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:
(a) made any complaint to his employer, the Commissioner or any
other person, or
(b) 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:
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
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