

ORDINANCE NO. \_\_\_\_\_ 2016

AN ORDINANCE AMENDING SECTION 13A-4 OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT CODE OF ORDINANCES TO ALLOW EMPLOYEES PAID LESS THAN THE MINIMUM WAGE ESTABLISHED BY CHAPTER 13A OF THE CODE TO SUBMIT COMPLAINTS TO THE LEXINGTON-FAYETTE URBAN COUNTY HUMAN RIGHTS COMMISSION FOR INVESTIGATION, AND AUTHORIZING THE COMMISSION TO BRING A CIVIL ACTION, WITH AN EMPLOYEE'S CONSENT, TO RECOVER UNPAID WAGES FOR AN EMPLOYEE; AND FURTHER AMENDING CODE OF ORDINANCES SECTION 2-30 TO ADD TO THE HUMAN RIGHTS COMMISSION'S DUTIES THE DUTY TO RECEIVE AND INVESTIGATE COMPLAINTS FROM EMPLOYEES ALLEGEDLY PAID LESS THAN THE MINIMUM WAGE, AND AUTHORIZING THE HUMAN RIGHTS COMMISSION TO BRING A CIVIL ACTION, WITH AN EMPLOYEE'S CONSENT, TO RECOVER UNPAID WAGES FOR AN EMPLOYEE PAID LESS THAN THE MINIMUM WAGE.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Section 13A-4(b) of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is amended to read as follows:

~~(b) In addition to the civil remedy provided in subsection (a) directly above, any employee who is paid less than the minimum wage established under the provisions of this Chapter may submit written notice of such to the Lexington-Fayette Urban County Government Citizens' Advocate.~~  
Sec. 13A-4(a), any employee who is paid less than the minimum wage established under the provisions of this chapter may submit a written complaint to the Lexington-Fayette Urban County Human Rights Commission, which shall investigate the alleged violation. If the Commission determines that a violation has occurred, the Commission shall report such finding to the Lexington-Fayette Urban County Government and may, with the written consent of the aggrieved employee, file a civil action to recover unpaid wages for the employee on the employee's behalf in the court of appropriate jurisdiction.

Section 2 – That Section 2-30 of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is amended to read as follows:

- (1) The commission shall endeavor to promote and secure mutual understanding and respect among all economic, social, religious and ethnic groups in the county and shall act as conciliator in controversies involving intergroup and interracial relations.
- (2) The commission shall cooperate with federal, state and other local agencies in efforts to develop harmonious intergroup and interracial relations and shall endeavor to enlist the support of civic, religious, laborer and commercial groups and leaders dedicated to the improvement of human relations and the elimination of discriminatory practices.
- (3) The commission shall receive complaints, conduct investigations, hold hearings and have such studies made as will enable the commission to carry out the purposes of this

article and the Kentucky Civil Rights Act [K.R.S. 344.010 et seq.].

(4) The commission shall receive complaints and conduct investigations concerning allegations that an employee has been paid less than the minimum wage established under Chapter 13A of the Code of Ordinances of the Lexington-Fayette Urban County Government. Where the Commission determines that a violation has occurred, the Commission may, with the written consent of the aggrieved employee, bring a civil action on behalf of such employee to recover unpaid wages.

Section 3 – That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

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MAYOR

ATTEST:

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CLERK OF URBAN COUNTY COUNCIL  
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