

151B.017 Secretary -- Duties -- Permitted actions -- Administrative regulations.

- (1) The secretary of the Education and Labor Cabinet shall be appointed by the Governor pursuant to KRS 12.255 and shall serve at the pleasure of the Governor. The secretary shall have general supervision and direction over all activities and functions of the cabinet and its employees shall be responsible for carrying out the programs and policies of the cabinet. The secretary shall be the chief executive officer of the cabinet and shall have authority to enter into contracts, subject to the approval of the secretary of the Finance and Administration Cabinet, when the contracts are deemed necessary to implement and carry out the programs of the cabinet. The secretary shall have the authority to require coordination and nonduplication of services provided under the federal Workforce Investment Act of 1998, Pub. L. No. 105-220, as amended. The secretary shall have the authority to mandate fiscal responsibility and dispute resolution procedures among state organizational units for services provided under the federal Workforce Investment Act of 1998.
- (2)
 - (a) The secretary of the Education and Labor Cabinet, and the secretary's designated representatives, in the discharge of the duties of the secretary may:
 1. Administer oaths and affirmations, take depositions, certify official acts, and issue subpoenas to compel the attendance of witnesses and parties and the production of books, papers, correspondence, memoranda, and other records considered necessary and relevant to the matter under investigation;
 2. Administer oaths;
 3. Examine witnesses under oath;
 4. Take verification of proof or written instruments; and
 5. Take testimony, depositions, and affidavits to carry out any law over which the cabinet has jurisdiction.
 - (b) When a person fails to comply with a cabinet subpoena, the Circuit Court of the county in which the person is found, resides, or has his principal place of business may, upon application of the secretary, his or her representative, or the party requesting the subpoena, issue an order requiring compliance. In any proceeding brought under this section, the Circuit Court having issued the order of compliance may modify or set aside the subpoena.
 - (c) Subpoenas issued under this section may be served by an authorized representative of the cabinet, at any place in the state.
- (3) The secretary of the Education and Labor Cabinet may delegate any duties of the secretary's office to employees of the cabinet as he or she deems necessary and appropriate, unless otherwise prohibited by statute.
- (4) The secretary of the Education and Labor Cabinet shall promulgate, administer, and enforce administrative regulations that are necessary to implement programs mandated by federal law, qualify for the receipt of federal funds, and cooperate with other state and federal agencies for the proper administration of the cabinet and its programs, except for programs and federal

funds within the authority of the Department of Education, the Kentucky Board of Education, and the Education Professional Standards Board.

- (5) The secretary of the Education and Labor Cabinet shall have the duties, responsibilities, power, and authority relating to labor, wages and hours, occupational safety and health of employees, child labor, workers' compensation, and all other matters pertaining to Kentucky labor laws and the state's regulation of labor in the Commonwealth.
- (6) The secretary, in person or by representative, shall:
 - (a) Investigate and ascertain the wages of all employees employed in this state;
 - (b) Enter the place of business or employment of any employer of employees to examine and inspect all books, registers, payrolls, and other records that have a bearing upon the question of wages of employees and to ascertain compliance with the orders of the secretary; and
 - (c) Require from the employer a full and correct statement, in writing when the secretary or the secretary's representative considers it necessary, of the wages paid to all employees of the employer.
- (7)
 - (a) The secretary of the Education and Labor Cabinet, in person or by representative, may prosecute any violation of any provision of any law which is his or her duty to administer or enforce.
 - (b)
 1. The secretary may enter into reciprocal agreements with the corresponding labor agency or official of any other state to collect in the other state claims assigned to the secretary.
 2. To the extent allowed by a reciprocal agreement, the secretary may maintain actions in the courts of another state to collect claims and judgments for wages and assign claims and judgments to the agency or official of another state for collection.
 3. If a reciprocal agreement extends a like comity to cases arising in the Commonwealth, the secretary may maintain actions in the courts of the Commonwealth to collect claims and judgments for wages arising in the other state in the same manner and to the same extent that actions are authorized when arising in the Commonwealth.
- (8) The secretary of the Education and Labor Cabinet shall develop and promulgate administrative regulations that protect the confidential nature of all records and reports of the Office of Unemployment Insurance, the Career Development Office, and the Office of Employer and Apprenticeship Services, which directly or indirectly identify a client or former client and which ensure that these records are not disclosed to or by any person, except if:
 - (a) The person identified gives his or her consent; or
 - (b) Disclosure may be permitted under state or federal law.
- (9) Notwithstanding any other state statute or administrative regulation to the contrary, any information concerning individual clients or applicants in the possession of the Department of Workforce Development may be shared with any authorized representative of any other state or local governmental agency if the agency has a direct, tangible, and legitimate interest in the individual. The agency receiving the information shall ensure the confidentiality of all

information received. The Department of Workforce Development may share information concerning a client or applicant with any private or quasi-private agency if the agency has:

- (a) An agreement with the cabinet ensuring the confidentiality of the information; and
 - (b) A direct, tangible, and legitimate interest in the individual.
- (10) The secretary of the Education and Labor Cabinet, with the approval of the Governor, shall appoint necessary deputies, attorneys, statisticians, inspectors, and other employees and fix their salaries according to law. These employees shall receive their actual necessary expenses.

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