

15.405 Conditional offer of employment as peace officer pending receipt of certification status and employment records.

- (1) As used in this section, "agency" means any law enforcement agency, or other unit of government listed in KRS 15.380, that employs a certified peace officer.
- (2) Subject to subsection (5) of this section, any agency may make a conditional offer of employment to a candidate pending its receipt and evaluation of a response to its request for information from:
 - (a) The council regarding the certification status of any candidate, including if the council has:
 1. Received any notification under subsection KRS 15.391(4) related to the candidate;
 2. Initiated hearing procedures under KRS 15.391 against the candidate; or
 3. Started investigating whether to initiate hearing procedures for the revocation of the certification of the candidate under KRS 15.391; or
 - (b) Any agency that previously employed the candidate for any information the agency is required to provide under subsection (3) of this section.
- (3) Any agency that receives an inquiry under subsection (2) of this section from another agency regarding a candidate for a peace officer position who was formerly employed by the agency shall provide the following documentation to the hiring agency:
 - (a) A complete copy of the peace officer's personnel file;
 - (b) Any documentation related to the arrest or prosecution of the peace officer that the agency maintained;
 - (c) Any documentation related to a completed internal administrative investigation of the peace officer; and
 - (d) Any documentation related to an incomplete internal administrative investigation of the peace officer that was not completed because of the officer's resignation or retirement while the investigation was pending.
- (4) The council and any agency that receives a request for information shall provide it to the requesting hiring agency no later than fourteen (14) days following the receipt of the request.
- (5) The hiring agency that elects to make a conditional offer of employment subject to its receipt and evaluation of information pursuant to this section shall require the candidate to complete a waiver and release of liability authorizing the hiring agency to request the information from all prior agencies, which may include employing agencies outside of the Commonwealth.
- (6) The council, any agency, and the employees and officers of the council or any agency shall be immune from any civil liability for disclosing information pursuant to the provisions of this section and from any civil liability for the consequences of such a disclosure unless the information disclosed was knowingly false or deliberately misleading, was rendered with malicious purpose, or was in violation of any civil right of the former employee.

Effective: June 29, 2021

History: Created 2021 Ky. Acts ch. 73, sec. 3, effective June 29, 2021.