

# Board of County Commissioners

## Leon County, Florida

### Policy No. 03 -11

Title: Background Investigations

Date Adopted: April 12, 2011

Effective Date: April 12, 2011

Reference: N/A

Policy Superseded: Policy No. 03-11 "Background Investigations" adopted June 10, 2003

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It shall be the policy of the Board of County Commissioners of Leon County, Florida, that Policy No 03-11, "Background Investigations" adopted by the Board on June 10, 2003, is hereby amended and a revised policy adopted in its place, to wit:

#### **POLICY:**

Offers of employment and job promotion shall be conditioned upon obtaining a signed authorization for the procurement of a consumer report for employment purposes and a satisfactory background investigation. Authorization shall be obtained through the "Authorization to Obtain a Consumer Report and Release of Information for Employment Purposes" form. Both the authorization and the report are to be filed in the employee's personnel file, if hired or in a recruitment file for applicants not employed; both shall be maintained by the Human Resources Division, in accordance with record retention schedules. Candidates for employment by job promotion, including those previously employed by the County shall be evaluated for employment based on, among other things, a background investigation that includes, at a minimum, the information described below.

#### **PROCEDURE:**

##### Employment Purposes

As used in this Policy, the phrase "employment purposes" shall include, but is not limited to, hiring, promoting, reassigning, and retaining an employee.

##### Notice of Investigation

Applicants shall be provided with notice of the County's policy and practice of conducting background investigations during the application process and will be required to complete a Notice of Intent to Obtain a Consumer Report form. Applicants must sign the form in order for the application to be valid for consideration. County locations accepting applications shall post signs in areas where employment applications are accepted, which make clear that the County has a policy of conducting background investigations for applicants.

Contingent Job Offer

- A. New hires and Promotions: A qualified individual, deemed to be the best candidate for a position, may be extended an offer of employment (in compliance with policies and procedures for recruitment, selection, and appointment); contingent upon, at a minimum, the completion of a signed authorization for the procurement of a consumer report for employment purposes and a background report that is within acceptable parameters.

Managers and employees are not to use social media or any other forms of digital technology or applications to conduct employee background checks. Background checks shall only be conducted by the Human Resources Division.

- B. Rehires: If eligible for rehire, a background investigation report shall be obtained as stated under Section A. New Hires and Promotions.

- C. Staffing Agencies, Independent Contractors: Contracts or service agreements shall be entered into with all third parties providing temporary or contract employees. The contracts or agreements shall address:

1. Stipulation to background investigations, based on standards herein.
2. Liability insurance coverage.
3. Indemnification.

A background investigation report shall be completed in accordance with the information later described for applicants and employees. The contractor shall have the completed background investigation report prior to presenting their employee to be utilized.

Background Investigation

The Human Resources Division shall initiate a background investigation after a contingent job offer has been made. All applicants for whom a contingent job offer has been made shall have a background investigation report completed. The background investigation shall include but is not limited to the following:

- Social Security Number Verification;
- Criminal Search (seven years or up to five criminal searches)
- Address Verification; and,
- Wants & Warrants (Reporting to the U.S. Marshall's Office).

Analysis of Background Investigation

The Human Resources Division shall notify the Hiring Authority if a discrepancy arises between the applicant's disclosed credentials and the verified information or if the applicant is disqualified for the position based upon the results of the background investigation.

- A. Protocol and Criteria for Evaluating Background Investigations:

1. Human Resource Division staff shall review all background investigation reports received.

2. The following factors shall be considered on a case by case basis in determining each candidate's eligibility for employment with the County:
    - (a) The accuracy of the candidate's application. Any discrepancy in the information provided by the candidate and the report provided is grounds for immediate withdrawal of the offer of employment.
    - (b) Specific nature of the offense(s), for which they were found guilty or plead no contest, and its applicability to the job for which the candidate is being considered.
    - (c) How long ago the offense occurred.
  3. Candidates whose background investigation report leads to an adverse decision shall be contacted and informed of the results of the report. The individual shall be provided the toll free telephone number of the agency that conducted the background check and given the opportunity to review and respond to the findings. Per requirements set forth in the Fair Credit Reporting Act (FCRA), this information shall be communicated through the Notice of Adverse Action form.
- B. Section A (Protocol and Criteria for Evaluating Background Investigations) is not exclusive or exhaustive. Good judgment and honest exercise of discretion shall be used when evaluating information obtained through a background investigation report and, when in doubt, the Human Resources Division shall consult with the County Attorney's Office. The Human Resources Director, with the concurrence of the County Attorney's Office, shall make the final decision as to whether the candidate's prior civil/criminal history makes the candidate ineligible for hire into a particular position(s).
- C. Candidates who challenge the accuracy of the content of the report shall be informed that it is their responsibility to correct the information and that the County shall not hold the position open under those conditions. Candidates will be encouraged to apply for any position they feel they qualify for in the future.
- D. Use of information obtained from a background investigation report shall be utilized in context with the job for which the applicant has applied. Any information learned from a background investigation report should be considered with all other information known about an applicant, and a case-by-case determination should be made as to the applicant's suitability for employment. The Human Resources Division may seek clarification from the applicant regarding the information obtained. Information obtained from a background investigation report should remain confidential to the extent allowed by law and not be shared with anyone except where reasonably necessary.