

**Effective 5/13/2014**

**17B-2a-825 Criminal background checks authorized -- Employment eligibility.**

- (1) A public transit district may require an individual described in Subsection (2) to:
  - (a) submit a fingerprint card in a form acceptable to the public transit district; and
  - (b) consent to a fingerprint background check by:
    - (i) the Utah Bureau of Criminal Identification; and
    - (ii) the Federal Bureau of Investigation.
- (2) A person shall comply with the requirements of Subsection (1) if the person:
  - (a) is applying for or continuing employment with the public transit district:
    - (i) working in a safety-sensitive position or other position that may affect:
      - (A) the safety or well-being of patrons of the public transit district; or
      - (B) the safety or security of the transit buildings, stations, platforms, railways, bus systems, and transit vehicles;
    - (ii) handling personally identifiable information, financial information, or other sensitive information including personal health information;
    - (iii) working in security-sensitive areas; or
    - (iv) handling security-sensitive information, including information system technologies; or
  - (b) is seeking access to designated security-sensitive areas.
- (3) A public transit district may use the information obtained in accordance with this section only for one or more of the following purposes:
  - (a) to determine whether or not an individual is convicted of:
    - (i) a felony under federal or state law within the last 10 years;
    - (ii) a violation within the last 10 years of a federal law, state law, or local ordinance concerning the sale, manufacture, distribution, warehousing, adulteration, or transportation of an alcoholic beverage;
    - (iii) a crime involving moral turpitude; or
    - (iv) two or more convictions within the last 10 years for a violation of driving under the influence of alcohol, any drug, or the combined influence of alcohol and any drug;
  - (b) to determine whether or not an individual has accurately disclosed the person's criminal history on an application or document filed with the public transit district;
  - (c) to approve or deny an application for employment with the public transit district; or
  - (d) to take disciplinary action against an employee of the public transit district, including possible termination of employment.
- (4) A person is not eligible for employment with a public transit district in a capacity described in Subsection (2) if the person has been convicted of any of the offenses described in Subsection (3).

Amended by Chapter 377, 2014 General Session