

### **337.540 Limitation of working hours -- Exceptions -- Overtime.**

- (1) Every public authority, before advertising for bids, shall include with the schedule of wages a provision that no laborer, workman, or mechanic shall be permitted to work more than eight (8) hours in one (1) calendar day, which shall constitute a legal day's work; nor more than forty (40) hours in one (1) week, which shall constitute a legal workweek, except in cases of emergency caused by fire, flood, or damage to life or property. This limitation of work hours shall be made a part of the specifications for the work and printed on bid blanks where the work is done by contract and shall be incorporated as a part of each contract. This shall not prohibit any laborer, workman, or mechanic from working more than eight (8) hours in one (1) calendar day, but not more than ten (10) hours in one (1) calendar day where the employee and employer enter into an agreement in writing prior to the working of any one (1) day in excess of eight (8) hours, or where provided for in a collective bargaining agreement.
- (2) No laborer, workman, or mechanic shall be permitted to work more than eight (8) hours in any one (1) calendar day, nor more than forty (40) hours in any one (1) week, except in cases of emergency caused by fire, flood, or damage to life or property, on the construction of public works which is being constructed under contract with any public authority. This shall not prohibit any laborer, workman, or mechanic from working more than eight (8) hours in one (1) calendar day, but not more than ten (10) hours in one (1) calendar day where the employee and employer enter into an agreement in writing prior to the working of any one (1) day in excess of eight (8) hours, or where provided for in a collective bargaining agreement.
- (3) Any laborer, workman, or mechanic worked in excess of eight (8) hours per day or forty (40) hours per week, except in cases of emergency shall be paid not less than one and one-half (1-1/2) times the basic hourly rate of pay as defined and fixed under this chapter for all overtime worked, and each contract with any public authority for the construction of public works shall so provide. In any case where a laborer, workman, or mechanic works in excess of eight (8) hours per day, but not more than ten (10) hours per day in accordance with subsection (2) of this section, it will not be a violation of this subsection provided the laborer, workman, or mechanic who works in excess of ten (10) hours in any one (1) calendar day shall be paid not less than one and one-half (1-1/2) times the basic hourly rate of pay.
- (4) The determination of exception provided in this section of when an emergency exists shall be made by the public authority letting the contract.

**Effective:** July 15, 1994

**History:** Amended 1994 Ky. Acts ch. 258, sec. 1, effective July 15, 1994. -- Amended 1974 Ky. Acts ch. 341, sec. 8. -- Amended 1968 Ky. Acts ch. 33, sec. 3. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 2290c-5.