

405.435 Information from employers and labor organizations upon hiring of Kentucky residents -- Use of information in matters of paternity and child support -- Fine for noncompliance -- Hearing.

- (1) An employer or labor organization in the Commonwealth of Kentucky shall provide information to the Office of the Attorney General when that employer or labor organization hires an employee who resides or works in the Commonwealth, or rehires or permits the return to work of an employee who has been laid-off, furloughed, separated, granted a leave without pay, or terminated from employment, unless the reporting could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission as determined by the Attorney General.
- (2) The employer shall provide the information within twenty (20) days of the hiring or return to work of the employee. The information shall include:
 - (a) The employee's name, address, and Social Security number;
 - (b) The employer's name, address, and, if the employer has been assigned one, federal and state employer identification numbers; and
 - (c) The date services for remuneration were first performed by the employee.
- (3) An employer shall report the required information by submitting a copy of the employee's W-4 form or, at the option of the employer, an equivalent form provided by the Office of the Attorney General as prescribed by administrative regulation promulgated by the office in accordance with KRS Chapter 13A.
- (4) The Office of the Attorney General shall enter all new hire information into the database of the office within five (5) business days.
- (5) The Office of the Attorney General may promulgate administrative regulations in accordance with KRS Chapter 13A if the office determines exceptions are needed to reduce unnecessary or burdensome reporting or are needed to facilitate cost-effective operation of the office under this section.
- (6) The Office of the Attorney General shall use the information collected pursuant to this section for the location of noncustodial parents, establishment, modification, and enforcement of child support and any other matter related to paternity or child support.
- (7) If the employer fails to report as required by this section, the Office of the Attorney General shall give the employer written notice of the provisions of this section, including the penalty for failure to report.
- (8) If the employer has not filed a report within twenty (20) days from the date that the written notice is sent to him, the Office of the Attorney General shall send a second written notice.
- (9) If the employer fails to file a W-4 or equivalent form within twenty (20) days from the date that the second written notice is sent, or supplies a false or incomplete report, and the failure is a result of a conspiracy between the employee and the employer to prevent the proper information from being filed within twenty (20) days from the date that the second written notice is sent, the Office of the Attorney General shall send the employer by certified mail, return receipt request, notice of an administrative fine. The fine shall be two hundred fifty dollars (\$250) per

calendar month per person for any violation occurring after the second notice has been given, and continuing until a W-4 or equivalent form is received by the office. No fine shall be imposed for any period of less than one (1) full calendar month.

- (10) The employer shall have ten (10) days after receipt of the administrative fine notice to request a hearing before the Office of the Attorney General on whether the administrative fine was properly assessed. If a timely request for a hearing is received, the office shall schedule and conduct a hearing in accordance with administrative regulations promulgated by the office in accordance with KRS Chapter 13A.

Effective: July 1, 2025

History: Amended 2023 Ky. Acts ch. 124, sec. 50, effective July 1, 2025. -- Amended 2012 Ky. Acts ch. 158, sec. 71, effective July 12, 2012. -- Amended 2005 Ky. Acts ch. 99, sec. 631, effective June 20, 2005. -- Amended 2000 Ky. Acts ch. 55, sec. 1, effective July 14, 2000. -- Created 1998 Ky. Acts ch. 255, sec. 41, effective July 15, 1998.