

**151B.022 National and state criminal background check required for all cabinet and affiliated employees with access to or use of federal tax information.**

- (1) The Education and Workforce Development Cabinet shall require a national and state criminal background check for every employee of the cabinet or its agencies, including contract staff, with access to or use of federal tax information. The criminal background investigation shall be by means of a fingerprint check by the Department of Kentucky State Police and Federal Bureau of Investigation, pursuant to the following requirements:
  - (a) The cabinet shall require each employee with access to or use of federal tax information to submit a complete and legible set of fingerprints to the Department of Kentucky State Police on a fingerprint card issued by the Federal Bureau of Investigation;
  - (b) The Department of Kentucky State Police shall submit the fingerprint card to the Federal Bureau of Investigation for a national criminal background check after a state criminal background check is conducted;
  - (c) The results of a national and state criminal background check shall not be distributed or otherwise released by the cabinet, except that:
    1. The cabinet shall provide an employee the results of his or her national and state criminal background check upon request; and
    2. The cabinet may introduce the results, under seal, as evidence in a legal proceeding which involves a challenge to any personnel action taken by the cabinet which is based in whole or in part on information contained in the results; and
  - (d) Any fee charged by the Department of Kentucky State Police or the Federal Bureau of Investigation shall be an amount no greater than the actual cost of processing the request and conducting the background check.
- (2) The cabinet or its agencies shall promulgate administrative regulations in accordance with this section and KRS Chapter 13A to implement this section.

**Effective:** April 26, 2018

**History:** Created 2018 Ky. Acts ch. 200, sec. 1, effective April 26, 2018.