

Kentucky Employment Law Remedies

STATUTE	REMEDIES	CAPS
Breach of Employment Contract	Cherry v. Augustus, 245 S.W.3d 766, 780 (Ky. Ct. App. 2006) <ul style="list-style-type: none"> Contract remedies available (foreseeable compensatory damages placing employee in same position had contract not been breached, reduced by substitute employment); attorneys' fees, liquidated damages, or administrative remedies might be available under the terms of the contract. Punitive damages typically not available. However, if the breach includes tortious conduct typically associated with outrage, jury may be instructed on punitive damages. 	*No damages caps
Civil Rights Act (Discrimination on the basis of race, color, religion, national origin, sex, age (40 and over), disability, or because the individual is a smoker or nonsmoker) KRS § 344.040	KRS § 344.450 <ul style="list-style-type: none"> Back pay, front pay, injunctive relief, and compensatory damages (for emotional distress or humiliation) are available. Attorneys' fees and costs are also collectable, but punitive damages are not. 	*No damages caps
Equal Opportunities Act (Disability and HIV Discrimination) KRS § 207.130 et seq.	KRS § 207.230(1) (in Circuit Court) <ul style="list-style-type: none"> Injunctive relief and actual damages available. Costs of the law suit, including reasonable fees are awarded upon a finding of a violation. KRS § 207.260(1) (in District Court): (a) liquidated damages of \$1,000 or actual damages, whichever is greater, against any person who violates a provision of this section. (b) for intentional or reckless violations, liquidated damages of five thousand dollars (\$5,000) or actual damages, whichever is greater. (c) Reasonable attorney's fees. (d) Other relief, including an injunction, as appropriate. <ul style="list-style-type: none"> Punitive damages may be awarded if the employer attempts to fraudulently conceal the KEOA violation. <i>Hardway Mgmt. Co. v. Southerland</i>, 977 S.W.2d 910, 916 (Ky. 1998). 	*No damages caps
Intentional Infliction of Emotional Distress	Craft v. Rice, 671 S.W.2d 247 (Ky. 1984); Burgess v. Taylor, 44 S.W.3d 806, 814 (Ky. Ct. App. 2001) <ul style="list-style-type: none"> Compensatory and possibly punitive damages. 	*No damages caps
Wage and Hour Act KRS § 337.010 et seq.	KRS § 337.385 <ul style="list-style-type: none"> Unpaid wages are collectible, along with liquidated damages in the amount of unpaid wages. Attorneys' fees and costs are also available. However, if the employer demonstrates it acted in good faith and that he or she had reasonable grounds for believing that his or her act or omission was not a violation, the court may choose to award no liquidated damages, or award any amount thereof not to exceed the amount specified. 	*No damages caps
Wage Discrimination on the Basis of Sex; Retaliation KRS § 337.420 et seq.	KRS § 337.427 <ul style="list-style-type: none"> Unpaid wages are collectible, along with liquidated damages in the amount of unpaid wages for willful violations. Attorneys' fees and costs are also available. Injunctive relief including reinstatement available where appropriate. 	*No damages caps
Workers' Compensation Retaliation KRS § 342.197	KRS § 342.197(3) <ul style="list-style-type: none"> Actual damages, including lost wages, and injunctive relief available. Costs of the law suit and attorney's fees recoverable. 	*No damages caps

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Whistleblower Act KRS § 61.102. N.B.: various statutes prohibit retaliation in specific contexts. See, e.g., KRS § 205.8465(3) (prohibiting retaliation for reporting fraud on state Medicaid filings); KRS § 338.121(3) (prohibiting retaliation for reporting occupational safety and health violations)	KRS § 61.103(2); KRS § 61.990(4) • Injunctive relief such as reinstatement along with the payment of back wages and exemplary or punitive damages are available. Costs and attorney/witness fees are also permitted.	*No damages caps

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