

Policy: Background Check	Effective Date: September 1, 2017
Number: 710-3-008	Reviewed/Revised: July 2022
Authorized By: Jill Remington Love, Executive Director	

## Purpose

The Department of Cultural and Community Engagement (CCE) is committed to maintaining a work environment that is safe and empowering for employees, and that promotes the individual value of each Department employee. This Background Check policy is designed to promote this commitment and to comply with state and federal regulations requiring criminal background checks for certain positions within the Department.

CCE positions in the job titles below have been identified as positions of trust within the Department of Cultural and Community Engagement. Employees either have access to systems and files that contain highly sensitive and confidential information such as social security numbers, and personally identifiable information or work closely on a regular basis with children and/or vulnerable adults.

<b>Utah Commission on Service and Volunteerism</b>	<b>State Library Bookmobile Program</b>
National Service Program Manager	Bookmobile Program Manager
National Service Program Specialist	Bookmobile Librarian I & II
Community Engagement Program Manager	Bookmobile Technician I & II
Community Engagement Program Specialist	

## Guidelines

1. Background checks shall be conducted for all new hires and current employees in the identified job titles within this policy.
  - a. Background checks shall be conducted on both career service and non-career service positions.
  - b. All background checks will be based on official records obtained from the Utah Bureau of Criminal Identification directly.
  - c. All fees associated with the criminal background check will be the responsibility of CCE.
  - d. For the purpose of this policy, an active state employee who transfers into or is reassigned to one of the above identified job titles, or a person who has worked for CCE and is rehired, is considered to be a new hire.
  - e. All employees in job titles identified in this policy shall undergo background checks, at a minimum, every five years. An employee may be requested to undergo a background check in less than five

years if CCE management receives information that would warrant it.

- f. Background checks shall not be conducted without the written consent of the individual being investigated.
- g. Failure to consent to a background check during the hiring process may disqualify the applicant from consideration or result in a rescission of an offer of employment.
- h. For current employees, failure to consent to a background check while employed in one of the identified positions will result in disciplinary action which may result in termination of their employment with the Department.
- i. If a background check is unable to be processed due to the existence of a warrant, CCE shall allow ten (10) business days to allow the employee to satisfy the warrant in order for the background check to be processed successfully. Refusal to satisfy the warrant as described shall be subject to disciplinary action up to and including termination of employment.

2. Adverse information from the background check may result in the rescission of an offer of employment for new hires. For current employees, adverse information from the background check may result in the termination of the employee's employment or removal/restriction of the duties that qualify or require the background check.

- a. Department shall designate a department Background Check Coordinator (BCC) who will obtain the results of a background checks. In the event of adverse information obtained, the BCC will work directly with HR Field Director. The HR Field Director shall make recommendations to the CCE Executive Director or designee on whether the results of the background check will preclude the potential employee from employment with CCE. For current employees, the HR Field Director or HR Field Specialist for CCE shall make recommendations to the CCE Executive Director or designee on whether the results of the background check will preclude the employee from continued employment with CCE. Factors to be considered for potential or continued employment include but are not limited to:
  - i. Whether the crime is related to an employee's or potential employee's duties or might reasonably be expected to prevent an employee from performing the duties of their position.
  - ii. The nature and gravity of the offense
  - iii. The time that has passed since the offense or conduct and/or completion of the sentence
  - iv. The number of convictions.
  - v. Mitigating circumstances including but not limited to the employee's or potential employee's conduct and demonstration of trust since the conviction.
  - vi. False or misleading statement, verbal or written, made by the employee or potential employee regarding their criminal record.
- b. Probationary employees as well as non-career service exempt employees who are dismissed for cause under this policy have no appeal.
  - i. All information obtained from a background check shall be classified as a protected record and is subject to GRAMA requirements. Summary statistical information which does not disclose the identification or conviction of an employee or potential employee may be used for management

reporting purposes.

- ii. CCE cannot be held liable if there is an error in the conviction record received from the background check. If there is an error in the criminal record, it is the employee or prospective employee's responsibility to have that record corrected.

**Procedures:**

1. Recruitment/Interview Process

- a. All statewide and public job announcements for the positions identified above as of August 30, 2017 will be posted with information notifying candidates that a background check will be part of the hiring process and that any offer of employment will be made on a contingency basis pending the results of the background check process.
- b. All interviewees for the job titles identified above will again be informed by the hiring official that a background check will be conducted with the successful candidate and that any offer of employment will be conditional based on the results of the background check.
- c. An offer or confirmation letter will be issued to a new employee by the HR Representative assigned to CCE indicating that employment is offered on a contingency basis pending the results of the background check.
- d. An employee who is reassigned into one of the above identified job titles outside of the recruitment and interview process will be informed in writing that their employment with CCE is contingent on the results of the background check.

2. Background Check Coordinator portion of the BCI process

- a. The Background Check Coordinator will request current and prospective employees hired into one of the job titles listed above complete the necessary authorization and waiver for criminal background check form. This form notifies current employees that information contained in a criminal history record will be used to determine the suitability of continued employment with CCE.
- b. The Background Check Coordinator will request the background check from BCI and obtain the results from BCI's ABC System.
- c. Criminal convictions will be reviewed with the HR Field Director or HR Field Specialist and, in consultation with the CCE Executive Director or designee, will use the criteria stated in Section 2.(b) of this policy to determine whether a conviction may prohibit the employee from continued employment with CCE.
- d. The CCE Executive Director or designee will make the final decision regarding the continued employment or termination of employment.
- e. All Information obtained from BCI shall be destroyed after a final decision has been made as to the employability of the current or prospective employee. BCI information shall not be released to employees or prospective employees, even if they request it. However, the CCE Background Coordinator may show the information to the employee or prospective employee. BCI information shall not be copied for any purpose.

**Exceptions:**

There are no exceptions to this policy.



## AUTHORIZATION AND WAIVER FOR CRIMINAL HISTORY CHECK

You have received a conditional offer of employment pending successful completion of a criminal history check. The criminal history check is one process used to evaluate your qualifications and suitability for employment with the hiring agency in the position identified below. All personal information identified here will be used to confirm your identity for an accurate criminal history inquiry. The personal information will not be used for any other purposes and will be protected from unauthorized disclosure in compliance with Utah Law and Department of Human Resource Management Rules.

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Social Security Number: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Hiring Agency: \_\_\_\_\_ Position Title: \_\_\_\_\_

**Authorization Statement:** As a condition of employment with the above agency, I hereby authorize the release of criminal history information maintained by the Utah State Bureau of Criminal Investigation (BCI) to the designated Background Check Coordinator of the Department of Cultural and Community Engagement (CCE). I also authorize the release of any and all criminal history records to the above agency including information of a confidential or privileged nature and any outstanding warrants.

I understand that any information about me that may be contained in a criminal history record will be shared with the designated CCE Background Check Coordinator and appropriate agency management and will be used to determine the suitability of my employment. I understand that I may review and respond to any information received and that my failure to allow this criminal history check will result in my conditional offer of employment or continued employment with the agency being withdrawn. I understand that the agency may conduct additional criminal background screening as needed to determine my suitability for continued employment.

I do hereby release all persons or governmental agencies from any damages resulting from the release of such information to the appropriate parties.

SIGNED: \_\_\_\_\_

DATE: \_\_\_\_\_