

EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Department of Workforce Investment
Office of Employer and Apprenticeship Services
(Amended After Comments)

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) and other applicable law:

(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.

Section 2. Publicly Available Information. Notwithstanding the provisions of Section 1(2), the following information in possession of the Office of Employer and Apprenticeship Services for Registered Apprenticeship Programs is available to the general public: sponsor program number, sponsor program name, sponsor program address (street, city, state, zip code, county), sponsor contact information, occupation title, program standards type, term length minimum, term length maximum, related technical instruction length, hours when related technical instruction is provided, journeyman employee count, female employee count, minority employee count, youth employee count, and active apprentice count.

KISH C. PRICE, Commissioner

APPROVED BY AGENCY: March 14, 2022

FILED WITH LRC: March 15, 2022 at 11:12 a.m.

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