

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.**

6 ➔ Section 2. KRS 151B.285 is repealed, reenacted as a new section of KRS
 7 Chapter 336, and amended to read as follows:

8 **(1)** The **Labor**~~[Education and Workforce Development]~~ Cabinet shall administer and
 9 supervise state employment offices and perform any other duties within the Act of
 10 Congress entitled "An Act to provide for the establishment of a National
 11 Employment Service and for Cooperation with the State in the Promotion of Such
 12 System and for Other Purposes," approved June 6, 1933 (48 Stat. 113, U.S.C., Title
 13 29, sec. 49(c)), as amended, and known as the Wagner-Peyser Act. All duties and
 14 powers relating to the establishment, maintenance, and operation of free public
 15 employment offices are vested in the **Labor**~~[Education and Workforce~~
 16 ~~Development]~~ Cabinet, **except that on or before April 15, 2021, there shall be**
 17 **twelve (12) regional full-time free public employment offices open, fully**
 18 **operational, and staffed by properly trained unemployment insurance specialists**
 19 **in each of the regions where the secretary has determined there is an average**
 20 **unemployment rate above five percent (5%) for the preceding six (6) month**
 21 **period ending either on June 30 or December 31. The Labor Cabinet may, at its**
 22 **discretion, open and operate additional free public employment satellite offices on**
 23 **a full or partial schedule.**

24 **(2)** The provisions of the Wagner-Peyser Act, as amended, are accepted by this state in
 25 conformity with Section 4 of that Act, and this state will observe and comply with
 26 the requirements of that Act. The **Labor**~~[Education and Workforce Development]~~
 27 Cabinet is designated and constituted the agency of this state for the purposes of the

1 Wagner-Peyser Act.

2 ➔Section 3. Whereas it is of utmost importance to provide free, in-person
3 employment services to all areas of Kentucky, an emergency is declared to exist, and this
4 Act takes effect upon its passage and approval by the Governor or upon its otherwise
5 becoming a law.

6 ➔Section 4. Notwithstanding KRS 446.250, the amendments to Section 2 of this
7 Act shall prevail over amendments to KRS 151B.285 in any other bill enacted during the
8 2021 Regular Session.