

45.620 Action against contractor -- Hiring of minority or woman contractor or subcontractor.

- (1) The Finance and Administration Cabinet may investigate the employment practices of any contractor or subcontractor to determine if any of the provisions of KRS 45.560 to 45.640 have been violated. If any contractor is found by the cabinet to have engaged in an unlawful practice under KRS 45.560 to 45.640 during the course of performing under a contract or subcontract covered under KRS 45.560 to 45.640, the cabinet shall so certify to the contracting agency and such certification shall be binding upon the contracting agency unless it is reversed in the course of judicial review.
- (2) If the contractor is found to have committed an unlawful practice under KRS 45.560 to 45.640, the contracting agency may cancel or terminate the contract, conditioned upon a program for future compliance approved by the contracting agency and the cabinet. The contracting agency may declare such a contractor ineligible to bid on further contracts with that agency until such time as the contractor complies in full with the requirements of KRS 45.560 to 45.640.
- (3) The equal employment provisions of KRS 45.560 to 45.640 may be met in part by a contractor by subcontracting to a minority or woman contractor or subcontractor. For the provisions of KRS 45.560 to 45.640, a minority or woman contractor or subcontractor shall mean a business that is owned and controlled by one (1) or more persons disadvantaged by racial, ethnic, or gender circumstances.

Effective: July 15, 2010

History: Repealed and reenacted 2010 Ky. Acts ch. 51, sec. 176, effective July 15, 2010. -- Amended 2007 Ky. Acts ch. 137, sec. 176, effective June 26, 2007. -- Created 1978 Ky. Acts ch. 130, sec. 8, effective June 17, 1978.

Legislative Research Commission Note (7/15/2010). 2010 Ky. Acts ch. 51, sec. 183, provides, "The specific textual provisions of Sections 1 to 178 of this Act which reflect amendments made to those sections by 2007 Ky. Acts ch. 137 shall be deemed effective as of June 26, 2007, and those provisions are hereby made expressly retroactive to that date, with the remainder of the text of those sections being unaffected by the provisions of this section."