

### **337.427 Collection of unpaid wages and other relief.**

- (1) Any employer who violates the provisions of KRS 337.423 shall be liable to the employee or employees affected in the amount of their unpaid wages, and in instances of willful violation in employee suits under subsection (2) of this section, up to an additional equal amount as liquidated damages.
- (2) Action to recover the liability may be maintained in any court of competent jurisdiction by any one (1) or more employees for and in behalf of himself, herself, or themselves and other employees similarly situated. The court in the action shall, in cases of violation in addition to any judgment awarded to the plaintiff or plaintiffs, allow a reasonable attorney's fee to be paid by the defendant, and costs of the action.
- (3) An agreement by any employee to work for less than the wage to which the employee is entitled under KRS 337.420 to 337.433 and 337.990(14) shall not be a bar to any such action, or to a voluntary wage restitution of the full amount due under KRS 337.420 to 337.433 and 337.990(14).
- (4) At the written request of any employee claiming to have been paid less than the wage to which he may be entitled under KRS 337.420 to 337.433 and 337.990(14), the commissioner may bring any legal action necessary in behalf of the employee to collect the claim for unpaid wages. The commissioner shall not be required to pay the filing fee, or other costs, in connection with the action. The commissioner shall have power to join various claims against the employer in one (1) cause of action.
- (5) In proceedings under this section, the court may order other affirmative action as appropriate, including reinstatement of employees discharged in violation of KRS 337.420 to 337.433 and 337.990(14).
- (6) The commissioner may on his or her own motion petition any court of competent jurisdiction to restrain violations of KRS 337.423, and petition for such affirmative relief as the court may deem appropriate, including restoration of unpaid wages and reinstatement of employees, consistent with the purpose of KRS 337.420 to 337.433 and 337.990(14).

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 24, sec. 1739, effective July 15, 2010. -- Amended 1990 Ky. Acts ch. 42, sec. 8, effective July 13, 1990. --Created 1966 Ky. Acts ch. 114, sec. 4.