

Background Checks Policy

- 1.0 POLICY STATEMENT:** To protect the City and its assets, the City needs to insure that individuals assigned to certain positions of responsibility have no history of criminal behavior relevant to their employment. Although there is no guarantee against criminal acts, background checks reduce the likelihood of crime and may reduce the City's liability in the event a crime occurs. The City recognizes that its need to investigate an employee's criminal history must be balanced with the need to protect each employee's privacy. The City does recognize the individual's right to privacy, and we prohibit employees and others from seeking, using or disclosing personal information except within the scope of their assigned duties.

- 2.0 PROCEDURES:** This policy is intended to support the verification of credentials, criminal history and other information related to employment decisions that assist the City in meeting its commitments for hiring qualified employees.
 - 2.1 *Responsibilities* - In consultation with Human Resources, City departments will determine whether a position should be designated as sensitive and document that information on the job description.
 - 2.1.1 Human Resources will initiate the criminal background checks prior to the hire, transfer, promotion, or reassignment of individuals into sensitive positions, including reclassification.
 - 2.1.2 Human Resources will notify the individual under consideration for a sensitive position that an offer for any personnel action, (employment, transfer, promotion, reclassification, or change in duties) is conditional on successful completion of the background check and that falsification of information submitted on City applications may be cause for corrective action up to and including dismissal.
 - 2.1.3 Human Resources and the operating department will conduct the background check and notify the department head as to the individual being suited for employment based on the results of the background check.
 - 2.1.4 A summary of the background check results regardless of the outcome will be provided to the applicant.
 - 2.1.5 Human Resources will maintain confidentiality of the background check results.
 - 2.1.6 Human Resources will consult with City departments as to background check policy interpretation.

 - 2.2 *Criteria for Determining Sensitive Positions* - Human Resources will consult with the departments to determine whether a position requires a criminal background

check. Positions subject to criminal background checks typically involve one or more of the following responsibilities:

- 2.2.1 Senior management of the City;
- 2.2.2 Care, safety, and security of people or property (such as sworn police officers, child care workers, camp and recreation counselors);
- 2.2.3 Positions with direct access to, or control over, cash, checks, and City credit card account;
- 2.2.4 Authority to commit City finances through signature of contracts or agreements; and
- 2.2.5 Work that involves responsibility for or providing services to anyone under 18.

2.3 Performing criminal background checks does not relieve the department of its obligation to perform reference checks, verifying prior employment, obtaining copies of licenses or certifications that are required for the specific position (with more extensive checks for police and fire) and other checks that are required.

2.4 *Types of Background Checks*

- 2.4.1 Employment Reference – References on the best suited candidate(s) should be checked. At least three (3) employment references should be checked to provide verification of the information provided by the job applicant and to give some indication of how the applicant has performed on previous jobs. Human Resources will coordinate this activity with the appropriate department. (see applicant reference check form HR-170)
- 2.4.2 Drivers License Check and Verification – Employee's who will be operating City vehicles as part of their job assignments will have their driver's licenses checked. Those employees who are required to hold a commercial drivers license because of their job duties will be required to comply with DOT regulations as they pertain to driving record references and drug and alcohol testing.
- 2.4.3 Criminal History Check – The criminal history check will be initiated for those applicants for sensitive positions.
- 2.4.4 Sex and Violent Offender Registry Check – The criminal history check will be initiated for those applicants who are applying for positions which involves providing services to anyone under 18.
- 2.4.5 Pre-employment Drug Testing – Candidates who are selected for employment will be required to submit to a pre-employment drug screen. A positive screen will result in the employment offer being rescinded.
- 2.4.6 POST-OFFER PHYSICAL – Applicants who are selected to a position with the City will have a post-offer physical examination or DOT physical examination to verify their ability to perform the essential functions of the position.

- 2.5 *Initiating a Background Check* - When the hiring department has determined the best candidate for the position, Human Resources will initiate the background check process and will notify the candidate.
- 2.5.1 Human Resources department will make an appointment with the applicant for the finger printing, drug screen and post-offer physical.
 - 2.5.2 The finger prints and other pertinent documentation for the background will be submitted to the TBI for completion of the background check process.
 - 2.5.3 When Human Resources is notified that the drug screen is negative, and that the background shows no convictions exist, the personnel action form can be completed for hiring approval.
 - 2.5.4 Human Resources will make the results of the background check available to the applicant.
 - 2.5.5 The completed background checks will be maintained in Human Resources.
- 2.6 *If the Criminal Background Check Reveals Convictions*
- 2.6.1 The Human Resources Director, City Manager, legal counsel and the appropriate department head will review the results of the criminal background check and make final determinations regarding the suitability of individuals for the specific position applied for.
 - 2.6.2 Only criminal convictions will be considered in determining an individual's suitability for employment. Detention, and/or arrest without conviction do not constitute valid grounds for employment decisions and cannot play a part in the decision making process. However, if the individual has a criminal case pending, his or her suitability for employment may be reviewed upon disposition of the case.
 - 2.6.3 Certain types of convictions will automatically preclude hiring or promotion into a sensitive position. For example, individuals with convictions for theft, embezzlement, identity theft, or fraud will not be hired into positions with fiduciary responsibilities. Convictions for child molestation and other sex offenses will automatically preclude an individual from employment that involves direct unsupervised or even supervised contact with minors. Workplace or domestic violence, or other convictions for behaviors that would be inappropriate for specific jobs, may also be grounds for denial of employment. The above list is not inclusive but is intended to illustrate the decision making criteria.
 - 2.6.4 In determining an individual's suitability for employment or change in job duties where the individual under consideration has past criminal convictions, the department head and Human Resources Director will consider the specific duties of the position, the number of offenses and circumstances of each, and whether the offenses were disclosed on the employment application.
 - 2.6.5 Human Resources will notify each applicant of the results of the background check. If the results of the background check preclude an individual from employment, transfer, reclassification, promotion or reassignment, Human Resources will disclose the date(s) and type of conviction(s) found in the background check.
 - 2.6.6 Human Resources will comply with the Fair Credit Reporting Act and will follow with notification and recordkeeping requirements.

2.7 *Definitions of Terms*

- 2.7.1 Criminal Background Check – A process by which an individual is finger printed and the Tennessee Bureau of Investigation uses those finger prints to determine whether an individual has a criminal record.
- 2.7.2 Sensitive Position – A job with responsibilities that can be criminally abused at great harm to the City and local community. (see attached position listing)
- 2.7.3 Suitability for Employment – Meeting or exceeding the criteria for the position.
- 2.7.4 Employee – Any person employed by the City of Johnson City, whether full-time regular, part-time regular to temporary/seasonal.
- 2.7.5 Sex and Violent Offender Registry– A registry designed and maintained by The Tennessee Bureau of Investigation under TCA 40-39-201 to identify those offenders that have committed sexual offenses.

2.8 *Forms*

- Reference Check Form
- Candidate Disclosure and Criminal Background Check Authorization
- Finger Print Card
- Sensitive Positive Listing

3.0 RESPONSIBILITY: The Human Resources Director is responsible for the administration and communication of this policy.

APPROVED:

M. Denis Peterson
City Manager

Original: 03/17/2005
Revisions:

Account Clerk
Accounting Technician
Administrative Coordinator
Aquatic Center Supervisor
Assistant Athletic Director
Assistant City Manager
Assistant Director of Public Works
Assistant Director of Purchasing
Associate Legal Counsel
Athletic Director
Box Office Manager
Budget/Productivity Director
Business Management Analyst
Buyer
Cashier
Center Supervisor
Chief Building Official
Child Support Enforcement Specialist
City Engineer
City Manager
Civic Center Director
Collection Supervisor
Collection/Customer Service Clerk
Community Development Coordinator
Data Processing Director
Director of Court Services
Director of Golf
Director of Purchasing
Dispatcher
Emergency Management Director
Finance Director
Fire Chief
GIS Coordinator
Golf Shop Attendant
Head Lifeguard
Human Resources Director

Life Guard
Motor Transport Director
Naturalist
Operations Supervisor
Park & Recreation Coordinator
Park & Recreation Director
Park Maintenance Supervisor
Parts Manager
Payroll Clerk
Planning Director
Probation Officer
Public Facilities Coordinator
Public Safety Civilian Positions
Public Safety Sworn Positions
Public Works Director
Recreation Services Manager
Recreation Worker
Risk Manager
School Bus Drivers
School Transportation Supervisor
Senior Accountant
Senior Probation Officer
Senior Services Director
Seniors' Center Receptionist
Solid Waste Superintendent
Special Education Drivers
Special Education Supervisor
Special Events Coordinator
Special Transit Service Coordinator
Staff Accountant
Tax Equity Specialist
Transit Director
Transit Drivers
Transit Operations Supervisor
Transit Technicians
Water & Sewer Director

Candidate Disclosure and Criminal Background Check Authorization

Pursuant to the requirements of the Fair Credit Reporting Act, notice is given that a (1) *Consumer Report* may be made in connection with your application for employment. Pursuant to policies of the City of Johnson City, a comprehensive thorough criminal history and conviction check may be made of your background.

If you are denied employment, either wholly or partly, because of information contained in the *Consumer Report*, a disclosure will be made to you of the name and address of the Consumer reporting agency making the report. You will also receive a copy of the Report and statement of your consumer rights.

Employment with the City is conditional upon successful completion of a background check and that falsification of information submitted on City applications may be cause for corrective action up to and including dismissal.

Acknowledgement

In connection with my application for employment or continued employment, I hereby consent to the procurement of a *Consumer Report*, a criminal history and conviction background check and, if the duties of the position is a sensitive position and require a driver's record check.

Candidate's (printed) Full Name: _____

Other Last Names Used: _____

Social Security Number: _____

Date of Birth: _____

Drivers License State/Number: _____/_____

Candidate's Signature: _____

Today's Date: _____

(1) A consumer report may consist of employment records, educational verification, licensure verification, driving history, previous addresses and other public records relative to criminal charges.