

**43.032 Background checks required for prospective, current, and contracted employees with access to federal tax information -- Administrative regulations.**

- (1) The Auditor shall require a national and state criminal background check for every prospective and current employee, including contract staff, with access to or use of federal tax information and may enroll employees and contract staff in the rap back system for continuous monitoring. The criminal background check required by this subsection shall include a fingerprint check by the Department of Kentucky State Police and the Federal Bureau of Investigation, pursuant to the following requirements:
  - (a) The Auditor shall require each employee and contracted staff member 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 in the manner deemed appropriate by the Department of Kentucky State Police and 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 Auditor, except that the Auditor:
    1. Shall provide an employee with the results of his or her national and state criminal background check upon request; and
    2. May introduce the results, under seal, as evidence in a legal proceeding that involves a challenge to any personnel action taken by the Auditor 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 for the Federal Bureau of Investigation background check or enrollment in the rap back system shall be an amount no greater than the actual cost of processing the request and conducting the background check.
- (2) The Auditor shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement this section.

**Effective:** March 27, 2025

**History:** Created 2025 Ky. Acts ch. 117, sec. 27, effective March 27, 2025.