



Subject/Title

Pre-Employment Background Checks

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Human Resources

Responsible Key Business

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City Manager

Purpose: The City of Charlotte seeks to ensure the safety and security of employees and the public by ensuring that all final candidates for employment are subject to pre-employment background checks. Pre-employment background checks are important to ensure that candidates for employment with the City of Charlotte are qualified individuals and to verify the accuracy of the information provided by the candidate. A thorough pre-employment background check is also a preventative measure that enables employers to determine if a candidate's background indicates a possible safety threat to other employees or the public.

Policy: Background checks will be conducted on final internal or external candidate(s) applying for any position with the City of Charlotte. The type of information that will be collected as part of a background check includes, but is not limited to: reference checks, social security verification, education verification, criminal conviction record check, and, if applicable, a credit history check, sex offender registry and motor vehicle records check.

Background checks must be in compliance with all federal and state statutes, such as the Fair Credit Reporting Act (FCRA) and the Municipal Records Retention Schedule. The checks must be consistent with the guidelines set forth by these laws requiring organizations to obtain a candidate's written authorization before obtaining a criminal background report, motor vehicle records check or credit report; and to properly store and dispose of information derived from such reports.

The results of a background check cannot be used as a basis for denying employment, unless the denial of employment is determined to be due to job-related issues or business necessity. The following factors will be considered for those applicants with a history of criminal convictions in determining whether to hire the applicant: the nature of the crime and its relationship to the position; the time since the conviction; the number (if more than one) of convictions; and whether hiring the applicant would pose a risk to the business. The applicant will be given an opportunity to review the criminal background check results and submit an explanation.

Hiring Managers are reminded that arrest history information should not be used as a part of the hiring process and cannot be a basis for denying employment.

Key Business Units may establish additional pre-employment requirements unique to their individual business needs as long as the requirements are job related, consistently applied to all final candidates and are in compliance with all federal and state statutes, such as the Fair Credit Reporting Act (FCRA) and the Municipal Records Retention Schedule. These additional KBU pre-employment requirements are subject to approval by the Human Resources Key Business.

Pre-employment investigations and information obtained in pre-employment investigations must be reasonable and appropriate for the position for which the candidate is applying, taking in to

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consideration the nature of the offense, whether it is job-related, when it occurred and the candidate's conduct since the offense.

Although a disqualification is possible, in accordance with federal and state laws, a previous conviction does not automatically disqualify an applicant from consideration for employment with the City.

The City will ensure that all information attained from the reference and background check process will only be used as part of the employment process and kept strictly confidential according to FCRA. Hiring managers and administrative staff responsible for the pre-employment process are reminded that background check information falls under the FCRA disposal rules. Background check information kept as part of an employment hiring record, or used to make an employment decision, should be kept with the employee's personnel file in Human Resources. All applicant information no longer required for use should be sent in to Human Resources for appropriate disposal.

If an applicant is found to have deliberately withheld information with the intent to mislead or is found to have falsified information pertaining to previous convictions, education, employment history, or any information deemed pertinent to employment, the employee will be disqualified from further employment consideration in any position with the City due to falsification of an application; or if this is discovered post employment, the employee will be terminated.

The North Carolina Department of Justice sets the qualification for the employment and retention of police officers including but not limited to standards addressing the minimum age, education, physical standards and mental status, citizenship, and good moral character (N.C. General Statute §17C-10). In addition, Chapter 12 of the North Carolina Administrative Code controls the extent, scope and use of a background investigation and further places specific eligibility limitations on an applicant's prior criminal history. In the event one of the mandatory state standards conflicts with this policy, then the state standard shall control and shall be followed by the Charlotte-Mecklenburg Police Department.

Definitions:

1. Criminal Conviction Record – The record of an individual's criminal conviction(s) obtained from the states and counties where the applicant lives or has lived in the past seven years.
2. Motor Vehicle Record (MVR) – An individual's driving history obtained from the state where the applicant/employee driver's license is or was issued or through agencies with license to obtain these reports on the City's behalf.
3. Fair Credit Reporting Act (FCRA) – Federal regulations of the collection and use of information contained in consumer reports prepared and assembled by a consumer reporting agency.

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4. Municipal Records Retention and Disposition Schedule – This records schedule identifies and provides retention and disposition instructions for many records that have been identified as being produced and maintained in municipal administrative offices. These records are defined under Chapter 132 of the General Statutes of North Carolina. Chapter 121-5 mandates that these records be disposed of only in accordance with an official records retention schedule. Standard 13 of the Municipal Records Retention and Disposition Schedule addresses personnel records to include application and selection files.
5. Educational Verification – Confirmation that the final candidate has the degree or educational level required for the position; or confirmation that the candidate has the degree or educational level as stated on the application or resume.
6. Reference Check - A basic work profile from a professional reference provided by the applicant, generally consisting of: title, basic responsibilities, relationship, professional and interpersonal skills.
7. Sexual Offender Registry - This report will contain all information available in the applicant's state data repository.
8. Social Security Verification – This report will verify the issue date of the social security number, if the number has been reported deceased or not yet been issued. The report will also reveal other names used by the applicant, such as maiden names or aliases and addresses listed by subject when they have applied for credit.
9. Credit History - A profile of the applicant's credit history for the last seven years as reported by a major credit bureau. Charge offs, collection accounts, public records, tradelines, bankruptcies, judgments and monthly payment histories are included in a history.

Procedures:

1. The City of Charlotte Job Opportunity Bulletin will include the following statement: "Criminal Conviction Checks Required on final internal and external candidate(s) applying for positions with the City of Charlotte."
2. The City of Charlotte requires a criminal conviction record check for all full-time, part-time, temporary, intern or volunteer applicants prior to a conditional offer of employment being extended by the hiring manager.
3. Prior to conducting the pre-employment background check the following must be completed by the final candidate:
 - City of Charlotte application
 - Applicant Authorization and Consent for Release of Information form (Exhibit A)

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4. Present the final candidate with the Summary of Rights Under the Fair Credit Reporting Act and Consumer Notification (Exhibits B and C).
5. All pre-employment background checks must be completed by one of the approved vendors under contract with the City of Charlotte. Human Resources will maintain the list of approved vendors.
6. Before taking an adverse action that is based in whole or in part on the information collected as part of the pre-employment background check, a copy of the adverse information and an Adverse Information Form must be sent to the candidate (Exhibit D).
7. To give the candidate time to respond to the adverse information, the employer must wait an appropriate length of time between notifying the candidate that an adverse action will be taken, and actually taking the adverse action. After a waiting period of five (5) business days following notification of the adverse information to the candidate, the Adverse Decision Form should be sent to the candidate (Exhibit E).
8. Candidates for employment where the job duties require driving authorization under the City's Driver's Permit Policy or other related duties will be subject to a Motor Vehicle Records check.
9. Candidates for employment where the job duties include responsibility for initiating or affecting financial transactions or other related duties will be subject to credit history check. The Key Business Unit is responsible for determining the job duties for which a credit history check is conducted, and is responsible for ensuring a job-related need for conducting the check.
10. Candidates for employment where the job duties include entering a private household, interaction with children or other related duties will be subject to sexual offender registry check.
11. Confirmation that the candidate has the degree or educational level required for the position, or as stated on the resume or application, can be conducted through the approved background checking vendors or the candidate can be required to submit an official transcript. Official transcripts must be received in a sealed envelope from the college, university or school system in question and must be a certified copy.

Responsibilities:

The Human Resources Key Business shall be responsible for the coordination of this Policy.

Key Business Executives and or their designees are responsible for ensuring that pre-employment background checks have been conducted on all final candidates prior to hiring.

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Exhibit A

**APPLICANT AUTHORIZATION AND CONSENT FOR
RELEASE OF INFORMATION**

This release and authorization acknowledges that the City of Charlotte may now, or at any time while I am employed, contact personal references, conduct a verification of my education and licenses/certifications, employment/work history, motor vehicle records, and receive any criminal history record information pertaining to me which may be in the files of any Federal, State or Local criminal justice agency, and to verify any other information deemed necessary to fulfill the job requirements. The results of this verification process will be used to make employment decisions pursuant to the City of Charlotte's employment policies. The City of Charlotte will not request credit reports without proper notification in compliance with the Fair Credit Reporting Act.

I authorize the City's current employment verification vendor and any of its associates, to disclose orally and in writing the results of this verification process to the designated authorized representative of the City of Charlotte. The City of Charlotte may at its discretion change the vendor and this release will remain in effect.

I have read and understand this release and consent, and I authorize the background verification. I authorize all persons, schools, current and former employers and other organizations and Agencies to provide the City's employment verification vendor, or its associates with all information that may be requested. I hereby release all of the persons and Agencies providing such information from any and all claims and damages connected with their release of any requested information. I agree that any copy of this document is as valid as the original.

I do hereby agree to release and discharge the City of Charlotte, the employment verification vendor and their associates to the full extent permitted by the law from any claims, damages, losses, liabilities, costs and expenses or any other charge or complaint filed with any Agency arising from the retrieving and reporting of information. According to the Fair Credit Reporting Act, I am entitled to know if employment was denied based on information obtained by my prospective employer and to receive a disclosure of the public record information and of the nature and scope of the investigative report. I have been given a summary of my rights under the Fair Credit Reporting Act.

Printed Name (Last, First, M.I)

Social Security Number

Signature

Date

Exhibit B

Para informacion en espanol, visite www.ftc.gov/credit o escribe a la FTC Consumer ResponseCenter, Room 130-A 600 Pennsylvania Ave. N.W., Washington, D.C. 20580.

A Summary of Your Rights Under the Fair Credit Reporting Act

The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records). Here is a summary of your major rights under the FCRA. **For more information, including information about additional rights, got www.ftc.gov/credit or write to: Consumer Response Center, Room 130-A, Federal Trade Commission, 600 Pennsylvania Ave. N.W., Washington, D.C. 20580.**

You must be told if information in your file has been used against you. Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment – or to take another adverse action against you – must tell you, and must give you the name, address, and phone number of the agency that provided the information.

You have the right to know what is in your file. You may request and obtain all the information about you in the files of a consumer reporting agency (your “file disclosure”). You will be required to provide proper identification, which may include your Social Security number. In many cases, the disclosure will be free. You are entitled to a free file disclosure if: a person has taken adverse action against you because of information in your credit report; you are the victim of identify theft and place a fraud alert in your file; your file contains inaccurate information as a result of fraud; you are on public assistance; you are unemployed but expect to apply for employment within 60 days. In addition, by September 2005 all consumers will be entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies. See www.ftc.gov/credit for additional information.

You have the right to ask for a credit score. Credit scores are numerical summaries of your credit-worthiness based on information from credit bureaus. You may request a credit score from consumer reporting agencies that create scores or distribute scores used in residential real property loans, but you will have to pay for it. In some mortgage transactions, you will receive credit score information for free from the mortgage lender.

You have the right to dispute incomplete or inaccurate information. If you identify information in your file that is incomplete or inaccurate, and report it to the consumer reporting agency, the agency must investigate unless your dispute is frivolous. See www.ftc.gov/credit for an explanation of dispute procedures.

Consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information. Inaccurate, incomplete or unverifiable information must be removed or corrected, usually within 30 days. However, a consumer reporting agency may continue to report information it has verified as accurate.

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Exhibit C

Consumer Notification

Dear _____ :

This is to inform you that a consumer report or an investigative consumer report will be requested from the City of Charlotte's vendor, _____ a Consumer Reporting Agency (CRA). This report is for the purpose of evaluating your eligibility for employment, promotion, reassignment or retention as an employee.

You have been asked to carefully read and sign an "Authorization for Release of Information" permitting the City's vendor to furnish the consumer report to us.

In accordance with the Fair Credit Reporting Act (15 U.S.C. §1681 et. seq.), you will be notified in writing before the City makes any adverse employment decision which is based in whole or in part on the consumer report.

Sincerely,

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Exhibit D

(Pre-Adverse Action)

Date

Applicant Name & Address

Dear _____ :

We are writing to inform you that in evaluating your application for employment, promotion, reassignment or retention as an employee we have received the enclosed consumer report. This notification is provided because an adverse employment decision may be based, in whole or part, on this report.

The report was prepared by _____ and authorization signed by you at the time of application. A copy of the authorization and a summary of your rights as a consumer are enclosed. _____ is not responsible for any employment-related determination.

If you have any questions regarding this report or believe that it may contain incorrect information, you may contact this company and they will respond to your inquiry. Their mailing address and phone numbers are listed below:

Sincerely,

Enclosure: Consumer Report
 Copy of Authorization
 Consumer Rights Notification

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Exhibit E

(Adverse Action)

Date

Applicant Name & Address

Dear :

We are writing to inform you that we have decided not to offer you employment based upon the information we have received from a consumer report. The report was prepared by _____ pursuant to an authorization signed by you at the time of application. _____ is not responsible for any employment-related determination and are unable to provide the specific reasons regarding our decision.

You may receive a free copy of the consumer report from _____ during the 60 day period described in the Fair Credit Reporting Act "FCRA" (15 U.S.C §1681j). You may also dispute the accuracy or completeness of any information as pursuant to FCRA 15 U.S.C. §1681m (a). Their mailing address and phone numbers are listed below:

Sincerely,