washington, D.C. 20210

200 Constitution Avenue, N.W.

#### EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS

The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) Protected Veteran Status The Vietnam Era Veterans' Readjustment Assistance Act of enforces the nondiscrimination and affirmative action commitments of companies 1974, as amended, 38 U.S.C. 4212, prohibits employment discrimination against, and doing business with the Federal Government. If you are applying for a job with, or are an requires affirmative action to recruit, employ, and advance in employment, disabled employee of, a company with a Federal contract or subcontract, you are protected under Federal law from discrimination on the following bases:

Race, Color, Religion, Sex, Sexual Orientation, Gender Identity, National Origin medal veterans. Executive Order 11246, as amended, prohibits employment discrimination by Federal Retaliation Retaliation is prohibited against a person who files a complaint of contractors based on race, color, religion, sex, sexual orientation, gender identity, or discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination national origin, and requires affirmative action to ensure equality of opportunity in all 🛛 by Federal contractors under these Federal laws. Any person who believes a contractor aspects of employmen

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 employees. Disability Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified

ndividuals with disabilities from discrimination in hiring, promotion, discharge, pay, ringe benefits, job training, classification, referral, and other aspects of employment If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access by Federal contractors. Disability discrimination includes not making reasonable telecommunications relay services. OFCCP may also be contacted by submitting accommodation to the known physical or mental limitations of an otherwise qualified a question online to OFCCP's Help Desk at https://ofccphelpdesk.dol.gov/s/, or by individual with a disability who is an applicant or employee, barring undue hardship to calling an OFCCP regional or district office, listed in most telephone directories the employer. Section 503 also requires that Federal contractors take affirmative action under U.S. Government, Department of Labor and on OFCCP's "Contact Us" webpage to employ and advance in employment qualified individuals with disabilities at all levels at <u>https://www.dol.gov/agencies/ofccp/contact</u>. of employment, including the executive level.

### PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Race, Color, National Origin, Sex In addition to the protections of Title VII of the Civil Individuals with Disabilities Section 504 of the Rehabilitation Act of 1973, as amended, Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits employment discrimination on the basis of disability in any program or activity prohibits discrimination on the basis of race, color or national origin in programs or which receives Federal financial assistance. Discrimination is prohibited in all aspects activities receiving Federal financial assistance. Employment discrimination is covered by of employment against persons with disabilities who, with or without reasonable Title VI if the primary objective of the financial assistance is provision of employment, accommodation, can perform the essential functions of the job. If you believe you or where employment discrimination causes or may cause discrimination in providing have been discriminated against in a program of any institution which receives Federal services under such programs. Title IX of the Education Amendments of 1972 prohibits financial assistance, you should immediately contact the Federal agency providing mployment discrimination on the basis of sex in educational programs or activities such assistance. which receive Federal financial assistance.

(Revised 6/27/2023)

# **ANTI-DISCRIMINATION NOTICE**

It is illegal to discriminate against work-authorized individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents have a future expiration date may also constitute illegal discrimination. For information, please contact The Office of Special Counsel for Immigration Related Unfair Employment Practices Office at 800-255-7688.

# WAGE DISCRIMINATION BECAUSE OF SEX

## WAGE DISCRIMINATION BECAUSE OF SEX

**DEFINITIONS** (KRS 337.420 to 337.433 and KRS 337.990 (11)) **EMPLOYEE** 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 subdivisions **EMPLOYER** A person who has two or more employees within the

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State in each of twenty or more calendar weeks in the current or preceding calendar year and an agent of such a person. WAGE RATE 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 337.425. PROHIBITION OF THE PAYMENT OF WAGES BASED ON SEX: The

employer is prohibited from discriminating between 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 enforcement of KRS 337.423.

**EXEMPTIONS FROM COVERAGE:** A differential paid through an established seniority system or merit increase system is permitted by KRS 337.423 if it does not 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 1938, as amended.

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 to 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

distributors and dispensers. The Act also permits polygraph testing,

subject to restrictions, of certain employees of private firms who are

reasonably suspected of involvement in a workplace incident (theft,

embezzlement, etc.) that resulted in economic loss to the employer.

Bi-Weekly

THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

order requiring the subpoena to be obeyed. Failure to obey the court order may be 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.

STATUTE OF LIMITATIONS: 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.

**PENALTIES:** Any person who discharges or in any other manner discriminates against an employee because such employee has: (a) made any complaint to his employer, the Commissioner or any

other person, or ) instituted or caused to be instituted any proceeding under or related to KRS 337.420 – 337.433, or

(c) testified or is about to testify in any such proceedings, shall be

assessed a civil penalty of not less than \$100 nor more than \$1,000.

#### FOR FURTHER INFORMATION CONTACT: Kentucky Labor Cabinet

Division of Wages and Hours Mavo-Underwood Building 500 Mero Street, 3rd Floor Frankfort, Kentucky 40601 Phone: (502) 564-3534 www.elc.ky.gov

 Your itemized deductions? Your tax credits? If you can answer "YES" ..

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WH1462 REV 02/22

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To any of these questions or you owed extra tax when you filed your last return, you may need to file a new form W-4.

Since you last filed form W-4 with your employer did you...

Your nonwage income (interest, dividends, capital gains, etc.)?

Your family wage income (you or your spouse started or ended a job)?

Marry or divorce?

Change your name?

Gain or lose a dependent?

Were there major changes to...

What is FMLA leave? The Family and Medical Leave Act (FMLA) is a federal law that You do not have to share a medical diagnosis but must provide enough information 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 You **must also inform your employer if FMLA leave was previously taken** or approved for FMLA for most employees. Eligible employees can take up to 12 workweeks of FMLA the same reason when requesting additional leave. Your employeer may request certification eave in a 12-month period for: The birth, adoption or foster placement of a child with from a health care provider to verify medical leave and may request certification of a you, • Your serious mental or physical health condition that makes you unable to work, • qualifying exigency. The FMLA does not affect any federal or state law prohibiting To care for your spouse, child or parent with a serious mental or physical health discrimination or supersede any state or local law or collective bargaining agreement that condition, and • Certain qualifying reasons related to the foreign deployment of your provides greater family or medical leave rights. State employees may be subject to certain spouse, child or parent who is a military servicemember.

ervicemember with a serious injury or illness may take up to 26 workweeks of FMLA – but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress. eave 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.

Im I eligible to take FMLA leave? You are an eligible employee if <u>all</u> of the following apply: • You work for a covered employer, • You have worked for your employer at least 12 months, • After becoming aware that your need for leave is for a reason that may qualify under the 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. Airline flight crew employees have different "hours of service" requirements. You work for a covered employer if one of the following applies: • You work for a private employer that much of your requested leave, if any, will be FMLA-protected leave. had at least 50 employees during at least 20 workweeks in the current or previous calendar year, • 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 Management.

v do I request FMLA leave? Generally, to request FMLA leave you must: • Follow your employer's normal policies for request price as possible and the Qive potice as possible as the QR code to learn about and the Qive potice as possible as the QR code to learn about and the Qive potice as possible as the QR code to learn about and the Qive potice as possible as the QR code to learn about and the Qive potice as possible as the QR code to learn about and the Qive potice as possible as the QR code to learn about the Qive potice as the QR code to learn about the Qive potice as the QR code to learn about the Qive potice as the Q need for FMLA leave, or • If advance notice is not possible, give notice as soon as possible. our WHD complaint process.

imitations in pursuit of direct lawsuits regarding leave for their own serious health An eligible employee who is the spouse, child, parent or next of kin of a covered conditions. Most federal and certain congressional employees are also covered by the law

> What does my employer need to do? If you are eligible for FMLA leave, your employer must: • 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 leave. 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. FMLA, your employer must confirm whether you are eligible or not eligible for FMLA **SCAN ME**

Where can I find more information? Call 1-866-487-9243 or visit dol.gov/fmla to learn more. 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 WAGE AND HOUR

DIVISION UNITED STATES DEPARTMENT OF LABOR WH1420 REV 04/23



### YOU MAY NEED TO CHECK YOUR WITHHOLDING

See your employer for a copy of Form W-4 or call the IRS at 1-800-829-3676. Now is the time to check your withholding. For more details, get Publication 919, How Do I Adjust My Tax Withholding?, or use the Withholding Calculator at www.irs.gov/individuals on the IRS web site.

Employer: Please post or publish this Bulletin Board Poster so that your employees will see it. Please indicate where they can get forms and information on this subject.

IRS Department of the Treasury

Internal Revenue Service www.irs.gov

(Rev. 8-2009) Cat. No. 11047P

Publication 213

# CHILD LABOR LAWS

# **KENTUCKY CHILD** LABOR LAWS



### HOURS OF WORK PERMITTED FOR MINORS 14 TO 18 YEARS OF AGE

AGE	MAY NOT WORK BEFORE	MAY NOT WORK AFTER	MAXIMUM HOURS WHEN 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. (9:00 P.M. June 1 through Labor Day)	Three (3) hours per day on school day Eight (8) hours per day on non-school day Eighteen (18) hours per week	Eight (8) hours per day Forty (40) hours per week

ENFORCEMENT OF LAW AND POWER TO INSPECT: The

"No individual in the United States shall, on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, be the Education and Labor Cabinet."

excluded from participation in, or denied the benefits of, or be subjected to discrimination under any program or activity under the jurisdiction of

WAGE AND HOUR DIVISION

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

Other

• 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., pre-existing condition exclusions) except

The U.S. Department of Labor, Veterans Employment and Training

Service (VETS) is authorized to investigate and resolve complaints of

• 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

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**EMPLOYEE POLYGRAPH PROTECTION ACT** 

### EMPLOYEE RIGHTS | EMPLOYEE POLYGRAPH PROTECTION ACT

The Employee Polygraph Protection Act prohibits most private The law does not preempt any provision of any State or local law or any employers from using lie detector tests either for pre-employment of collective bargaining agreement which is more restrictive with respect screening or during the course of employment. to lie detector tests

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

by the law. Also, the law does not apply to tests given by the Federal **ENFORCEMENT** The Secretary of Labor may bring court actions to Government to certain private individuals engaged in national restrain violations and assess civil penalties against violators. security-related activities. The Act permits polygraph (a kind of lie Employees or job applicants may also bring their own court actions.

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE restrictions, to certain prospective employees of security service firms EMPLOYEES AND JOB APPLICANTS CAN R ored car, alarm, and guard), and of pharmaceutical manufacturers

POST THIS ORDER WHERE ALL EMPLOYEES MAY READ

## PAID FOR WITH STATE FUNDS

UPDATED April 2024

detector) tests to be administered in the private sector, subject to

**PAYDAY NOTICE** 

**Regular Paydays for Employees of** 

(Company Name)

Shall be as follows:

**USERRA - UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT** 

Monthly

# FEDERAL MINIMUM WAGE

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

# FEDERAL MINIMUM WAGE \$7.25 BEGINNING JULY 24, 2009

over 40 in a workweek.

CHILD LABOR An employee must be at least 16 years old to work in most nonfarm jobs and at least 18 to work in non-farm jobs declared hazardous by the proceeding under the FLSA. 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 difference.

PUMP AT WORK 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.

**INFORCEMENT** The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum wage, overtime and other violations. The Department may litigate and/or recommend criminal prosecution. Employers may be assessed civil money penalties for each willful or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA's

the difference between the two because employees (unless exempt) are correctly classified independent contractors are not. Certain full-time students, student learners, apprentices, and workers with

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

# DISCRIMINATION IN PUBLIC ACCOMMODATIONS

# WELCOME!

# **KENTUCKY LAW REQUIRES THAT EVERY PERSON SHALL RECEIVE** FULL AND EQUAL SERVICE IN A BUSINESS ESTABLISHMENT

THIS KENTUCKY CIVIL RIGHTS ACT PROHIBITS DISCRIMINATION IN PUBLIC ACCOMMODATIONS BASED ON RACE, COLOR, DISABILITY, RELIGION, OR NATIONAL ORIGIN. SEX IS A PROTECTED CLASS IF THE PUBLIC ACCOMMODATION IS A RESTAURANT, HOTEL, MOTEL, OR IS SUPPORTED DIRECTLY OR INDIRECTLY BY GOVERNMENT FUNDS. A PLACE OF PUBLIC ACCOMMODATION, RESORT OR AMUSEMENT INCLUDES ANY PLACE, STORE OR OTHER ESTABLISHMENT EITHER LICENSED OR UNLICENSED, WHICH SUPPLIES GOODS OR SERVICES TO THE GENERAL PUBLIC OR WHICH SOLICITS OR ACCEPTS THE PATRONAGE OR TRADE OF THE GENERAL PUBLIC OR WHICH IS SUPPORTED DIRECTLY OR INDIRECTLY BY GOVERNMENT FUNDS. KRS 344.120-344.145.

> IT IS OUR POLICY TO FULLY COMPLY WITH THE KENTUCKY CIVIL RIGHTS ACT FOR HELP WITH DISCRIMINATION, CONTACT THE

# Kenfiicky Commission

312 WHITTINGTON PARKWAY, SUITE 020, LOUISVILLE, KENTUCKY 40222 Phone: 502.595.4024 Toll-free: 800.292.5566 Fax: 502.595.4801 E-mail: kchr.mail@ky.gov . Website: kchr.ky.gov YOUTUBE: @kentuckycommissiononhumanr6761 PUBLIC POSTING OF THIS NOTICE WHERE IT MAY BE READILY OBSERVED IS REQUIRED BY LAW. 104 Ky. Admin. Regs. 1:010 § 2.

# **DISCRIMINATION IN EMPLOYMENT**

# KENTUCKY LAW REQUIRES EQUAL EMPLOYMENT OPPORTUNITY

THE KENTUCKY CIVIL RIGHTS ACT PROHIBITS EMPLOYMENT DISCRIMINATION REGARDING:

RECRUITMENT • ADVERTISING • HIRING • PLACEMENT • PROMOTION • TRANSFER • TRAINING AND APPRENTICESHIP • COMPENSATION • TERMINATION OR LAYOFF • PHYSICAL FACILITIES • ANY OTHER TERMS, CONDITIONS OR PRIVILEGES OF EMPLOYMENT

THE KENTUCKY CIVIL RIGHTS ACT PROHIBITS EMPLOYMENT DISCRIMINATION BASED ON:

• DISABILITY • RACE • COLOR • RELIGION • NATIONAL ORIGIN • SEX • AGE (40 YEARS OLD AND OVER) • TOBACCO-SMOKING STATUS • Pregnancy (including childbirth and related medical conditions)

> THE KENTUCKY CIVIL RIGHTS ACT PROHIBITS EMPLOYMENT DISCRIMINATION BY: EMPLOYERS 
>  LABOR ORGANIZATIONS 
>  EMPLOYMENT AGENCIES 
>  LICENSING AGENCIES

n addition, under the KCRA 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.

FIND KENTUCKY'S GUARANTEE OF EQUAL EMPLOYMENT OPPORTUNITY AT KRS 344.030-KRS 344.110.

FOR HELP WITH DISCRIMINATION, CONTACT 312 WHITTINGTON PARKWAY, SUITE 020, LOUISVILLE, KENTUCKY 40222

The law requires employers to display this poster where employees can readily see it. 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 **OVERTIME PAY** At least 1 ½ times your regular rate of pay for all hours worked minor employee, and such assessments may be doubled when the violations are determined to be willful or repeated. The law also prohibits retaliating against or discharging workers who file a complaint or participate in any

# ADDITIONAL INFORMATION

Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions. Certain narrow exemptions also apply to the pump at work requirements.

Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico. 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 entitled to the FLSA's minimum wage and overtime pay protections and

disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.



#### 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.

**YOUR RIGHTS UNDER USERRA** 

Weekly

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 return to work or apply for reemployment in a timely manner

after conclusion of service; and you have not been separated from service with a disqualifying

discharge or under other than honorable conditions. 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 If you: • are a past or present member of the uniformed service; • have applied for membership in the uniformed service; or • are obligated to serve in the uniformed service; then an employer may not deny you: initial employment;
 reemployment;
 retention in employment; promotion; or • any benefit of employment, because of this status. n 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.

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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.

# **UNEMPLOYMENT INSURANCE**

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## **INFORMATION ABOUT UNEMPLOYMENT INSURANCE BENEFITS**

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.

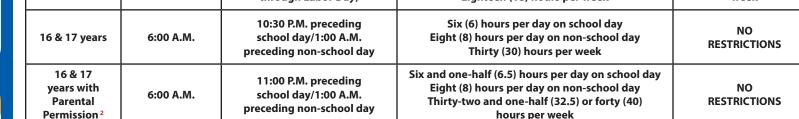
U.S. Department of Labor

1-866-487-2365

You must also meet monetary eligibility requirements based on your earnings in the "base period," the first four of the five completed calendar guarters 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:

1. File your claim within the first week after you become unemployed at https://uiclaimsportal.ky.gov, or by telephone at 502-875-0442 Monday



"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 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 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 employer's place of business.

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 by the employer.

## **OCCUPATIONS PROHIBITED FOR MINORS UNDER 18 YEARS OF AGE**

cardboard box compactors.

Manufacturing bricks, tile, and kindred products.

• Power-driven circular saws, band saws, and Guillotine shears.

Occupations in or about Plants or Establishments Manufacturing or Storing • Power-driven paper products machines including scrap paper baler and Explosives or Articles Containing Explosive Components. Motor-vehicle Driver and outside helper on a motor vehicle. 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, processing, or rendering. Operation of Power-driven bakery machines including vertical dough or

• 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). • 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 demolition and repair).

## **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

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.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 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."

POST THIS ORDER WHERE ALL EMPLOYEES MAY READ PAID FOR WITH STATE FUNDS

REVISED April 2024

# **OCCUPATIONAL SAFETY AND HEALTH PROTECTION**



Kentucky Revised Statute (KRS) Chapter 338 establishes a program for protecting occupational safety and health. This mandatory poster details the safety and health protections for public and private sector employees working in the Commonwealth 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

U.S. Department

of Justice

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.

for service-connected illnesses or injuries.

HEALTH INSURANCE PROTECTION

**ENFORCEMENT** 

**USERRA** violations.

Office of

Special Counsel

POS-UI-5.1 (REV. 11.12)

Publication Date — May 2022

Employer Support Of The Guard

And Reserve 1-800-336-4590

batter mixers.



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PHONE: 502.595.4024 TOLL-FREE: 800.292.5566. FAX: 502.696.5230 E-MAIL: KCHR.MAIL@KY.GOV WEBSITE: KCHR.KY.GOV YOUTUBE: @kentuckycommissiononhumanr6761 PUBLIC POSTING OF THIS NOTICE WHERE IT MAY BE READILY OBSERVED IS REQUIRED BY LAW. 104 Ky. Admin. Regs. 1:010 § 1

Edition Date: 1/2024

Edition Date: 1/2024

KENTUCKY MINIMUM WAGE

# **KENTUCKY WAGE AND HOUR LAWS**

# MINIMUM WAGE = \$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

c) Breakage;

No employer shall withhold from any employee's wages any part of the \mid No employer shall deduct the following from the wages of employees: a) Fines

- agreed wage rate; unless a) the employer is required to do so by local, state, or federal law; or b) when a deduction is expressly authorized in writing by the employee
- to cover insurance premiums, hospital, or medical dues; or 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 Any employer who permits any employee to work seven days in any employment in excess of forty hours in a workweek. The rate of one workweek shall pay the rate of time and a half for the time worked pay for time in excess of forty hours shall be not less than one and on the seventh day. This shall not apply where an employee is not one-half the hourly rate employed.

### **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.
- 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 to work without a rest period of at least ten (10) minutes during each four Every employer subject to the provisions of the Kentucky Minimum (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 (b) Hours worked each day and each week by each employee; period for lunch, and such time shall be as close to the middle of (c) Regular hourly rate of pay; the employee's scheduled work shift as possible. In no case shall an (d) Overtime hourly rate of pay for hours in excess of forty hours in a employee be required to take a lunch period sooner than three (3) hours workweek; after the work shift commences, nor more than five (5) hours from the (e) Additions to cash wages at cost, or deductions (meals, board, time the work shift commences. This section shall not be construed to lodging, etc.) from stipulated wages in the amount deducted, or at cost negate any provision of a collective bargaining agreement or mutual of the item for which deductions are made; agreement between the employee and employer.

**RECORD RETENTION: ONE (1) YEAR AFTER ENTRY** Wage Law shall make and preserve records containing the following information:

(a) Name, address, and Social Security Number of each employee;

(f) Total wages paid for each workweek and date of payment.

POST THIS ORDER WHERE ALL EMPLOYEES MAY READ

PAID FOR WITH STATE FUNDS

through Friday, 7:30am-5:30pm ET (this is **not** a toll-free number). 2. 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 paid in the case of reduction in hours due to total disability, vacation or personal reasons.

### WORKERS' COMPENSATION RECIPIENTS

If you missed at least seven weeks of earnings due to injury in any quarter during you 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 within the first four weeks that you are unemployed following 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 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.

**Kentucky Education and Labor Cabinet** Office of Unemployment Insurance 500 Mero St. Kentucky Frankfort, KY 40621

# WORKERS' COMPENSATION

**COMMONWEALTH OF KENTUCKY** 

# 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:

Address:

Workers' Compensation Carrier (or third party administrator):

Policy #: , effective

Address:

Telephone:

Contact Person

EMPLOYEES: IF INJURED - NOTIFY your supervisor IMMEDIATELY; when possibl Notice should be in writing. FAILURE to notify your supervisor could result in denia 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

its representative is

phone number

04/09/09

UPDATED April 2024

**DISABILITY BENEFITS** to replace wages lost due to a workplace injury are payable under the Workers Compensation Act after seven (7) days of disability. A CLAIM MUST BE filed with the Department of Workers' Claims 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

training must be provided to all employees in a language they understand. It is illegal to retaliate against an employee for exercising any of their rights under the law, including raising a safety and health concern or reporting a work-related injury or illness.

**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 and conduct.

**Records:** Employees may request from their employer copies of their medical records, tests that measure hazards in the workplace, as well as 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 the right to file a complaint with the Division of Occupational Safety 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 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 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-than-serious violation. Failure to correct a violation within the specified time period may result in penalties up to \$7,000 per day. An employer 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 willful violation.

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 retaliated against.

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 onsite audits, consultation, and training, is provided **cost-free** upon request.

Kentucky provides occupational safety and health protections under 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 Mayo-Underwood Building



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

RECORDS

disregard of employer's interest. **DAY OF WEEK** 

by two (2) or more persons;

accept or reject any check; or

nonpayment for goods or services received by the customer if such losses are not attributable to employee's willful or intentional TIME AND ONE HALF FOR WORK DONE ON SEVENTH

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

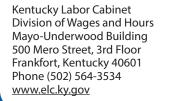
d) Losses due to acceptance by an employee of checks which are

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

permitted to work more than forty (40) hours during the workweek.

subsequently dishonored if such employee is given discretion to

property, damage to property, default of customer credit or



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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' Compensation Specialist.

EMPLOYER SUPERVISORS - NOTIFY MANAGEMENT IMMEDIATELY OF ALL

INJURIES SO THAT TIMELY REPORT CAN BE MADE AS REQUIRED BY LAW.

500 Mero Street, 3rd Floor Frankfort, KY 40601

(502) 564-3070

elc.ky.gov

under any program or activity under the jurisdiction of the Education and Labor Cabinet.



KY-1024-F04

