

1 AN ACT relating to workforce investment.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 151B.017 is amended to read as follows:

- 4 (1) The secretary of the Education and Labor Cabinet shall be appointed by the
5 Governor pursuant to KRS 12.255 and shall serve at the pleasure of the Governor.
6 The secretary shall have general supervision and direction over all activities and
7 functions of the cabinet and its employees shall be responsible for carrying out the
8 programs and policies of the cabinet. The secretary shall be the chief executive
9 officer of the cabinet and shall have authority to enter into contracts, subject to the
10 approval of the secretary of the Finance and Administration Cabinet, when the
11 contracts are deemed necessary to implement and carry out the programs of the
12 cabinet. The secretary shall have the authority to require coordination and
13 nonduplication of services provided under the federal Workforce Investment Act, as
14 amended. The secretary shall have the authority to mandate fiscal responsibility and
15 dispute resolution procedures among state organizational units for services provided
16 under the federal Workforce Innovation and Opportunity Act.
- 17 (2) (a) The secretary of the Education and Labor Cabinet, and the secretary's
18 designated representatives, in the discharge of the duties of the secretary may:
- 19 1. Administer oaths and affirmations, take depositions, certify official acts,
20 and issue subpoenas to compel the attendance of witnesses and parties
21 and the production of books, papers, correspondence, memoranda, and
22 other records considered necessary and relevant to the matter under
23 investigation;
 - 24 2. Administer oaths;
 - 25 3. Examine witnesses under oath;
 - 26 4. Take verification of proof or written instruments; and
 - 27 5. Take testimony, depositions, and affidavits to carry out any law over

1 which the cabinet has jurisdiction.

2 (b) When a person fails to comply with a cabinet subpoena, the Circuit Court of
3 the county in which the person is found, resides, or has his ***or her*** principal
4 place of business may, upon application of the secretary, his or her
5 representative, or the party requesting the subpoena, issue an order requiring
6 compliance. In any proceeding brought under this section, the Circuit Court
7 having issued the order of compliance may modify or set aside the subpoena.

8 (c) Subpoenas issued under this section may be served by an authorized
9 representative of the cabinet, at any place in the state.

10 (3) The secretary of the Education and Labor Cabinet may delegate any duties of the
11 secretary's office to employees of the cabinet as he or she deems necessary and
12 appropriate, unless otherwise prohibited by statute.

13 (4) The secretary of the Education and Labor Cabinet shall promulgate, administer, and
14 enforce administrative regulations that are necessary to implement programs
15 mandated by federal law, qualify for the receipt of federal funds, and cooperate
16 with other state and federal agencies for the proper administration of the cabinet
17 and its programs, except for programs and federal funds within the authority of the
18 Department of Education, the Kentucky Board of Education, and the Education
19 Professional Standards Board.

20 (5) The secretary of the Education and Labor Cabinet shall have the duties,
21 responsibilities, power, and authority relating to labor, wages and hours,
22 occupational safety and health of employees, child labor, workers' compensation,
23 and all other matters pertaining to Kentucky labor laws and the state's regulation of
24 labor in the Commonwealth.

25 (6) The secretary, in person or by representative, shall:

26 (a) Investigate and ascertain the wages of all employees employed in this state;

27 (b) Enter the place of business or employment of any employer of employees to

- 1 examine and inspect all books, registers, payrolls, and other records that have
2 a bearing upon the question of wages of employees and to ascertain
3 compliance with the orders of the secretary; and
- 4 (c) Require from the employer a full and correct statement, in writing when the
5 secretary or the secretary's representative considers it necessary, of the wages
6 paid to all employees of the employer.
- 7 (7) (a) The secretary of the Education and Labor Cabinet, in person or by
8 representative, may prosecute any violation of any provision of any law which
9 is his or her duty to administer or enforce.
- 10 (b) 1. The secretary may enter into reciprocal agreements with the
11 corresponding labor agency or official of any other state to collect in the
12 other state claims assigned to the secretary.
- 13 2. To the extent allowed by a reciprocal agreement, the secretary may
14 maintain actions in the courts of another state to collect claims and
15 judgments for wages and assign claims and judgments to the agency or
16 official of another state for collection.
- 17 3. If a reciprocal agreement extends a like comity to cases arising in the
18 Commonwealth, the secretary may maintain actions in the courts of the
19 Commonwealth to collect claims and judgments for wages arising in the
20 other state in the same manner and to the same extent that actions are
21 authorized when arising in the Commonwealth.
- 22 (8) The secretary of the Education and Labor Cabinet shall develop and promulgate
23 administrative regulations that protect the confidential nature of all records and
24 reports of the Office of Unemployment Insurance, the Career Development Office,
25 and the Office of Industry and Apprenticeship Services, which directly or indirectly
26 identify a client or former client and which ensure that these records are not
27 disclosed to or by any person, except if:

- 1 (a) The person identified gives his or her consent; or
- 2 (b) Disclosure may be permitted under state or federal law.
- 3 (9) Notwithstanding any other state statute or administrative regulation to the contrary,
- 4 any information concerning individual clients or applicants in the possession of the
- 5 Department of Workforce Development may be shared with any authorized
- 6 representative of any other state or local governmental agency if the agency has a
- 7 direct, tangible, and legitimate interest in the individual. The agency receiving the
- 8 information shall ensure the confidentiality of all information received. The
- 9 Department of Workforce Development may share information concerning a client
- 10 or applicant with any private or quasi-private agency if the agency has:
- 11 (a) An agreement with the cabinet ensuring the confidentiality of the information;
- 12 and
- 13 (b) A direct, tangible, and legitimate interest in the individual.
- 14 (10) The secretary of the Education and Labor Cabinet, with the approval of the
- 15 Governor, shall appoint necessary deputies, attorneys, statisticians, inspectors, and
- 16 other employees and fix their salaries according to law. These employees shall
- 17 receive their actual necessary expenses.