

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 safety and health protections for public and private sector employees working in the Commonwealth of Kentucky and must be prominently displayed in the workplace.

Employer Responsibilities: Employers shall furnish employment and places of employment which are free from recognized hazards that are causing, or are likely to cause, death or serious physical harm to employees; and comply with the occupational safety and health regulations, standards, and rules issued pursuant to KRS 338. Employers must provide information and training on hazards in the workplace including all hazardous substances. Required training must be provided to all employees in a language and vocabulary they understand. It is illegal to retaliate against an employee for exercising 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 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 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 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. 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 be corrected. To inform employees, the employer must post each citation at or near the location of the alleged violation for three (3) days or until the violation is corrected, whichever is longer.

Proposed Penalties: An employer may be assessed a penalty up to \$7,000 for each serious violation and up to \$7,000 for each other-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. 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 on-site 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 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
Mayo-Underwood Building, 3rd Floor
500 Mero Street
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 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.

Paid with Federal and State Funds
Updated September 2021

KENTUCKY WAGE AND HOUR LAWS



MINIMUM WAGE¹ = \$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 part of the agreed wage rate; unless

- the employer is required to do so by local, state, or federal law; or
- when a deduction is expressly authorized in writing by the employee to cover insurance premiums, hospital, or medical dues; or
- 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
- 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.

No employer shall deduct the following from the wages of employees:

- Fines
- Cash shortages in a common money till, cash box or register used by two (2) or more persons;
- Breakage;
- Losses due to acceptance by an employee of checks which are subsequently dishonored if such employee is given discretion to accept or reject any check; or
- Losses due to defective or faulty workmanship, lost or stolen property, damage to property, default of customer credit or nonpayment for goods or services received by the customer if such losses are not attributable to employee's willful or intentional disregard of employer's interest.

OVERTIME¹

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.

TIME AND ONE HALF FOR WORK DONE ON SEVENTH DAY OF WEEK¹

Any employer who permits any employee to work seven days in 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.

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.

¹ 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 (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.

RECORDS

RECORD RETENTION: ONE (1) YEAR AFTER ENTRY

Every employer subject to the provisions of the Kentucky Minimum Wage Law shall make and preserve records containing the following information:

- Name, address, and Social Security Number of each employee;
- Hours worked each day and each week by each employee;
- Regular hourly rate of pay;
- Overtime hourly rate of pay for hours in excess of forty hours in a workweek;
- 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;
- 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



"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."

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 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.

ENFORCEMENT OF LAW AND POWER TO INSPECT:

The Commissioner or his authorized agent has the power to enter the employer’s premises to inspect records, compare character of work and operations of employees, question employees, and to obtain any information necessary 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 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:

- 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
- 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
Mayo-Underwood Building
500 Mero Street, 3rd Floor
Frankfort, Kentucky 40601
Phone: (502) 564-3534
www.labor.ky.gov

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



POST THIS ORDER WHERE ALL EMPLOYEES MAY READ



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: US QUALITY FURNITURE SERVICES

Address: 8920 WINKLER
HOUSTON TX 77017

Workers Compensation Carrier
(or third party administrator): THE TRAVELERS INSURANCE COMPANIES

Policy #: UB-9J122108-18-43-G, effective 01/01/2023 to 01/01/2024

Address: P.O. BOX 50472
INDIANAPOLIS IN 46250-0472

Telephone: (800) 238-6225, Contact Person CLAIM MANAGER

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 _____, its representative is _____, phone number _____.

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 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.

W16P1P07