



# ADMINISTRATIVE REGULATION (AR)

AR-00028 BACKGROUND INVESTIGATIONS

Effective: 12/23/2015

## I. SCOPE:

This Administrative Regulation applies to all City of Loveland departments and all City of Loveland employees, including Regular, Temporary, and Seasonal, Volunteers and candidates for employment.

## II. PURPOSE:

The Administrative Regulation ensures that all City of Loveland departments and employees exercise appropriate care and discretion in the screening and placement of its employees and volunteers.

## III. DEFINITIONS:

- Not applicable

## IV. POLICY:

The City of Loveland will conduct background investigations on applicants, current employees and volunteers.

A criminal history check is required for all full-time and part-time Regular, Temporary and/or Seasonal positions prior to hire; additional position specific checks may also be required. A background investigation may be required for volunteers prior to placement.

Employment or volunteer placement with the City is subject to review based on the information received from the background investigation. Although a disqualification is possible, in accordance with federal and state laws, a previous conviction does not automatically disqualify an applicant from consideration of employment or volunteer placement.

However, if an applicant or volunteer attempts to withhold or falsify information, the applicant/volunteer will be disqualified from consideration for employment or volunteer opportunity.

A conditional offer of employment or volunteer placement may be extended prior to the completion of the required background checks. However, the applicant's first day of work in the position must not be prior to the satisfactory completion of all required checks. Exceptions may be approved by Human Resources on a case-by-case basis.

### **Basis For Mandate:**

- Fair Credit Reporting Act (FCRA)
- Criminal Justice Information Services (CJIS) Security Policy, Article 5.12
- Internal governance



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## V. PROCEDURE:

Generally, background investigations will be completed before an individual will be eligible for hire, re-hire and/or transfer to any City position or applicable volunteer opportunity. All information received in conjunction with a background investigation will be reviewed by a Human Resources designee and, if necessary, the City Attorney's office.

### Position Specific Checks

**Motor Vehicle Check:** This involves a check of driving records based upon the individual's name, license number and state of licensure. This check will be conducted for any position or volunteer opportunity that requires a valid driver's license. Records are obtained directly from the applicable state's Department of Motor Vehicles and cover at least three years of driving history.

**Commercial Driver's License Check:** Department of Transportation (DOT) compliance checks will be required for any position that requires a commercial driver's license.

**Fingerprint Check:** This involves a check on criminal activity based upon an individual's fingerprints. Fingerprint checks may be conducted on an individual when he/she applies for or holds a position: 1) where the individual has potential to be alone with, and/or has access to the home or property of vulnerable individuals during the course of employment or volunteer service; or 2) that may have access to City funds; or 3) that may have access to critical City operations and/or confidential information.

For purposes of this policy "vulnerable individuals" are defined as minors (under the age of 18 years), senior citizens and other at-risk adults (as defined by 18-6.5-102(1), C.R.S.).

**Credit Report:** Credit reports are obtained from the major credit reporting bureaus and are based on an individual's name, social security number and address. This check may be required based on the level of a position's fiscal responsibility.

**Criminal Justice:** Positions with direct access to criminal justice information and/or have direct responsibility to configure and maintain computer systems and networks with direct access to criminal justice information will require an extensive background investigation.

**Education Verification:** Positions with minimum education requirements may require an education check to verify educational credentials or degree. This check will be based on an individual's name, date of birth, institution attended and degree achieved.

**Drug and Alcohol Testing:** Safety sensitive positions will require a drug and/or alcohol screen.

### References Checks

Hiring supervisors must demonstrate a good faith effort to complete at least two (2) professional work references on the final candidate prior to any employment offer. All reference checks conducted must be documented on the approved Reference Check form and submitted to Human Resources.



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## Social Media and Internet Checks

Only Human Resources may conduct social media and/or internet searches on applicants, candidates and/or volunteers. Hiring managers and other department personnel are prohibited from performing any such searches and must contact Human Resources to initiate any social media or internet related investigations.

## Periodic Updates and Self-Disclosure

All employees and volunteers are subject to background updates. Employees in safety sensitive positions, positions that deal with vulnerable populations or require a driver's license will be subject to regular updates as deemed appropriate by the City or as mandated by law. Updates for employees in all other positions will be conducted when circumstances exist that cause the department director to believe that an update is necessary to protect the public interest. Continued employment or volunteer placement may be subject to the results of the periodic background investigations. Any employee subject to an updated background check shall execute such documents as are requested by the City to complete that background check.

All employees and volunteers are required to immediately inform, absent extenuating circumstances, their supervisor in the event that they are arrested or convicted of a felony or misdemeanor, other than minor traffic violations. Additionally, those employees in positions requiring a valid Commercial Driver's License (CDL) must immediately inform, absent extenuating circumstances, their supervisor if they receive a citation for any traffic violation.

Failure to self-disclose applicable information may result in disciplinary action, up to and including termination.

## Confidentiality/Release of Information

Results of background checks will only be shared on a need-to-know basis and in accordance with applicable law. Reports received from both state and federal agencies are the property of the City.

Should an adverse employment decision or volunteer placement be based upon a background report secured by a credit reporting agency, the City will follow the requirements of the Fair Credit Reporting Act, in accordance with applicable law.

## VI. OTHER RELATED REGULATIONS & PROCEDURES:

AR-00029	Hiring Process	Effective: 12/23/2015
AR-00040	Drug & Alcohol – CDL/DOT	Effective: 01/01/2015
AR-00041	Drug & Alcohol – FTA	Effective: 01/01/2015

## VII. CITY MANAGER SIGNATURE:

William D. Cahill, City Manager