

TITLE: EMPLOYMENT BACKGROUND SCREENING

POLICY NO: 3-39

EFFECTIVE DATE: 12/04/2007

VCCS POLICY NO: [3.3.4](#)

REVISED DATE: 05/21/2020

I. Purpose:

To establish policy and procedures to be used in conducting employment background screening as part of the college's employment practices and recruitment and selection process. Additionally, the purpose of this policy is to: (1) promote a safe work environment and protect the welfare of students, faculty, staff, and visitors; (2) protect organizational assets including people, property, and information; (3) properly verify the identity and credentials of applicants; (4) perform due diligence in ensuring that the college appropriately evaluates candidates' background and suitability for employment; and (5) ensure college hiring decisions are based upon job-related information.

II. Definitions:

Contract background screening firm: a VCCS-approved contracted vendor that provides comprehensive nationwide, pre-employment screening and strictly adheres to the provisions of the Fair Credit Report Act.

Conviction: the result of a trial that ends in judgment or sentence that the person is guilty as charged.

Employment background screening: an evaluation for employment producing a background report concerning prior employment, social security verification, education and professional licensure, sexual offender registry, and criminal background record.

Rehires: prior employees separated from college employment for eighteen (18) months or longer.

Third-party providers: area high schools, hospital clinical sites, etc.

III. Policy:

- A. J. Sargeant Reynolds Community College (Reynolds) shall conduct pre-employment background screenings for all prospective and rehired faculty-ranked staff, classified employees, wage/hourly employees, and adjunct (credit and non-credit) faculty. Work-study student employees are not covered by this policy, unless the student works in a position that is deemed sensitive in accordance with [Department of Human Resources](#)

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[Management \(DHRM\) Policy 2.10, Hiring](#), or has access to sensitive systems or data as identified in the procedures section of this policy.

- B. Additionally, the college shall conduct pre-employment screenings for current employees who are hired into or transferred to classified positions and administrative, professional, and teaching faculty positions at Reynolds or from the Virginia Community College System office and its member institutions.
- C. Upon request from third-party providers who wish to utilize current Reynolds full-time or part-time faculty to provide academic instruction at non-college locations, Reynolds shall conduct pre-employment screenings prior to the start of the work assignment at the non-college location. The college shall bear the costs of the pre-employment screenings.
- D. Employees rehired within eighteen (18) months of their last job assignment are not required to undergo the background screening if the background screening appropriate to the new position has been previously completed by Reynolds.
- E. Pre-employment background screenings shall be conducted by a certified contract background screening firm and shall include background information obtained by the Office of Human Resources and the hiring manager and/or designee.
- F. The Office of Human Resources shall bear the sole responsibility of initiating and coordinating the employment background screening effort for all full-time, part-time, and affected work-study positions with the contract background screening firm and other official entities, except in the case of the Department of Police. Employment background screening for full-time and part-time positions assigned to this work unit shall be conducted via the Department of Police chief, pursuant to [DHRM Policy 2.10, Hiring](#).
- G. At a minimum, the pre-employment background screening for full-time and part-time college positions shall include the following:
 - 1. professional reference checks to verify the skills, past performance, and the candidate's potential and suitability for employment;
 - 2. verification of social security number;
 - 3. Virginia criminal history check and other identified state criminal checks of previous work states and residences, if not Virginia;
 - 4. sex offender registry check; and
 - 5. verification of academic credentials and professional licensure, as appropriate for the position.
- H. Some full-time and part-time college positions shall require additional background screening data based upon the nature or importance of the position to the college and its community. Reasons for additional background data include, but are not limited to the following:
 - 1. Security-sensitive positions – positions directly responsible for the health, safety,

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and welfare of the general populace or protection of critical infrastructures, as identified in the procedures section of this policy. Federal Bureau of Investigation (FBI) check and fingerprints check are required.

2. Motor vehicle history – positions that are required, via the individual position description or Employee Work Profile (EWP), to have a valid driver's license or commercial driver's license, and/or to operate a motor vehicle or heavy equipment. Virginia Department of Motor Vehicle check required.
 3. Credit check – positions, as noted in the position description or EWP, that have access to material levels of cash or negotiable securities; have responsibility or authority for the execution, approval, or commitment of financial resources or transactions; have responsibility for creating, collecting, or accounting for material levels of accounts receivable; have significant inventory-control responsibilities; have access to, or responsibility for, the payroll/personnel or purchasing systems; have privileged access to sensitive data or critical data-processing systems; have unsupervised access to college, employee, or student property; have master key access to facilities or access to pharmaceuticals or other controlled drugs. National credit check required.
 4. Department of Police – all positions assigned to the Department of Police are required to undergo an FBI check and fingerprints check.
 5. Medical/physical evaluation – a pre-employment, post-offer, or return-to-work physical may be required for college positions that require a certain degree of physical exertion based upon the essential functions of the job. Such requirements must be identified in the employee's individual position description or EWP, to ensure applicants can perform the essential functions of the job with or without reasonable accommodation or that they possess the minimum abilities necessary for safe and efficient performance of the duties that characterize the position. Physical ability testing or medical evaluation required.
 6. Drug and alcohol testing – college law enforcement officers, college drivers of vehicles requiring a Commercial Driver's License (CDL), are required to submit to pre-employment testing for controlled substances (drugs) and alcohol. Additionally, college law enforcement officers and college drivers of vehicles requiring a CDL are required to submit to random drug and alcohol testing at any time during employment. Laboratory testing required.
- I. Prospective and rehired employees are required to submit to the pre-employment background screening once the conditional offer of employment has been extended and accepted. Prospective and rehired employees must sign an authorization form authorizing Reynolds and the contract background screening firm to obtain reference data and to conduct the investigative background profile as part of the screening process for employment.

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- J. Every effort shall be made to complete the pre-employment background screening prior to the generation of the official offer letter. In the event it is not completed, these documents must state that the offer is contingent upon the candidate's successful completion of the college's employment background screening process through use of the following language:

“This offer is conditional and will become final only upon receipt of satisfactory results from reference and background checks, verification of credentials and availability to work in the United States, and other information required by law and VCCS policies. In the event issues are raised in the investigation report that may impact your appointment, this offer and confirmation may be withdrawn.”

- K. Employment background screenings shall be completed in compliance with all federal and state statutes, including the Fair Credit Report Act. Additionally, all information obtained in the employment screening process shall be maintained in the strictest confidence possible in the Office of Human Resources. For unfavorable or questionable outcomes, the Office of Human Resources shall confer with the hiring manager (e.g., director-level and above) and the remaining college administrators in the respective chain of command. Additionally, specific information from the unfavorable report shall only be shared as needed in order to determine hiring status. Lastly, all expenses related to the background screening process shall be incurred by Reynolds.
- L. Current full-time and part-time college employees, as well as affected work-study student employees, are required to report convictions, within five (5) days of the legal determination, to their immediate supervisor and to the Office of Human Resources. Additional reporting guidelines are provided in the procedures section of this policy.
- M. Current full-time or part-time college faculty and/or staff who are required, via the individual position description or Employee Work Profile (EWP), to have a valid driver's license or commercial driver's license (CDL) may be periodically subjected to the state motor vehicle check to ensure that the employee maintains a good driving record.
- N. The Office of Human Resources, through the cooperative efforts of the hiring managers, shall ensure that hiring decisions are made in accordance to job relatedness.
- O. The Office of Human Resources shall ensure that all college job announcements contain notice to prospective employees that satisfactory completion of the employment background screening process is a condition of employment with Reynolds.

IV. Procedures:

- A. Identification of security-sensitive positions
 - 1. The Office of Human Resources and the vice president of finance and administration will be responsible for identifying Reynolds security-sensitive positions using the criteria below, and will specify the additional background screening check(s) to be

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performed for each identified position. Additionally, the list of security-sensitive positions will be provided as an [addendum](#) to this policy and procedure.

2. Reynolds security-sensitive position criteria include, but are not limited to:
 - a. positions that involve the transportation of students using college or state-owned vehicles;
 - b. positions that have access to material levels of cash or negotiable securities;
 - c. positions that have significant responsibility for the execution or approval of financial transactions;
 - d. positions that have responsibility for creating, collecting, or accounting for material levels of accounts receivables;
 - e. positions that have significant inventory control responsibilities, including the receipt and release of inventory;
 - f. positions with authority for committing the financial resources of the college;
 - g. positions with access to, or responsibility for, the college's payroll/personnel and/or purchasing systems;
 - h. positions that allow privileged access to sensitive data or critical information and/or data-processing systems;
 - i. positions that have unsupervised access to college, employee, or student property;
 - j. positions that have college-wide master key access to all college buildings and facilities;
 - k. positions within the Department of Police or other positions that have responsibility for the care, safety, and security of people or personal or college property;
 - l. positions that have access to pharmaceuticals, other controlled drugs, or hazardous materials; and
 - m. positions that have access to the State Police Virginia Criminal Information Network (VCIN) terminal or the room which houses this terminal.

B. Communication of policy and procedure

1. All full-time and part-time college job announcements will indicate that the

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satisfactory completion of the employment background screening is a condition of employment with Reynolds. For positions identified as “security-sensitive,” the job announcement will indicate that a fingerprint-based criminal history check is a condition of employment. For positions identified as “financially security-sensitive,” the job announcement will indicate that a “Statement of Personal Economic Interest” is a condition of employment (see [Addendum-Positions Requiring Statement of Personal Economic Interest](#)).

2. For full-time college positions – The applicant recruitment packages provided to the hiring manager/chair will include the [Employment Background Investigation Notification and Disclosure](#) form. At the time of the scheduled interview, the committee chair is required to obtain the completed and signed form from each candidate interviewed. The signed forms are to be returned to Human Resources with the completed recruitment package at the conclusion of the selection process.
 3. For part-time wage/hourly positions and adjunct faculty positions – Upon selection of the final candidate for the wage/hourly or adjunct faculty position, the hiring manager is required to obtain the completed and signed [Employment Background Investigation Notification and Disclosure](#) form. The signed form must be sent to Human Resources, along with previously established new hire documents, prior to the first day of employment.
 4. For affected work-study student employees, the Office of Financial Aid is required to obtain the completed and signed [Employment Background Investigation Notification and Disclosure](#) form. The signed form must be sent to Human Resources prior to the first day of work, along with the previously established new hire documents for the work-study student employee. The requirement of the background check must also be communicated to affected Federal Work-Study student employees via the Work-Study Employee Handbook.
 5. Official offer letters for full-time and part-time hires and rehires, will contain language indicating that the offer is contingent upon the candidate’s successful completion of the college’s employment background screening process.
 6. In addition, the Office of Human Resources will be available to discuss the provisions and procedures of the policy with hiring managers, faculty, staff, and applicants as needed.
- C. Handling the job interview
- It is no longer appropriate for the interview committee to inquire about convictions, conviction history, arrests, etc. If the interview candidate volunteers any information on this subject, the chair person may note the information and is strongly encouraged to notify the associate vice president of Human Resources for guidance.
- D. Initiating the employment background screening.

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1. Upon receipt of notification of the final hiring decision from the president or the executive cabinet member, the Office of Human Resources will immediately initiate the employment background screening process for the selected candidate as required for the vacant position.
 2. The Office of Human Resources will initiate the employment background screening by ordering the investigative profile from the contract background screening firm and other appropriate agencies as designated for the vacant position.
 3. If and when it is necessary to obtain FBI fingerprints of prospective full-time or part-time employees, the Office of Human Resources will direct the job candidate to the Department of Police or the Virginia State Police in order to submit to the required fingerprint procedure.
 4. The minimum request for the employment background screening will normally be completed within seventy-two (72) hours. Additional background screenings required for security-sensitive positions may take longer. Nonetheless, the college is not prohibited from taking the appropriate employment action necessary in response to the receipt of delayed employment background profile data.
- E. Use of employment background profile
1. The discovery of a job-related conviction may result in denial of employment.
 2. In making the determination of job-relatedness of convictions, consideration will be given to the (1) nature, (2) recency, (3) frequency, (4) severity of the crime(s), and (5) the age of the individual at the time the crime(s) were committed.
 3. Other mitigating factors to be considered in the determination of job-relatedness of convictions include:
 - a. the nature of the position for which selected;
 - b. the relationship that the conviction has to the duties and responsibilities of the position;
 - c. whether the circumstances arose out of an employment situation;
 - d. whether the conviction related to the harm of others, such as murder, rape, assault, domestic violence, etc.;
 - e. the nature and scope of the position's fiduciary responsibilities;
 - f. the nature and scope of the position's student, public, or other interpersonal contact;

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- g. the nature and scope of the position's autonomy and discretionary authority;
 - h. the sensitive nature of the data or records maintained or to which the position has access;
 - i. the potential opportunity presented for the commission of offenses;
 - j. the extent to which acceptable performance requires the trust and confidence of the college or public; and
 - k. other factors as deemed appropriate.
 - 4. Upon receipt of all required employment screening information, the Office of Human Resources will determine the favorability of the information received.
 - a. For favorable outcomes, the Office of Human Resources will place a statement of "successful completion" of the background check in the employee's official personnel file.
 - b. For unfavorable or questionable outcomes, the Office of Human Resources will confer with the hiring manager and the respective executive cabinet member. A decision to not hire and/or rescind an offer of employment will be determined by consensus among the college officials listed above.
 - 5. For applicants rejected, the recruitment file will indicate that the offer was retracted because of information obtained through the reference or background screening.
 - 6. Additionally, applicants rejected from employment with the college will be notified in writing from the Office of Human Resources.
- F. Current employee responsibility to report convictions
- 1. Current full-time and part-time, and affected work-study student employees are required to report convictions, within five (5) days of the legal determination to their immediate supervisor and to the Office of Human Resources.
 - 2. Specific reporting information of convictions includes, but is not limited to:
 - a. any drug convictions, whether felonies or misdemeanors;
 - b. convictions related to child molestation, indecency with a minor, or other sexual offenses;
 - c. convictions for alcohol-related and serious motor vehicle violations, including but not limited to, DWI/DUI, reckless driving, evading arrest, hit and run, and

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similar offenses if their duties involve the operation of college heavy machinery equipment or motor vehicles, life safety, and/or security; and,

- d. any convictions involving financial impropriety or similar matters for employees who work in positions with fiduciary responsibilities.
 3. Upon receipt of this disclosure from a current employee, the associate vice president of human resources and the immediate supervisor will confer with the respective executive cabinet member to determine the appropriate course of action.
 4. At this point the college may consider conducting further investigation of the job-related conviction(s), and/or a more comprehensive criminal background screening.
 5. Based on the discussion of job relatedness to the conviction, the outcome of the additional investigation and comprehensive criminal background screening, and any other mitigating circumstances, the college reserves the right to exercise its options which may include, but are not limited to, additional employment action, job reassignment of affected employee, or separation of employment. In any case, the college will ensure that the protection and safety of faculty, staff, students, and college visitors is not compromised.
 6. The Office of Human Resources and the immediate supervisor will provide the outcome of the decision regarding this matter in writing to the affected employee within twenty-four (24) hours after the decision is reached.
- G. Record retention of employment background screening documents
1. For individuals hired, the Office of Human Resources will insert documentation in the official personnel file to reflect that the appropriate pre-employment background screening was conducted and revealed no problem areas related to employment.
 2. For individuals rejected, the Office of Human Resources will insert documentation in the official recruitment file to indicate that the offer was retracted because of information obtained through the pre-employment background screening.
 3. Documentation and reports provided to the Office of Human Resources from the contract background screening firm and other related agencies will not be retained in the college's official personnel files and will be discarded in accordance to [DHRM Policy 2.10, Hiring](#).
 4. Current employees or rejected candidates who request copies of background employment reports and/or documents will be directed to the company and/or agency responsible for supplying the data as provided in the Fair Credit Reporting Act.
- V. Other Information:

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[Department of Human Resources Management \(DHRM\) Policy 2.10, Hiring](#)

[Virginia Community College System \(VCCS\) Policy 3.3.4, Reference and Background Check](#)

[Addendum to Policy 3-39, List of Reynolds Security-Sensitive Positions](#)

[Addendum to Policy 3-39, Positions Requiring Statement of Personal Economic Interest](#)

[Employment Background Investigation Notification and Disclosure](#)

[Employment Background Screening Procedural Grid for Implementation](#)