

1 AN ACT relating to local governments.

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

3 ➔Section 1. 2017 RS HB 3/GA shall be amended as follows:

4 On page 30, line 12 through 13, delete "have the authority to";

5 On page 30, line 14, after "employer", insert the following:

6 ", except as provided in subsection (2) of this section.

7 **(2) The legislative body of any city, county, urban-county government, consolidated**
8 **local government, charter county government, or unified local government shall**
9 **have the authority to adopt and enforce an ordinance that requires a minimum**
10 **wage that is greater than the level established by paragraph (1)(a) of Section 2 of**
11 **this Act**".

12 ➔Section 2. KRS 337.275 is amended to read as follows:

13 (1) Except as may otherwise be provided by this chapter, every employer shall pay to
14 each of his or her employees wages at a rate of the greater of:

15 (a) Not less than ~~five dollars and eighty five cents (\$5.85) an hour beginning on~~
16 ~~June 26, 2007, not less than six dollars and fifty five cents (\$6.55) an hour~~
17 ~~beginning July 1, 2008, and not less than seven dollars and twenty-five cents~~
18 ~~(\$7.25) an hour ~~beginning July 1, 2009~~~~; or

19 **(b) If the legislative body of the city, county, urban-county government,**
20 **consolidated local government, charter county government, or unified local**
21 **governments where the employer is located has adopted an ordinance that**
22 **requires a minimum wage greater than that established by paragraph (a) of**
23 **this subsection, pursuant to the authority granted by Section 1 of this Act,**
24 **not less than the minimum wage established by the legislative body.**

25 If the federal minimum hourly wage as prescribed by 29 U.S.C. sec. 206(a)(1) is
26 increased in excess of the minimum hourly wage in effect under this subsection, the
27 minimum hourly wage under this subsection shall be increased to the same amount,

1 effective on the same date as the federal minimum hourly wage rate. If the state minimum
2 hourly wage is increased to the federal minimum hourly wage, it shall include only the
3 federal minimum hourly rate prescribed in 29 U.S.C. sec. 206(a)(1) and shall not include
4 other wage rates or conditions, exclusions, or exceptions to the federal minimum hourly
5 wage rate. In addition, the increase to the federal minimum hourly wage rate does not
6 extend or modify the scope or coverage of the minimum wage rate required under this
7 chapter.

8 (2) Notwithstanding the provisions of subsection (1) of this section, for any employee
9 engaged in an occupation in which he customarily and regularly receives more than
10 thirty dollars (\$30) per month in tips from patrons or others, the employer may pay
11 as a minimum not less than the hourly wage rate required to be paid a tipped
12 employee under the federal minimum hourly wage law as prescribed by 29 U.S.C.
13 sec. 203. The employer shall establish by his records that for each week where
14 credit is taken, when adding tips received to wages paid, not less than the minimum
15 rate prescribed in 29 U.S.C. sec. 203 was received by the employee. No employer
16 shall use all or part of any tips or gratuities received by employees toward the
17 payment of the statutory minimum hourly wage as required by 29 U.S.C. sec. 203.
18 Nothing, however, shall prevent employees from entering into an agreement to
19 divide tips or gratuities among themselves.