



## WORKER RIGHTS · KENTUCKY

# Know Your Rights in Kentucky

What every hospitality worker should know, in plain language.  
No legal jargon.

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Read this first — Kentucky's state overtime law does not cover restaurant, hotel, or motel workers. For hospitality workers, overtime protection comes from federal law. This guide prints both sets of rules and shows you which one covers you.

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General information only — not legal advice.

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## The Minimum Wage

- Kentucky's minimum wage is \$7.25 per hour. It has been in effect since July 1, 2009. If the federal minimum wage ever rises above the state rate, Kentucky's rate rises to match it automatically. No increase is scheduled.
- Cities and counties in Kentucky cannot set their own minimum wage or require fringe benefits. State law reserves that to employers and the state.
- Coverage note: the state minimum-wage and overtime sections do not cover employees of very small retail, service, hotel, motel, or restaurant operations — ones averaging under \$95,000 a year in gross sales over the preceding five years. Federal law may still apply to you.

## Tips and Tip Pools

- If you earn more than \$30 a month in tips, your employer may pay a minimum cash wage of \$2.13 per hour and take a tip credit of up to \$5.12. Your cash wages plus tips must reach \$7.25 for each week the credit is taken, and your employer must be able to show that from its records.
- New in 2026: Kentucky tightened who counts as a tipped employee. Since April 10, 2026, you must also do work that directly supports, or is itself, the service a customer would tip for. Tip volume alone is no longer enough.

TRAP — the tip-pool rules changed on April 10, 2026, and older guidance is stale. Under current law, no employer may require you to hand any gratuity over to the employer (except tax withholding required by law). An employer may run custodial services for a tip pool — one the employer mandates or one employees enter voluntarily — if the money is identified, kept separate from business records, and open to examination by pool participants. A tip pool may include tipped employees only. It may never include salaried employees, managers, or supervisors.

## Overtime

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TRAP — Kentucky's state overtime law does not cover restaurant, hotel, or motel employees (or retail employees). If you work in hospitality, your overtime protection comes from the federal Fair Labor Standards Act: time-and-a-half after 40 hours in a workweek.

- For workers the state law does cover: time-and-a-half after 40 hours in a workweek.
- Seventh-day rule: if you are permitted to work all seven days in a workweek, you must be paid time-and-a-half for the hours worked on the seventh day. This does not apply if you worked 40 hours or fewer that week, and other overtime paid for the same hours may be credited.
- Private-sector employers may not give comp time instead of overtime pay. Kentucky law sets no limit on the hours an employer may require, and it does not require holiday pay.

## Getting Paid

- You must be paid at least semimonthly — twice a month — covering wages earned no more than 18 days before the payday. If you were absent or missed at payday, your employer must pay you within 6 days of your demand.
- Final pay — the same rule whether you quit or are fired: all wages earned are due no later than the next normal pay period after you leave OR 14 days after you leave, whichever comes LAST. "Wages" include vested vacation pay, overtime pay, severance or dismissal pay, and earned bonuses.

## Breaks

- Rest break: you get at least 10 paid minutes during each 4 hours worked, on top of the lunch period. Your pay cannot be reduced for it.
- Lunch: a reasonable lunch period as close to the middle of the shift as practicable — never sooner than 3 hours after the shift starts and never more than 5 hours after, unless you and your employer mutually agree otherwise. A duty-free meal period does not have to be paid.
- Workers under 18 get a documented 30-minute lunch break for each 5 hours of continuous work.

## Deductions From Your Pay

TRAP — your employer may not deduct anything from your agreed wage except what the law authorizes or what you expressly authorized in writing. Even with your written authorization, it may NEVER deduct for: fines; cash shortages in a till, box, or register shared by two or more people; breakage; losses from dishonored checks you had discretion to accept or reject; or losses from defective workmanship, lost or stolen property, property damage, or customer nonpayment — unless the loss came from your willful or intentional disregard of your employer's interest.

## Sick Leave and Family Leave

- Kentucky has no state paid sick leave mandate.
- There is no state-mandated paid family leave benefit. What exists instead: since April 5, 2024, Kentucky allows paid family leave insurance — a voluntary insurance product an employer may choose to buy. It is not a right and not a mandate. Coverage exists only if your employer purchased it.
- Adoption leave — the one leave mandate in the wage chapter: on written request, every employer must grant reasonable personal leave of up to 6 weeks when you receive an adoptive child under age 10. If your employer gives paid leave or benefits to birth parents, it must give adoptive parents the same type, amount, and duration.
- Federal FMLA — unpaid, job-protected leave — is the operative family and medical leave law for eligible Kentucky workers.

## **Pregnancy Accommodations**

- Under the Kentucky Pregnant Workers Act (employers with 15 or more employees), reasonable accommodations for pregnancy, childbirth, and related conditions can include more frequent or longer breaks, time off to recover from childbirth, seating, a temporary transfer to a less strenuous position, light duty, a modified schedule, and private space that is not a bathroom for expressing breast milk.

## **Discrimination**

- File with the Kentucky Commission on Human Rights (KCHR) within 180 days of the unlawful practice. Phone: (502) 595-4024. Kentucky's Civil Rights Act covers employers with 8 or more employees — broader than the federal 15-employee floor.
- Federal route: a charge with the EEOC (Louisville Area Office) must be filed within 300 days. If your employer is too small for federal coverage, you must use the state route within its 180 days.
- Kentucky-specific protection: state law also protects smoker and nonsmoker status in employment.

## Filing a Wage Claim

- File with the Kentucky Education and Labor Cabinet, Department of Workplace Standards, Division of Wages and Hours — online through the Cabinet's complaint portal, or on a paper form (English and Spanish). Questions: (502) 564-3534; email [wages@ky.gov](mailto:wages@ky.gov). Division address: 500 Mero Street, 3rd Floor, Frankfort, KY 40601.
- Deadline: wage-and-hour actions must be started within 3 years after the claim arose. An employer who underpays owes the full amount plus an additional equal amount as liquidated damages, plus costs and reasonable attorney's fees. The Commissioner may take an assignment of your wage claim and pursue it for you.
- Civil penalties for violations of the pay, final-pay, deduction, gratuity, minimum-wage and overtime, and rest-break sections generally run \$100 to \$1,000 per offense. Retaliation for a wage complaint is separately penalized.

## Sources

Kentucky Revised Statutes, Chapter 337 (wages and hours) and Chapter 344 (civil rights) — [apps.legislature.ky.gov/law/statutes/chapter.aspx?id=38890](https://apps.legislature.ky.gov/law/statutes/chapter.aspx?id=38890). Kentucky Education and Labor Cabinet, Wages and Hours — [elc.ky.gov/workplace-standards/Pages/Wages-and-Hours.aspx](https://elc.ky.gov/workplace-standards/Pages/Wages-and-Hours.aspx). Kentucky Commission on Human Rights — [kchr.ky.gov](https://kchr.ky.gov). U.S. Department of Labor, state minimum wage laws — [dol.gov/agencies/whd/minimum-wage/state](https://dol.gov/agencies/whd/minimum-wage/state); state tipped wage table — [dol.gov/agencies/whd/state/minimum-wage/tipped](https://dol.gov/agencies/whd/state/minimum-wage/tipped). U.S. EEOC, Louisville Area Office filing deadlines — [eeoc.gov/field-office/louisville/timeliness](https://eeoc.gov/field-office/louisville/timeliness).