

1 AN ACT relating to criminal background checks for certain Labor Cabinet  
2 employees.

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

4 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 336 IS CREATED TO  
5 READ AS FOLLOWS:

6 *(1) The Labor Cabinet shall require a national and state criminal background check*  
7 *for every prospective and current employee of the cabinet or its agencies,*  
8 *including contract staff, who has access to or use of federal tax information. The*  
9 *criminal background investigation shall be by means of a fingerprint check by*  
10 *the Department of Kentucky State Police and Federal Bureau of Investigation,*  
11 *pursuant to the following requirements:*

12 *(a) The cabinet shall require each employee who has access to or use of federal*  
13 *tax information to submit a complete and legible set of fingerprints to the*  
14 *Department of Kentucky State Police on a fingerprint card issued by the*  
15 *Federal Bureau of Investigation;*

16 *(b) The Department of Kentucky State Police shall submit the fingerprint card*  
17 *to the Federal Bureau of Investigation for a national criminal background*  
18 *check after a state criminal background check is conducted;*

19 *(c) The results of a national and state criminal background check shall not be*  
20 *distributed or otherwise released by the cabinet, except that:*

21 *1. The cabinet shall provide an employee the results of his or her*  
22 *national and state criminal background check upon request; and*

23 *2. The cabinet may introduce the results, under seal, as evidence in a*  
24 *legal proceeding that involves a challenge to any personnel action*  
25 *taken by the cabinet which is based in whole or in part on information*  
26 *contained in the results; and*

27 *(d) Any fee charged by the Department of Kentucky State Police or the Federal*

1                    *Bureau of Investigation shall be an amount no greater than the actual cost*  
2                    *of processing the request and conducting the background check.*

3                    *(2) The Labor Cabinet or its offices, departments, and agencies shall promulgate*  
4                    *administrative regulations in accordance with KRS Chapter 13A to implement*  
5                    *this section.*