

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 KRS 151B.285 is repealed, reenacted as a new section of KRS  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.