

338.021 Exclusions.

- (1) This chapter applies to all employers, employees, and places of employment throughout the Commonwealth except the following:
 - (a) Employees of the United States government; and
 - (b) Employers, employees and places of employment over which federal agencies other than the Occupational Safety and Health Administration of the United States Department of Labor exercise statutory authority to prescribe or enforce standards or regulations affecting occupational safety and health.
- (2)
 - (a) Notwithstanding any voluntary agreement entered into between the United States Department of Labor and a franchisee, neither a franchisee nor a franchisee's employee shall be deemed to be an employee of the franchisor for any purpose under this chapter.
 - (b) Notwithstanding any voluntary agreement entered into between the United States Department of Labor and a franchisor, neither a franchisor nor a franchisor's employee shall be deemed to be an employee of the franchisee for any purpose under this chapter.
 - (c) For purposes of this subsection, "franchisee" and "franchisor" have the same meanings as in 16 C.F.R. sec. 436.1.
- (3) Nothing in this chapter shall be construed to supersede or in any manner affect any workers' compensation law or to enlarge or diminish or affect in any manner the common law or statutory rights, duties, or liabilities of employers or employees, under any law with respect to injuries, diseases, or death of employees arising out of, or in the course of employment.

Effective: June 29, 2017

History: Amended 2017 Ky. Acts ch. 24, sec. 2, effective June 29, 2017. -- Amended 1982 Ky. Acts ch. 378, sec. 1, effective July 15, 1982. -- Created 1972 Ky. Acts ch. 251, sec. 3.