

EDUCATION AND WORKFORCE DEVELOPMENT CABINET

Department of Workforce Investment

Office of Employer and Apprenticeship Services

(New Administrative Regulation)

787 KAR 3:020. Confidentiality of records of the Office of Employer and Apprenticeship Services.

RELATES TO: KRS 151B.280

STATUTORY AUTHORITY: KRS 151B.280(5)(a)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 151B.280(5)(a) requires the secretary of the Education and Workforce Development Cabinet to promulgate administrative regulations to protect the confidential nature of all records and reports which directly or indirectly identify a client or former client of programs administered by the cabinet's Office of Employer and Apprenticeship Services. This administrative regulation establishes which records of the Office of Employer and Apprenticeship Services shall be considered confidential in order to encourage full disclosure of information on the part of job applicants and employers and to provide guidelines to employment service personnel in responding to requests for information.

Section 1. The employment and service records identified in this section shall be confidential and shall not be subject to disclosure, except as provided in KRS 151B.280(5)(a) and (b):

(1) Work Opportunity Tax Credit Program:

- (a) Form 8850, Pre-Screening Notice and Certification Request for the Work Opportunity Credit;
- (b) ETA Form 9061, Individual Characteristics Form Work Opportunity Tax Credit;
- (c) ETA Form 9063, Employer Certification Work Opportunity Tax Credit;
- (d) ETA Form 9175, Long Term Unemployment Recipient Self-Attestation Form, Work Opportunity Tax Credit Program;
- (e) Form 2828, Power of Attorney and Declaration of Representative; and
- (f) Documents provided by employers in support of their applications for the Work Opportunity Tax Credit that contain "personal information" as that term is defined in KRS 61.931(6) to include Form W-4 and DD Form 214.

(2) Registered Apprenticeship:

- (a) Kentucky Registered Apprenticeship Registration, Standards, and Agreement (ETA Form 671, Section 1);
- (b) Program Registration and Apprenticeship Agreement, Office of Apprenticeship, Apprentice Registration (ETA Form 671, Section 2);
- (c) ETA Form 671, Voluntary Disability Disclosure;
- (d) Registered Apprenticeship Standards Occupation Page;
- (e) RAPIDS Program Registration Form;
- (f) Apprentice "personal information" as that term is defined in KRS 61.931(6) contained in the Commonwealth's Citizen Connect online portal;
- (g) Employer Acceptance Agreement (Registered Apprenticeship Appendix D); and
- (h) Additional documents provided by employers relevant to apprenticeship program approval that contain private business information to include Approved Job Description and Related Technical Instruction outlines, Vendor Verifications, Citation Requests, and Occupation Support Letters.

(3) Federal Bonding Program:

- (a) Kentucky Federal Bonding Program Requests from employers; and
- (b) Kentucky Federal Bonding Program Conditional Pre-Approval Letter.

MARTY HAMMONS, Commissioner

APPROVED BY AGENCY: November 12, 2021

FILED WITH LRC: November 12, 2021 at 12:12 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on January 25, 2022, at 1:00 p.m. Eastern Time, at the Mayo-Underwood Building Hearing Room, 500 Mero Street, 1st Floor, Frankfort, KY. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 PM on January 31, 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Michelle DeJohn, Executive Director, 500 Mero Street, 4th Floor, Frankfort, Kentucky 40601, phone 502-782-3252, email michelle.dejohn@ky.gov.