

**337.522 Hearings -- Publication of determination -- Revisions -- Prevailing wage review boards attached to Labor Cabinet for administrative purposes.**

- (1) The commissioner or the commissioner's authorized representative shall conduct a public hearing for the purpose of making initial determinations or current revisions of a prevailing wage schedule for the construction of public works pertaining to a locality. The commissioner shall, within sixty (60) days of the hearing, publish his or her wage determination. The hearing shall be conducted in the locality after notice has been given as provided in subsection (3) of this section. The commissioner shall not be required to utilize this section in any locality where the United States Department of Labor has issued a prevailing wage under the Davis-Bacon or related acts, in which case, the commissioner may adopt the wage schedule and any modifications issued by the United States Department of Labor and published in the Federal Register.
- (2) A public authority or any interested person may request and shall be granted an additional hearing solely for the purpose of having considered a review of the commissioner's determination of the prevailing wage schedule for the construction of public works in the locality; after notice has been given as provided in subsection (3) of this section, the hearing shall be conducted in the locality by a prevailing wage review board consisting of one (1) member representing employers in the construction industry, one (1) member representing labor in the construction industry, and one (1) member appointed by the public authority requesting the hearing. The member appointed by the public authority shall reside in the locality in which the public works are to be constructed. The members of the board representing employers in the construction industry and labor in the construction industry shall be appointed for periods of not more than four (4) years by the Governor from a list of prospective members recommended by bona fide associations representing the construction industry and bona fide labor organizations representing workers employed in the construction industry, and the members shall serve on the board for all hearings during their tenure. Prevailing wage review boards shall have the authority to revise prevailing wage schedules for the construction of public works; however, the revisions shall be governed by the same criteria and regulations governing wage determinations of the commissioner. A revision of a prevailing wage schedule for the construction of public works shall require a vote of a majority of the members. The members of a prevailing wage review board shall receive their actual necessary expenses incurred in carrying out their duties and the expenses shall be paid out of the general fund of the Commonwealth of Kentucky.
- (3) Notice of hearings as required in subsections (1) and (2) of this section shall be given by advertising one (1) time in the newspaper having the largest circulation in the locality, and the advertisement shall be run not less than ten (10) nor more than twenty (20) days prior to the date of the hearing. The advertisement shall set forth all pertinent information of the hearing regarding the time, place, and purpose of the hearing.
- (4) The prevailing wage review boards shall be attached to the Labor Cabinet for

administrative purposes.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 24, sec. 1744, effective July 15, 2010. -- Amended 1996 Ky. Acts ch. 48, sec. 3, effective July 15, 1996 -- Amended 1984 Ky. Acts ch. 414, sec. 15, effective July 13, 1984. -- Amended 1974 Ky. Acts ch. 341, sec. 6. -- Amended 1972 Ky. Acts ch. 275, sec. 1. -- Created 1962 Ky. Acts ch. 173, sec. 2(5) to (7). -- Formerly codified as part of KRS 337.520.