

**337.524 Which rates to apply while review is pending.**

If a review of the commissioner's determination is requested pursuant to subsection (2) of KRS 337.522, the wage rates to be used by the public authority in a contract for the construction of public works advertised during the pendency of the proceedings provided in subsection (2) of KRS 337.522, or on appeal pursuant to KRS 337.525, shall be the latest rate determined by the commissioner and which is being reviewed. The public authority shall place in its advertisement, bid documents, and contracts, a statement to the effect that the prevailing wage rates contained therein are presently being reviewed and subject to change by appropriate reviewing authorities, and if said rates are modified or altered, the contractors shall be responsible for the payment of the wage rates finally determined. Should any rates be increased from that determined by the commissioner, the contractor may recover from the public authority any additional sums of money which he or she may be required to pay as a result of said wage modification or alteration. Should any rates be decreased from that determined by the commissioner, the public authority shall be barred from any recovery of the difference previously earned by or paid to employees.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 24, sec. 1745, effective July 15, 2010. -- Created 1970 Ky. Acts ch. 33, sec. 12.