



## **Background Check Policy Summary For Vacancy Filling**

### **PURPOSE**

Background checks are conducted to support workplace productivity, safety and security by ensuring applicant backgrounds and qualifications are suitable for the position being considered and the public trust inherent in State employment.

### **POLICY**

It is the policy, as part of its hiring procedures, to conduct job-related background checks for all positions on finalist(s) for which an offer is to be made, as well as any contractors with access to state systems used by employees and/or access to not public data. This policy may also apply to current agency employees being assigned new job duties or appointed to new positions. These checks will be job-related, consistent with business necessity and conducted pursuant to all applicable laws, rules, policies and procedures.

Employment offers will generally be made after successful completion of applicable background check(s). However, any offers of employment made prior to completion of the background check(s) shall be contingent upon successful completion of the check(s). Finalist(s) may be rejected if they provide inaccurate, untruthful information, don't fully participate in a required background check, or don't sign or complete a required form.

### **Notification to the Applicants**

Background check requirements will be included in all job postings.

### **Pre-Employment Assessments**

Human Resources, in consultation with hiring supervisors, will determine the background checks that will be completed for each position. Some of the criteria that will help determine the extent of the review include: access to sensitive, private or confidential data, the breadth and scope of decision-making authority and the amount of fiduciary responsibility.

Following is the general approach that will be taken for most positions. Unique circumstances may dictate greater or lesser reviews.

Applies to current agency employees being assigned new job duties or appointed to a new position:

- Employment reference check with the employee's current supervisor;
- SEMA4 records check;
- Other legally required records check (drug tests, driver's license, etc.).

Applies to individuals that are new or returning to state government:

- Employment reference checks;
- SEMA4 records check;
- Criminal history check;
- Social Security number and address verification;
- Other legally required records checks (drug tests, fingerprints, etc.);
- Licensure and/or certification verification (if position required);
- Education verification (if position required);
- Personal reference check (may be completed if the position has significant public visibility or media interest);
- Other pertinent information and resources, as deemed necessary;

### **Criminal History Check**

For certain positions, a criminal history check will be conducted on all finalist(s) for which a job offer will be/has been made. The check should include all states in which the applicant has lived or worked in the previous seven (7) years.

A criminal history check will be conducted on all contractors with access to state systems used by employees and/or access to not public data, potential new hires, potential re-hires, and may include current employees appointed to a new position or assigned new duties.

**Department of Administration** will conduct a Criminal History Check for the following positions/divisions:

- All Managerial positions
- All General Maintenance Worker positions
- All positions required to sign the Code of Conduct
- Human Resources Division
- Financial Management & Reporting Division
- Risk Management Division
- Materials Management Division
- Fleet & Surplus Services Division
- Other position as determined (job-related, consistent with business necessity)

**Minnesota Management & Budget** will conduct a Criminal History Check for all position.

**SmART Customers** will be determined at the time the vacancy is posted.

**Applicants will not be disqualified because of a prior criminal conviction, unless the crime directly relates to the position.**

## ROLES AND RESPONSIBILITIES

### Applicants

- Provide accurate and truthful information and fully participate in the background checks required by the agency.
- Complete and sign all required release forms and return to *Hiring Supervisor* or *Human Resources*.

### Hiring Supervisor

- Work with Human Resources to help determine the appropriate job-related scope of background checks.
- Provide information to Human Resources concerning the specific duties of the position sufficient to make a determination regarding the job-relatedness and scope of all applicable background checks.
- Ensure that the scope of the background check is an accurate reflection of the work described in the position description for the job being filled.
- Provide Human Resources with contact information so necessary authorization and release forms can be provided to the applicant.
- Contact the applicant's current/former supervisors to conduct an employment reference check.

### Human Resources Representative

- Consult with the hiring supervisor to determine what, if any, job-related basis exists to require additional background check(s) for a particular position based on the following:
  - Job duties and nature of the work
  - Job relatedness and business necessity
  - Consistency with positions performing comparable job duties with comparable work conditions.

HR will draft a notice for each job posting (sample follows):

*\*\*Successful candidate must pass past-employer reference checks and criminal history check\*\**

*It is the policy of [agency] that all candidates submit to a background investigation prior to employment. The background check may consist of the following components:*

*SEMA4 Records Check  
Criminal History Check  
Employment Reference Check  
Education/License Verification*

- Ensure statewide and, if applicable, agency statutorily required background checks are conducted.
- Conduct all background checks not assigned to the hiring supervisor or the vendor.
- Provide the supervisor or applicant with all necessary release forms and obtain signed authorization and release documents before background checks are conducted.
- Ensure that adverse and pre-adverse action notification requirements of the Fair Credit Reporting Act (FCRA) and the notification and evidence of rehabilitation requirements of M.S. 364 are met.

### Human Resources Director

- Responsible for implementing and enforcing this policy.
- Establish standard background check procedures.
- Ensure that proper documentation is maintained regarding:
  - the job-relatedness and the business necessity of the background check(s) being conducted; and
  - decisions to remove a finalist from further consideration due to the contents, in whole or part, of a background check.
- Ensure that all background checks are conducted in compliance with laws, rules, policies and procedures.
- Assign background check roles and responsibilities to HR staff.
- In addition to the hiring manager and supervisor, ensure that anyone else provided access to background data have a job-related basis for the access, and their use of the data is consistent with their assigned roles and responsibilities.
- Train agency staff (HR and hiring supervisors) to conduct lawful and effective background checks.
- In consultation with Enterprise Labor Relations (and legal counsel, if necessary), make the determination of whether an individual should be removed from consideration based on job-related data obtained in the background check process. If it is determined that the conviction is directly job-related, the HR Director will notify the hiring manager/supervisor and the vendor will send the finalist a written request for evidence of sufficient rehabilitation and fitness to perform the duties of the position as indicated in MN Stat. 364.03.
- Ensure that background check information is stored and retained securely and in accordance with the Records Retention policy and the Minnesota Government Data Practices Act.

### Forms

- Employment Reference Release of Information
- Employment Reference Background Check
- Criminal History Form
- Reference Check Form