

EDUCATION AND WORKFORCE DEVELOPMENT CABINET

Department of Workforce Investment

Office of Employer and Apprenticeship Services

(Amended at ARRS Committee)

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. Definition. (1) "Personal information" is defined by KRS 61.931(6).

Section 2. 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) or 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 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 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 3. Publicly Available Information. Notwithstanding the provisions of Section 2(2), the following information in possession of the Office of Employer and Apprenticeship Services for Registered Apprenticeship Programs shall be 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.

FILED WITH LRC: April 13, 2022

PUBLIC HEARING AND COMMENT PERIOD: (48 Ky.R. 1980, 2611, 2732; eff. 8-2-2022.)

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