

(i) cares for or supervises children in the facility; or
(ii) has access to children who are cared for or supervised in the facility.

(2) "Employee" includes a person who:

(i) participates in a pool described in subsection (e)(2) of this section;

(ii) for compensation will be employed on a substitute or temporary basis to work in a facility identified in § 5-561(b)(1) or (2) of this subtitle; and

(iii) will care for or supervise children in the facility or will have access to children who are cared for or supervised in the facility.

(3) "Employee" does not include any person employed to work for compensation by the Department of Juvenile Services.

(e) (1) "Employer" means an owner, operator, proprietor, or manager of a facility identified in § 5-561 of this subtitle who has frequent contact with children who are cared for or supervised in the facility.

(2) For purposes of §§ 5-561(g), 5-563(b)(1), 5-564(a)(2)(i) and (d)(1)(i) and (2), and 5-567 of this subtitle, "employer" includes a child care resource and referral center, an association of registered family day care providers, and an association of licensed child care centers to the extent that the center or association establishes and maintains a pool of individuals who are qualified to work as substitute or temporary employees in a facility identified in § 5-561(b)(1) or (2) of this subtitle.

(3) "Employer" does not include a State or local agency responsible for the temporary or permanent placement of children in a facility identified in § 5-561 of this subtitle.

(f) "Secretary" means the Secretary of Public Safety and Correctional Services.

5-561.

(a) Notwithstanding any provision of law to the contrary, an employee and employer in a facility identified in subsection (b) of this section and persons identified in subsection (c) of this section shall apply for a national and State criminal history records check at any designated law enforcement office in this State.

(b) The following facilities shall require employees and employers to obtain a criminal history records check under this Part VI of this subtitle:

(1) a child care center required to be licensed under Part VII of this subtitle;

(2) a family day care home required to be registered under Part V of this subtitle;