

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

SENATE BILL 296

5 By: Senator K. Hammer
6 By: Representative Lundstrum
7

For An Act To Be Entitled

9 AN ACT TO ESTABLISH A CRIMINAL BACKGROUND CHECK
10 POLICY FOR THE DEPARTMENT OF WORKFORCE SERVICES; TO
11 DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.
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Subtitle

15 TO ESTABLISH A CRIMINAL BACKGROUND CHECK
16 POLICY FOR THE DEPARTMENT OF WORKFORCE
17 SERVICES; AND TO DECLARE AN EMERGENCY.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code Title 11, Chapter 10, Subchapter 3, is
23 amended to add an additional section to read as follows:

24 11-10-302. Criminal background checks.

25 (a) The Director of the Department of Workforce Services shall
26 establish a criminal background investigation policy for the Department of
27 Workforce Services.

28 (b)(1) An employee of the Department of Workforce Services or of a
29 contractor of the Department of Workforce Services who may be authorized by
30 the Director of the Department of Workforce Services to access or view
31 federal tax information as part of the employee's job duties shall authorize:

32 (A) The Director of the Department of Workforce Services
33 or his or her designee to obtain a state and federal criminal background
34 check at the expense of the Department of Workforce Services; and

35 (B) The release of the criminal background check results
36 to the Director of the Department of Workforce Services or his or her



1 designee.

2 (2) The employee of the Department of Workforce Services or of a
3 contractor of the Department of Workforce Services shall be subject to the
4 policy established under subsection (a) of this section that shall include:

5 (A) A criminal background check to be conducted by the
6 Identification Bureau of the Department of Arkansas State Police and the
7 Federal Bureau of Investigation that includes the taking of fingerprints;

8 (B) A criminal background check that satisfies the
9 background investigation standards established by the Internal Revenue
10 Service with regard to access to federal tax information;

11 (C) A criminal background check to be performed at least
12 one (1) time every ten (10) years;

13 (D) The Identification Bureau of the Department of
14 Arkansas State Police required to forward to the Director of the Department
15 of Workforce Services or his or her designee all information obtained as a
16 result of the criminal background check;

17 (E) Information received from a criminal background check
18 to be used only for the purpose of making decisions regarding the retention
19 of an employee in a position in which access to federal tax information may
20 be authorized;

21 (F) Information received by the Director of the Department
22 of Workforce Services or his or her designee from the Identification Bureau
23 of the Department of Arkansas State Police under subdivision (b)(2)(D) of
24 this section not to be released to any party other than the employee or his
25 or her authorized representative; and

26 (G)(i) An employee who is employed by the Department of
27 Workforce Services or by a contractor of the Department of Workforce Services
28 required to notify the Director of the Department of Workforce Services or
29 his or her designee of an arrest for a misdemeanor or felony offense within
30 twenty-four hours of the arrest.

31 (ii) Any information received under subdivision
32 (b)(2)(G)(i) of this section shall be used only for the purpose of the
33 Director of the Department of Workforce Services making a decision regarding
34 retention of an employee following the arrest.

35 (iii) Failure to provide notice of a subsequent
36 arrest under subdivision (b)(2)(G)(i) of this section is sufficient grounds

1 for immediate termination of the employee's employment or other action as the
2 Director of the Department of Workforce Services or his or her designee deems
3 appropriate.

4 (c)(1) An applicant for employment with the Department of Workforce
5 Services or with a contractor of the Department of Workforce Services who may
6 be authorized by the Director of the Department of Workforce Services to
7 access or view federal tax information as part of the applicant's job duties
8 shall authorize:

9 (A) The Director of the Department of Workforce Services
10 or his or her designee to obtain a state and federal criminal background
11 check at the expense of the Department of Workforce Services; and

12 (B) The release of the criminal background check results
13 to the Director of the Department of Workforce Services or his or her
14 designee.

15 (2) An applicant shall be subject to the policy established
16 under subsection (a) of this section that shall include:

17 (A) A criminal background check to be conducted by the
18 Identification Bureau of the Department of Arkansas State Police and the
19 Federal Bureau of Investigation that includes the taking of fingerprints;

20 (B) A criminal background check that satisfies the
21 background investigation standards established by the Internal Revenue
22 Service with regard to access to federal tax information;

23 (C) A criminal background check required to be performed
24 before the applicant is employed and granted access to federal tax
25 information and continued employment conditioned upon favorable information
26 received from the criminal background check;

27 (D) The Identification Bureau of the Department of
28 Arkansas State Police required to forward to the Director of the Department
29 of Workforce Services or his or her designee all information obtained as a
30 result of the criminal background check;

31 (E) Information received from a criminal background check
32 to be used only for the purpose of making decisions regarding the employment
33 of an applicant in a position in which access to federal tax information may
34 or will be authorized; and

35 (F) Information received by the Director of the Department
36 of Workforce Services or his or her designee from the Identification Bureau

1 of the Department of Arkansas State Police under subdivision (c)(2)(D) of
2 this section not to be released to any party other than the affected person
3 or his or her authorized representative.

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5 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
6 General Assembly of the State of Arkansas that certain employees and
7 contractors of the Department of Workforce Services have access to
8 confidential federal income tax information without having undergone a proper
9 criminal background investigation; that to protect certain financial
10 information, any individual that has access to confidential federal income
11 tax information should have appropriate clearance; and that this act is
12 immediately necessary because the Department of Workforce Services must
13 conform with federal laws and regulations regarding confidential federal
14 income tax information. Therefore, an emergency is declared to exist, and
15 this act being immediately necessary for the preservation of the public
16 peace, health, and safety shall become effective on:

17 (1) The date of its approval by the Governor;

18 (2) If the bill is neither approved nor vetoed by the Governor,
19 the expiration of the period of time during which the Governor may veto the
20 bill; or

21 (3) If the bill is vetoed by the Governor and the veto is
22 overridden, the date the last house overrides the veto.

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25 **APPROVED: 3/8/19**
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