

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.*