

201 KAR 41:100. Verification of limited employees.

RELATES TO: KRS 329A.025, 329A.070

STATUTORY AUTHORITY: KRS 329A.025(2), 329A.070(9)

NECESSITY, FUNCTION AND CONFORMITY: KRS 329A.025(2) and 329A.070(9) require the board to establish a fee and a method of verification of the number of hours worked by a limited employee who works under the direction of a private investigator or private investigating firm licensed by the board. This administrative regulation establishes a fee and method for this verification.

Section 1. Definitions. (1) "Limited employee" means a person who engages in private investigating for a licensed private investigator or licensed private investigating firm for less than 240 hours per year.

(2) "Private investigating" is defined by KRS 329A.010(4).

Section 2. Registration of Limited Employees. (1) Within five (5) business days of hiring, a licensee of the board shall file with the board a Limited Employee Registration form for each limited employee who works for that licensee under the exemption in KRS 329A.070(9). The Limited Employee Registration form shall be accompanied by payment of a twenty (20) dollar fee per limited employee registered.

(2) The board shall assign the limited employee a tracking number that the licensee shall use on all reporting forms.

(3) A licensee shall file a Limited Employee Registration form with the Board to update a limited employee's information, if changed, or upon termination of employment.

(4)(a) Each licensee shall maintain a daily log listing the dates and hours worked for each limited employee.

(b) Within five (5) business days of the board's request, the licensee shall provide the daily log to the board.

(5) A limited employee may work for more than one (1) licensee during a one (1) year period. Each licensee employing that person shall comply with the requirements of this administrative regulation.

Section 3. Annual Reports. Between December 1st and December 31st each year, the licensee shall submit to the board an Annual Limited Employee Report listing each registered limited employee and the number of hours each limited employee worked during that year.

Section 4. Registration Renewal. (1) Limited employee registration shall expire one (1) year from the date of issuance. To renew, a licensee shall submit a Limited Employee Registration form listing each registered limited employee to be renewed and payment of the twenty (20) dollar fee per limited employee registered no later than forty-five (45) days prior to the expiration date.

(2) Failure to timely submit the fee payment or the Limited Employee Registration form shall automatically suspend the limited employee's licensure exemption under KRS 329A.070(9) until the board receives and processes the payment and completed Limited Employee Registration form.

Section 5. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Limited Employee Registration", 5/2018; and

(b) "Annual Limited Employee Report", 5/2018.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensure for Private Investigators, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (37 Ky.R. 1112; 1987; eff. 3-4-2011; 44 Ky.R. 2572; 45 Ky.R.340; eff. 8-24-2018; Crt eff. 12-11-2019.)