



# **BACKGROUND INVESTIGATION POLICY & PROCEDURES**

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## **ARTICLE 1: INTRODUCTION AND PURPOSE**

The background investigation program is a component of Crow Wing County's selection process. It serves to support the organization's commitment to maintaining a well-qualified workforce and promoting a safe and secure environment through the assessment of personal and professional references, the verification of education, licensure and certifications, the review of criminal convictions and other data deemed relevant for the assignment.

## **ARTICLE 2: SCOPE**

This policy applies to all successful candidates for employment. Offers for employment shall be conditional pending acceptable results of the background investigation. This policy will not be applied to current employees unless they are promoted or transferred to a position which has been determined to require one or more components of the background investigation program.

## **ARTICLE 3: INVESTIGATION CRITERIA**

The background investigation policy establishes guidelines to ensure a uniform and objective approach for considering an individual's past record as part of the employment decision making process. The components of the background investigation may include and are not limited to personal and professional references, employment verification, education verification, licensures and certification verification, motor vehicle records, military discharge records, national sex offender registration records, criminal and credit history.

## **ARTICLE 4: POLICY**

Crow Wing County will conduct a pre-employment background investigation for all successful candidates for employment. Current employees who are promoted or who transfer to a position will be required to complete the components of the background investigation required for the position.

False or misleading information contained on the application, resume, or provided during any part of the selection process may result in withdrawal of the employment offer, or discipline or termination for cases in which the false or misleading information is discovered following the commencement of employment.

Only felony convictions, gross misdemeanor convictions and misdemeanor convictions for which a jail sentence may be imposed, may be considered and only to the extent in which they relate to the candidate's suitability for employment in the position for which he/she has applied. The assessment of suitability will be conducted by a Background Review Committee (BRC), an administrative committee comprised of a county attorney designee, financial designee, human resource designee, public safety designee and hiring manager. Information obtained from the background investigation will be evaluated within the parameters of Minnesota Statutes, Chapter 364 which outlines the conditions under which persons with criminal convictions may be granted or denied employment.

This policy does not replace or amend any specific obligations or considerations relating to public safety officer background investigations.

## **ARTICLE 5: STANDARD BACKGROUND INVESTIGATION**

The human resource department will manage the background investigation process for all candidates other than candidates for public safety assignments which are managed by public safety representatives. The standard background investigations will include the following:

#### **5.00 Professional and Personal References**

Verifying personal and professional references is fundamental to establishing the integrity, performance and work habits of the candidate. The hiring manager will investigate personal and professional references for all finalists prior to hire. References should generally cover a minimum of three employers and/or seven years of employment experience and/or personal association.

#### **5.01 Verification of Prior Employment**

Verifying employment history is fundamental to establishing the integrity, performance and work habits of the candidate. The hiring manager will verify the last three positions held by all finalists prior to hire. Inconsistencies between information obtained through the verification of employment and the information provided by the applicant may result in ineligibility for employment.

#### **5.02 Academic Credentials Verification**

Candidates for employment in positions requiring a specific level of education are required to provide an official copy of their transcript prior to hire. Falsification of education credentials will result in offer withdrawal or termination of employment.

#### **5.03 Certifications and Licensure Verification**

Candidates for employment in positions requiring a specific license or certification are required to provide an official copy of their license or certification prior to hire. Falsification of certifications or licensure will result in offer withdrawal or termination of employment.

#### **5.04 State and Federal Criminal Record History**

This search will report any criminal offenses occurring in the state. The information is retrieved from the computerized criminal history system. If the candidate has lived in the state for less than seven years, the investigation will be conducted in other states of residence up to the seven year mark. Individuals with a misdemeanor, gross misdemeanor or felony conviction may be ineligible for employment.

#### **5.05 National Wants and Warrants**

This is a nationwide search that will identify any outstanding warrants in any state including those for misdemeanors and felonies. Individuals with outstanding wants or warrants may be ineligible for employment.

#### **5.06 Social Security Number Verification**

Verification of the validity of social security numbers is conducted through the Social Security Administration's E-Verify system. Invalid social security number may render the applicant ineligible for employment.

#### **5.07 National Sex Offender Registry**

This is a nationwide search that will identify convicted sex offenders. Individuals with level two or three sexual offenses may be ineligible for employment.

### **ARTICLE 6: SPECIALIZED BACKGROUND INVESTIGATION**

The specialized background investigation provides for the review and consideration of additional data relevant to specific assignments. The human resource department will manage the specialized background investigation process for all candidates other than candidates for public safety assignments which are managed by public safety representatives. The specialized background investigation is position dependent and may include one or more of the following:

### **6.01 State Motor Vehicle Records**

Previous driving history will be reviewed for assignments in which driving is an essential job function, including positions that require the operation of county vehicles or equipment. Individuals with alcohol or drug-related driving convictions, suspensions or revocations may be ineligible for employment.

### **6.02 Credit History Report**

This search will reveal a candidate's debt load, payment history, liens, judgments and bankruptcies. The information from the credit history report will be assessed to determine the financial responsibility and potential for misuse of funds. Credit history reports will only be reviewed and considered for positions accountable for financial transactions and reporting including financial statement preparation, disbursements, investments and related functions.

- **Fair Credit Reporting Act (FRCA)** - When an adverse employment decision is made based on information disclosed in the credit report, the employer is required to notify the applicant in writing as to the reasons why and to inform the applicant of the procedural rights provided by the FRCA.

## **ARTICLE 7: DETERMINING EMPLOYMENT ELIGIBILITY**

A candidate can be disqualified from employment as a result of the background investigation. The BRC will review all unsatisfactory results prior to issuance of a determination of ineligibility for hire.

## **ARTICLE 8: CONVICTIONS , CANDIDATES**

The County will not inquire into or consider the criminal record or criminal history of an applicant until the applicant has been selected for an interview, except when the County has a statutory duty to conduct a criminal history background check or otherwise take into consideration a potential employee's criminal history during the hiring process. For any convictions disclosed by the candidate or identified through the background investigation, the BRC will determine if the candidate is eligible for hire based on the position description and the nature and seriousness of the crimes for which the candidate was convicted.

For positions other than public safety, the candidate will be provided the opportunity to produce documentary evidence of rehabilitation as defined by Minnesota Statutes, section 364.03, Subd. 3. for further consideration by the BRC.

## **ARTICLE 9: ARRESTS AND CONVICTIONS , EMPLOYEES**

Any employee charged with a crime for which a jail or prison sentence may be imposed is required to report being charged to human resources within 72 hours of becoming aware of such charge. Failure to report being charged with a crime may result in disciplinary action up to and including termination of employment. The BRC will review the nature of the crime and make a determination as to what, if any, action is to be taken regarding the employee's employment status pending resolution of the charge(s).

Any employee convicted of a crime for which a jail or prison sentence may be imposed, is required to report the conviction to human resources within 24 hours of the conviction. Failure to report such conviction may result in disciplinary action up to and including termination of employment. The employer will determine appropriate disciplinary action, up to and including termination, as a result of the conviction.

## **ARTICLE 10: RECORDKEEPING OF BACKGROUND INVESTIGATION REPORTS**

Background investigation reports are retained by human resources for all candidates for employment other than public safety whose reports are retained by public safety representatives. Background reports for candidates hired by the organization are stored in

human resources or public safety and are segregated from the personnel files. The report is not maintained by or provided to the hiring supervisor. Background investigation reports are deemed private data and are retained in accordance with the County's records retention schedule.

Background checks for candidates not hired by the organization are held in human resource or public safety for public safety positions. The reports are segregated from the application, deemed private data and are retained in accordance with the County's records retention schedule.

## **ARTICLE 11: NOTIFICATION OF ADVERSE BACKGROUND INVESTIGATION**

### **11.01 Applicants**

The human resource representative will notify the hiring manager of a candidate's ineligibility for employment. Human resource will notify the candidate of ineligibility for employment through the issuance of a pre-adverse action disclosure including a copy of the candidate's background investigation report, the name and address of reporting agencies and a summary of rights under the fair credit reporting act. The candidate will be given five working days to provide an explanation in writing of the circumstances surrounding the background investigation, including mitigating factors and have this explanation considered by the BRC prior to finalization of the hiring decision.

### **11.02 Employees**

Background investigations will be completed when employees are being considered for transfer or promotion that requires background investigation components not previously performed. If the background investigation is used for the basis of an adverse employment decision the employee will be provided written notification through the issuance of a pre-adverse action disclosure including a copy of the employee's background investigation report, the name and address of reporting agencies, and a summary of rights under the fair credit reporting act. The employee will be given five working days to provide an explanation in writing of the circumstances surrounding the background investigation, including mitigating factors and have this explanation considered by the BRC prior to finalization of the hiring decision.

## **ARTICLE 12: CONDITIONAL OFFERS FOR EMPLOYMENT**

Hiring managers may extend a contingent offer for employment conditioned on a satisfactory background investigation report. Employment may not be finalized prior to confirmation of satisfaction of the background investigation results.

### **Responsibilities:**

- Human resource representative administers the background investigation policy, ensuring consistent application and compliance with all applicable state and federal laws governing background investigations.
- Hiring manager and human resource representative determine background investigation criteria required for the position. Human resource is accountable for ensuring investigation criteria is consistently applied and based on job requirements.
- Human resource office is accountable for providing successful candidates with background investigation authorization documents, securing signed authorizations and retention of said documents.

- Hiring manager completes personal, professional and employment reference components of the background investigation.
- Human resource representative conducts background investigation components required for the position for all assignments other than public safety assignments.
- Public safety representative conducts background investigation components required for the position for all public safety assignments including licensed personnel, dispatch personnel, corrections personnel and law enforcement support staff.
- Human resource representative provides hiring manager with confirmation of results of background investigation.
- Background review committee evaluates all results containing convictions or compromised credit history to assess employment suitability and issues written recommendation.
- Human resource representative issues all candidate adverse action notices and ensures compliance with all state and federal requirements relating to such notices including candidate's right to dispute findings.
- Background review committee evaluates all disputed findings and issues written recommendation.
- Human resource representative issues final action notice relating to disputed findings.
- Hiring manager ensures candidate is informed of results and employment status.
- Human resource representative is accountable for the confidential storage and retention of all background investigation materials for all candidates other than public safety candidates whose background investigation materials are retained in confidential files maintained by the public safety department.