

**405.435 Information from employers and labor organizations upon hiring of Kentucky residents -- Use of information by cabinet 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 Cabinet for Health and Family Services 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 secretary of health and family services.
- (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 Cabinet for Health and Family Services as prescribed by administrative regulation promulgated by the Cabinet for Health and Family Services in accordance with KRS Chapter 13A.
- (4) The Cabinet for Health and Family Services shall enter all new hire information into the database of the cabinet within five (5) business days.
- (5) The Cabinet for Health and Family Services may promulgate administrative regulations in accordance with KRS Chapter 13A if the Cabinet for Health and Family Services determines exceptions are needed to reduce unnecessary or burdensome reporting or are needed to facilitate cost-effective operation of the cabinet under this section.
- (6) The Cabinet for Health and Family Services 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 Cabinet for Health and Family Services 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 Cabinet for Health and Family Services 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 Cabinet for Health and Family Services 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 Cabinet for Health and Family Services. 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 Cabinet for Health and Family Services on whether the administrative fine was properly assessed. If a timely request for a hearing is received, the Cabinet for Health and Family Services shall schedule and conduct a hearing in accordance with administrative regulations promulgated by the cabinet in accordance with KRS Chapter 13A.

**Effective:** July 12, 2012

**History:** 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.