

# Kentucky Agricultural and Horticultural Employer Checklist

Updated November 2008 by Mid American Ag and Hort Services, Inc. in partnership with the United States Department of Agriculture's Risk Management Agency.



## **ction VI – Labor Laws/Regulations Compliance Thresholds/Contacts:**

The following table provides an overview of how many employees an employer must have to be covered by many Kentucky and federal laws and regulations. Coverage for some laws and regulations may depend on requirements other than the number of employees. Further exploration into the contacts will provide more information.

Web sites and phone numbers are subject to change. View the web version with live hyperlinks (including links to specified Kentucky law) at [www.midamservices.org](http://www.midamservices.org) by clicking on "Quick Ref" and "Checklists." Employers will find that other parts of this web site contain valuable human resource and compliance information.

<b>Number of Employees</b>	<b>State or Federal</b>	<b>Law/Regulation and Contacts</b>
1	Federal	<b>Consumer Credit Protection Act (Wage Garnishment)</b> <a href="http://www.dol.gov/esa/whd/garnishment/index.htm">http://www.dol.gov/esa/whd/garnishment/index.htm</a> or 1-866-4-USWAGE
1	Federal	<b>Drug-Free Workplace Act of 1988 (federal contractors &amp; grantees)</b> <a href="http://www.dol.gov/elaws/asp/drugfree/screen4.htm">http://www.dol.gov/elaws/asp/drugfree/screen4.htm</a> or 202-693-5919
1	Federal	<b>Electronic Communications Privacy Act of 1986 (ECPA)</b> <a href="http://www.usia.org/legis/ecpa.html">http://www.usia.org/legis/ecpa.html</a>
1	Federal	<b>Employee Polygraph Protection Act of 1988</b> <a href="http://www.dol.gov/dol/compliance/comp-eppa.htm">http://www.dol.gov/dol/compliance/comp-eppa.htm</a> or 1-866-4-USWAGE
1	Federal	<b>Employee Retirement Income Security Act (ERISA)</b> <a href="http://www.dol.gov/dol/topic/health-plans/erisa.htm">http://www.dol.gov/dol/topic/health-plans/erisa.htm</a> or 1-866-444-3272
1	Federal	<b>Employee Right-to-Know Laws (Hazardous Chemicals in Workplace)</b> <a href="http://www.osha.gov/SLTC/hazardcommunications/index.html">http://www.osha.gov/SLTC/hazardcommunications/index.html</a> or 1-800-321-OSHA
1	Federal	<b>Equal Pay Act (EPA)</b> <a href="http://www.eeoc.gov/types/epa.html">http://www.eeoc.gov/types/epa.html</a> or call 1-800-669-4000
1	Federal	<b>Executive Order 11246 (Affirmative Action)</b> <a href="http://www.dol.gov/dol/topic/hiring/affirmativeact.htm">http://www.dol.gov/dol/topic/hiring/affirmativeact.htm</a> or call 1-866-4-USA-DOL
1	Federal	<b>Fair Credit Reporting Act (FCRA)</b> <a href="http://www.ftc.gov/os/statutes/fcrajump.shtm">http://www.ftc.gov/os/statutes/fcrajump.shtm</a> or 202-326-2222
1	Federal	<b>Fair Labor Standards Act of 1938 (FLSA)</b> Covers minimum wage, overtime pay, record keeping, child labor standards <a href="http://www.dol.gov/esa/whd/flsa/index.htm">http://www.dol.gov/esa/whd/flsa/index.htm</a> or 1-866-4-USWAGE
1	Federal	<b>Federal Income Tax Withholding</b> <a href="http://www.irs.gov/pub/irs-pdf/fw4.pdf">www.irs.gov/pub/irs-pdf/fw4.pdf</a> or 1-800-829-4933
1	Federal	<b>Federal Insurance Contribution Act (FICA)</b> <a href="http://www.ssa.gov/employer1.htm">http://www.ssa.gov/employer1.htm</a> or 1-800-772-1213
1	Federal	<b>Federal Unemployment Tax Act (FUTA)</b> <a href="http://www.irs.gov/formspubs/">http://www.irs.gov/formspubs/</a> or 1-800-829-4933
1	Federal	<b>Health Insurance Portability and Accountability Act of 1996 (HIPAA)</b> <a href="http://www.dol.gov/dol/topic/health-plans/portability.htm">http://www.dol.gov/dol/topic/health-plans/portability.htm</a> or 1-866-444-3272
1	Federal	<b>Immigration and Nationality Act</b> <a href="http://www.uscis.gov/">http://www.uscis.gov/</a> or 1-800-375-5283
1	Federal	<b>Immigration Reform and Control Act of 1986 (IRCA)</b> 1-800-375-5283 or <a href="http://www.uscis.gov/">http://www.uscis.gov/</a>
1	Federal	<b>National Labor Relations Act &amp; Labor-Management Relations Act of 1947</b> <a href="http://www.nlrb.gov/">http://www.nlrb.gov/</a> or 1-866-667-6572

<b>Number of Employees</b>	<b>State or Federal</b>	<b>Law/Regulation and Contacts</b>
1*	Federal & Kentucky	<b>Occupational Safety and Health Act of 1970 (OSHA)</b> (Kentucky operates a state program) <a href="http://www.labor.ky.gov/osh/">http://www.labor.ky.gov/osh/</a> or <a href="http://www.osha.gov/">http://www.osha.gov/</a> or 1-502-564-3070 (*Limited exemption for farms under 11 employees without temporary labor camps)
1	Federal & Kentucky	<b>Occupational Safety and Health Administration Compliance Assistance Authorization Act of 1998</b> <a href="http://www.osha.gov/">http://www.osha.gov/</a> or 1-800-321-OSHA <a href="http://www.labor.ky.gov/osh/">http://www.labor.ky.gov/osh/</a> or 1-502-564-3070
1	Federal & Kentucky	<b>Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and Kentucky New Hire Reporting Law</b> <a href="http://www.kynewhire.com/">http://www.kynewhire.com/</a> or 1-800-817-2262
1	Federal	<b>Uniformed Services Employment and Re-Employment Rights Act of 1994 (USERRA) (also referred to as Military Leave)</b> <a href="http://www.dol.gov/elaws/vets/userra/userra.asp">http://www.dol.gov/elaws/vets/userra/userra.asp</a> or 1-866-4-USA-DOL
1	Federal	<b>Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA)</b> <a href="http://www.dol.gov/esa/ofccp/regs/compliance/ca_vevraa.htm">http://www.dol.gov/esa/ofccp/regs/compliance/ca_vevraa.htm</a> or 1-866-4-USA-DOL
1	Federal	<b>Worker Protection Standard (WPS)</b> <a href="http://www.epa.gov/pesticides/health/worker.htm">http://www.epa.gov/pesticides/health/worker.htm</a> or 1-888-663-2155 (U.S. EPA) or 1-800-289-0001 (Kentucky Dept. of Agriculture, Division of Environmental Services) or <a href="http://www.kyagr.com/consumer/envsvs/Agricultural/index.htm">http://www.kyagr.com/consumer/envsvs/Agricultural/index.htm</a>
1*	Kentucky	<b>Child Labor Law</b> (*Farm work exempted by KY, see Fair labor Standards Act for federal coverage) 1-502-564-3070 or <a href="http://www.labor.ky.gov/ows/employmentstandards/childlaborlaw/">http://www.labor.ky.gov/ows/employmentstandards/childlaborlaw/</a>
1	Kentucky	<b>Family Medical Leave Law</b> - <a href="#">K.R.S. Title XXVII, Chapter 337</a>
1	Kentucky	<b>Holiday and Vacation Leave Law</b> - <a href="#">K.R.S. Title XXVII, Chapter 337</a>
1	Kentucky	<b>Job Reference Liability Law</b> <a href="#">K.R.S. Title III, Chapter 17</a> ; <a href="#">K.R.S. Title XVIII, Chapter 216</a>
1	Kentucky	<b>Jury Duty Leave Law</b> - <a href="#">K.R.S. Title IV, Chapter 29A</a>
1	Kentucky	<b>Military Leave Law</b> - <a href="#">K.R.S. Title V, Chapter 38</a>
1	Kentucky	<b>Maximum Hours Law</b> <a href="#">K.R.S. Title XXIV, Chapter 281</a> ; <a href="#">K.R.S. Title XXVII, Chapter 339</a>
1	Kentucky	<b>Meals and Rest Period Law</b> <a href="http://www.labor.ky.gov/ows/employmentstandards/wagehourregulations.htm">http://www.labor.ky.gov/ows/employmentstandards/wagehourregulations.htm</a> or 1-502-564-3070
1	Kentucky	<b>Minimum Wage Law</b> <a href="http://www.labor.ky.gov/ows/employmentstandards/wagehourregulations.htm">http://www.labor.ky.gov/ows/employmentstandards/wagehourregulations.htm</a> or 1-502-564-3070
1*	Kentucky	<b>Overtime Pay Law</b> (*Seventh day overtime applies to agriculture) <a href="http://www.labor.ky.gov/ows/employmentstandards/wagehourregulations.htm">http://www.labor.ky.gov/ows/employmentstandards/wagehourregulations.htm</a> or 1-502-564-3070
1	Kentucky	<b>Pregnancy/Maternity Discrimination</b> - <a href="http://kchr.ky.gov/">http://kchr.ky.gov/</a> or 1-800-292-5566
1	Kentucky	<b>Religious Discrimination Law</b> - <a href="http://kchr.ky.gov/">http://kchr.ky.gov/</a> or 1-800-292-5566
1	Kentucky	<b>Unemployment Insurance Law</b> 1-502-564-3326 or <a href="http://www.oet.ky.gov/des/ui/emguide/introduction.asp">http://www.oet.ky.gov/des/ui/emguide/introduction.asp</a>
1	Kentucky	<b>Voting Leave Law</b> - <a href="#">K.R.S. Title X, Chapter 118</a>
1	Kentucky	<b>Wage Payment Law</b> <a href="http://www.labor.ky.gov/ows/employmentstandards/wagehourregulations.htm">http://www.labor.ky.gov/ows/employmentstandards/wagehourregulations.htm</a> or 1-502-564-3070
2	Kentucky	<b>Equal Pay Law</b> <a href="http://www.labor.ky.gov/ows/employmentstandards/wagehourregulations.htm">http://www.labor.ky.gov/ows/employmentstandards/wagehourregulations.htm</a> or 1-502-564-3070
2	Federal	<b>Mental Health Parity Act of 1996 (MPHA)</b> <a href="http://www.dol.gov/dol/topic/health-plans/mental.htm">http://www.dol.gov/dol/topic/health-plans/mental.htm</a> or 1-866-275-7922
2	Federal	<b>Newborns' and Mothers' Health Protection Act of 1996 (NMHPA)</b> <a href="http://www.dol.gov/ebsa/newsroom/fsnmhafs.html">http://www.dol.gov/ebsa/newsroom/fsnmhafs.html</a> or 1-866-275-7922

<b>Number of Employees</b>	<b>State or Federal</b>	<b>Law/Regulation and Contacts</b>
2	Federal	<b>Pregnancy Discrimination Act (PDA)</b> <a href="http://www.eeoc.gov/types/pregnancy.html">http://www.eeoc.gov/types/pregnancy.html</a> or 1-800-669-4000
6-8 (500 man-day test)*	Federal	<b>Migrant and Seasonal Agricultural Worker Protection Act (MSPA)</b> <a href="http://www.dol.gov/esa/whd/mspa/index.htm">http://www.dol.gov/esa/whd/mspa/index.htm</a> or 1-866-4-USWAGE (*A "man day" is defined as any day during which an employee performs agricultural work for at least one hour. 500 in a calendar quarter meets the test for coverage.)
8	Kentucky	<b>Age Discrimination Law</b> <a href="http://kchr.ky.gov/">http://kchr.ky.gov/</a> or 1-800-292-5566
8	Kentucky	<b>Equal Opportunities Act</b> <a href="http://kchr.ky.gov/">http://kchr.ky.gov/</a> or 1-800-292-5566
8	Kentucky	<b>Fair Employment Practices Law</b> <a href="http://kchr.ky.gov/">http://kchr.ky.gov/</a> or 1-800-292-5566
8	Kentucky	<b>Whistleblower Protection Laws</b> <a href="#">K.R.S. Title XVII, Chapter 207, Section 170 (1)</a> <a href="#">K.R.S. Title XXVII, Chapter 338, Section 121 (3)</a>
8	Kentucky	<b>Smoking Discrimination Law</b> <a href="http://kchr.ky.gov/">http://kchr.ky.gov/</a> or 1-800-292-5566
15	Kentucky	<b>Disability Discrimination Law</b> <a href="http://kchr.ky.gov/">http://kchr.ky.gov/</a> or 1-800-292-5566
15	Federal	<b>Americans With Disability Act of 1990 (ADA)</b> <a href="http://www.eeoc.gov/types/ada.html">http://www.eeoc.gov/types/ada.html</a> or 1-800-669-4000
15	Federal	<b>Civil Rights Act of 1964 – Title VII- Equal Employment Opportunities</b> <a href="http://www.eeoc.gov/policy/vii.html">http://www.eeoc.gov/policy/vii.html</a> or 1-800-669-4000
15	Federal	<b>Civil Rights Act of 1991</b> <a href="http://www.eeoc.gov/policy/cra91.html">http://www.eeoc.gov/policy/cra91.html</a> or 1-800-669-4000
20	Federal	<b>Age Discrimination in Employment Act of 1967 (ADEA)</b> <a href="http://www.eeoc.gov/types/age.html">http://www.eeoc.gov/types/age.html</a> or 1-800-669-4000
20	Federal	<b>Consolidation Omnibus Budget Reconciliation Act (COBRA)</b> <a href="http://www.dol.gov/dol/topic/health-plans/cobra.htm">http://www.dol.gov/dol/topic/health-plans/cobra.htm</a> or 1-866-275-7922
20	Federal	<b>Older Workers Benefit Protection Act (OWBPA)</b> <a href="http://www.eeoc.gov/types/age.html">http://www.eeoc.gov/types/age.html</a> or 1-800-669-4000
50	Federal	<b>Family and Medical Leave Act of 1993 (FMLA)</b> <a href="http://www.dol.gov/esa/whd/fmla/">http://www.dol.gov/esa/whd/fmla/</a> or 1-866-4-USWAGE
100	Federal	<b>Worker Adjustment and Retraining Notification Act of 1989 (WARN)</b> <a href="http://www.dol.gov/asp/programs/guide/layoffs.htm">http://www.dol.gov/asp/programs/guide/layoffs.htm</a> or 1-877-872-5627

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*"Simplifying Labor Issues"*

*"Transforming Human Resources"*

**United States Department of Agriculture Risk Management Agency**

<http://www.rma.usda.gov>

**Disclaimer:** This publication contains information on the laws and regulations of concern for private Kentucky agricultural and horticultural employers. It is not an all-inclusive listing. It does not constitute a legal document and the publishers assume no liability for actions taken based on the information provided. It is a reference for general educational use. Information is taken from reliable sources as of November 2008. It is the employer's responsibility to keep abreast of current laws, regulations and changes.