

# KENTUCKY WAGE AND HOUR LAWS



**MINIMUM WAGE<sup>1</sup> = \$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.

### 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.

### TIME AND ONE HALF FOR WORK DONE ON SEVENTH DAY OF WEEK<sup>1</sup>

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.

<sup>1</sup> 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  
657 Chamberlin Avenue  
Frankfort, Kentucky 40601-4381  
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.”