

### **337.525 Judicial review.**

- (1) Any person or party claiming to be aggrieved by any final determination of prevailing wages by the prevailing wage review board may appeal to the Franklin Circuit Court. The appeal shall state fully the grounds upon which an appeal is sought and assign all errors relied upon. A copy of the appeal and summons shall be served upon the Department of Workplace Standards and the members of the prevailing wage review board and within thirty (30) days after such service, or within such further time as the court may allow, the department on behalf of the prevailing wage review board shall submit to the court a certified copy of all matters considered by the prevailing wage review board from which it made its final wage determination.
- (2) No new or additional evidence may be introduced in the Franklin Circuit Court except as to the fraud or misconduct of some person engaged in the administration of this chapter and affecting the order, ruling, or award. The court shall otherwise hear the appeal upon the record as certified by the Department of Workplace Standards and shall dispose of same in summary manner. The court shall not substitute its judgment for that of the prevailing wage review board, the court's review being limited to determining whether or not:
  - (a) The prevailing wage review board acted without or in excess of its powers;
  - (b) The prevailing wage review board's final wage determination was procured by fraud;
  - (c) The determination is not in conformity with the provisions of this chapter;
  - (d) The determination is clearly erroneous on the basis of the information contained in the record; or
  - (e) The final wage determination is arbitrary or capricious.
- (3) The Franklin Circuit Court thereafter shall enter an order affirming or setting aside the prevailing wage review board's wage determination. The court may also remand the case to the prevailing wage review board for further proceedings.
- (4) An appeal may be taken to the Court of Appeals from any decision of the Franklin Circuit Court under this section.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 24, sec. 1746, effective July 15, 2010. -- Amended 1984 Ky. Acts ch. 414, sec. 16, effective July 13, 1984. -- Amended 1970 Ky. Acts ch. 33, sec. 7. -- Created 1962 Ky. Acts ch. 173, sec. 5.