

**Department of Human Resources Management
Internal Policies and Procedures**

Policy Name:	Background Checks for DHRM Employees
Status	Approved
Effective Date:	July 1, 2009
Revised Date:	
Approved By:	Jeff Herring

I. PURPOSE/BACKGROUND

To provide guidelines for conducting background checks on current and future DHRM employees. Employees of the Department of Human Resource Management (DHRM) have access to systems and files that contain highly sensitive and confidential information such as social security numbers and personal addresses. Criminal history information may assist in determining if new hires and current department employees should hold a position of trust. DHRM must employ qualified individuals whose past history will not adversely affect their ability to perform their work duties. Background checks help DHRM obtain information to determine the overall employability of DHRM employees, enhance the safety of customers and employees, state property, and the security of information for which DHRM is held responsible.

II. POLICY

- A. Background checks shall be conducted for all new hires and current employees of the Department.
 - 1. Background checks shall be conducted on both career service and non-career service positions.
 - 2. All background checks will be based on official records obtained from the Utah Bureau of Criminal Identification.
 - 3. All fees associated with the criminal background check will be the responsibility of DHRM.
 - 4. For the purpose of this policy, an active state employee who transfers into or is reassigned to DHRM is considered to be a new hire.
 - 5. At a minimum, all DHRM employees shall undergo a background check every five years. An employee may be requested to undergo a background check in less than five years if DHRM management receives information that would warrant it.
 - 6. Background checks shall not be conducted without the written consent of the individual being investigated.

7. Failure to consent to a background check will result in disciplinary action which may result in termination of the employment relationship with DHRM.
 8. If a background check is unable to be processed due to the existence of a warrant, DHRM shall allow ten (10) business days to 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.
- B. Adverse information from the background check may result in termination of the employee or termination of access to all information systems within DHRM.
1. An employee may be separated from employment if the background check provides the following adverse information:
 - a. A felony conviction within the past ten (10) years, involving crimes of violence against people or property, illegal drug or alcohol use, or crimes of financial turpitude or identity theft such as embezzlement, forgery, theft, etc.
 - b. A misdemeanor conviction within the past five (5) years, involving crimes of violence against people or property, illegal drug or alcohol use, or crimes of financial turpitude or identity theft such as embezzlement, forgery, theft, etc.
 - c. Any other adverse information that, in the judgment of the DHRM Executive Director or designee, could compromise the individual's ability to be a successful employee or would violate the public trust.
 2. Results of a background check will be given to the Capitol Hill HR Manager. The Capitol Hill HR Manager, in conjunction with the appropriate Human Resource Director, shall make recommendations to the DHRM Executive Director on whether the results of the background check will preclude the employee from continued employment with DHRM. Factors which shall be considered for continued employment include:
 - a. Whether the crime is related to an employee's duties or might reasonably be expected to prevent an employee from performing the duties of their position.
 - b. The nature of the crime.
 - c. The number of convictions.
 - d. The recency of the conviction.
 - e. The employee's conduct and demonstration of trust since the conviction.
 - f. False or misleading statements, verbal or written, made by the employee regarding their criminal record.
 3. The decision to separate an employee from employment will be based on the judgment of the DHRM Executive Director who will ensure appropriate application of this policy.

4. Probationary employees as well as career service exempt (Schedule A) employees who are dismissed for cause under this policy have no appeal rights within the State of Utah's grievance process.
- C. All information obtained from a background check shall be classified as a protected record and is subject to GRAMA requirements. The Capitol Hill HR Manager shall only provide a passing or non-passing determination to the hiring official. Summary statistical information which does not disclose the identification or conviction of an employee may be used for management report purposes.
- D. Liability – DHRM 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's responsibility to have that record corrected.

III. PROCEDURES

A. Recruitment/Interview Process

1. All statewide and public job announcements for HR related positions 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.
2. All interviewees for HR related positions 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 made on a contingency basis pending the results of the background check process.
3. An offer or confirmation letter will be issued to a new employee by the Capitol Hill HR Representative indicating that employment is offered on a contingency basis pending the results of the background check.
4. An employee who is reassigned to DHRM outside of the recruitment and interview process will be informed in writing that their employment with DHRM is contingent on the results of the background check.

B. HR Representative portion of the BCI process

1. New hires are required to complete the necessary paperwork and be fingerprinted for a background check on their first day of employment with DHRM.
2. For current DHRM employees, the HR Representative will have the employee complete the form "Authorization and Waiver for Criminal Background Check." The HR Representative must have the signed document notarized. This form notifies current employees that information contained in a criminal history record will be used to determine the suitability of continued employment with DHRM.
3. For new hires and current DHRM employees, the HR Representative will have the employee fill out the BCI "Application for Criminal History Record

Review” (Form 98-1-03). This form is located on the BCI website at www.bci.utah.gov/Admin/FormsRecords.html.

4. The Application for Criminal History Record Review form requires that the employee present a current photo identification document issued by the government (Driver’s License, State ID Card, Passport, Birth Certificate, etc). The HR Representative must identify the document used to verify the employee’s identity and ensure all information on the form is complete and accurate.
5. The HR Representative will use an ink or inkless pad to simultaneously imprint the employee’s four fingers of their right hand on the Application for Criminal History Record Review form.
6. The Authorization and Waiver for Criminal Background Check form and the Application for Criminal History Record Review form will be sent to the Capitol Hill HR Manager or designee. **Red building mail tracking envelopes with scan bar codes must be used for this purpose.** To order these envelopes, contact State Mail at (801) 323-4307.

C. Capitol Hill HR Staff’s portion of the BCI process

1. The Capitol Hill HR Manager or designee will log the employee information on the “DHRM Spreadsheet for Processing Background Checks.” This spreadsheet will be password protected due to the sensitive nature of this information.
2. The Capitol Hill HR Manager or designee will send the Authorization and Waiver for Criminal Background Check form, the Application for Criminal History Record Review and the spreadsheet to the Utah Bureau of Criminal Identification through a red inter-office tracking envelope. The address and contact for BCI:

Utah Bureau of Criminal Identification
3888 West 5400 South
Taylorsville, UT 84118
Attention: Kathy Wilcox

D. Background Check Results

1. The Utah Bureau of Criminal Identification (BCI), will conduct the background check on applications received. BCI will prepare either a “no criminal history found” OR a “criminal history verified” letter and a criminal history record printout for each employee BCI application they receive.
2. The background check results will be sent to the Capital Hill HR Manager for review of the information.
3. The Capitol Hill HR Manager, in consultation with the appropriate HR Director, will use the criteria stated in Section II.B.2 of this policy to determine

whether a conviction may prohibit the employee from continued employment with the Department of Human Resource Management.

4. If a determination is made that the employee will not be retained, the Capitol Hill HR Manager and appropriate HR Director will make a recommendation to the DHRM Executive Director, who will make the final decision regarding continued employment or termination of employment.
5. DHRM will maintain all BCI information in secured, confidential files separate from the personnel file in the Administration office. DHRM will assure that only those within the department who have a legitimate business reason be allowed to review criminal background information. Information may not be released to individual employees if they request it. No BCI information will be copied for any purpose.

**STATE OF UTAH
DEPARTMENT OF HUMAN RESOURCE MANAGEMENT**



AUTHORIZATION AND WAIVER FOR CRIMINAL BACKGROUND CHECK

Name: _____ Social Security Number: _____

As a condition of continued employment with the Department of Human Resource Management, I hereby authorize a criminal background check to be conducted by the Utah State Bureau of Criminal Investigation. I also authorize the release of any and all criminal history records to the Department of Human Resource Management 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 used to determine the suitability of my continued employment and that failure to allow a criminal background check will result in disciplinary action which may result in termination of my employment relationship with the Utah Department of Human Resource Management.

I request that my criminal history information be given to, or sent under confidential cover to:

**DEPARTMENT OF HUMAN RESOURCE MANAGEMENT
ATTN: Larene Wyss
State Office Building, Suite 2120
PO Box 141531
SALT LAKE CITY, UT 84114-1531**

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:** _____

Subscribed and Sworn to Before Me

This _____ day of _____, 20____

Notary Public for the State of _____