



CHESTERFIELD COUNTY ADMINISTRATIVE POLICIES AND PROCEDURES

Department: Human Resources
Subject: Background Checks – General Employees

Policy Number: 6-26
Supersedes: 01/15/19
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I. INTRODUCTION

This policy does not apply to juvenile services positions. Juvenile services positions, including public safety positions that serve juveniles, are governed by Administrative Procedure 6-16. The purpose of this administrative procedure is to outline procedures for conducting criminal background checks on full-time and part-time employees. In order to preserve the integrity of county government and the safety and well being of citizens and all county employees, the county will not employ individuals if they have demonstrated past conduct incompatible with service to the public. This policy is not intended to supersede or control background investigation procedures already in effect for departments that have background check requirements that exceed the requirements of this policy or that have procedures that may otherwise be required by law.

II. DEFINITIONS

- A. **Demotion** – The voluntary or involuntary assignment of an employee to a different position in a classification with a lower salary grade than the employee’s current position.
- B. **New Hire** – The selection of an external candidate in a competitive recruitment process to fill an advertised county position.
- C. **Promotion** – The selection of a current employee in a competitive recruitment process to fill a position in a classification having a higher salary grade than the employee’s current position.
- D. **Transfer** – The voluntary or involuntary assignment of an employee to a different position with the same salary grade, resulting from recruitment or managerial action.

III. IMPLEMENTATION

HR shall implement and administer this policy.

- A. **New Hires** – Each applicant offered employment with the county shall be required, as a condition of their employment, to submit to fingerprinting and to execute a completed Release of Information form to be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigations for the purpose of obtaining national criminal history record information regarding such applicant. The Release and Certification Form is automated and available on HR’s intranet site. Failure to submit a completed form or complete all information accurately shall result in the applicant being ineligible for employment. All persons hired shall be given a conditional offer of employment and be permitted to begin work. Continued employment is subject to completion of a satisfactory background check.
- B. **Current Employees Changing Positions or Status** – Employees who change positions or job status as outlined in the Appendix below must submit to fingerprinting and execute a release form to be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigations for the purpose of obtaining criminal history record information. Employees shall be given a conditional position or status change offer and be permitted to start their new position or status change subject to completion of a satisfactory background check. Failure to complete all information accurately will result in disciplinary action for current county employees up to and including termination. If an employee is promoted or is applying for transfer to another department within 60 days of completing a background check, a new background check is not required.

- C. **Current Employees Changing Assignments** – Employees whose terms and conditions of employment change such that they have new responsibilities involving (i) providing services to juveniles, the elderly or disabled, (ii) access to confidential or personal information as defined in *Code of Virginia* section 2.2-3801, (iii) collection of or routine access to public funds, (iv) entry into county buildings outside of work hours or (v) service with either the Police Department, Fire and EMS Department, Sheriff's Office, or the emergency communications center and who have not had a background check within three (3) years of such change in job responsibilities must submit to fingerprinting and execute a release form to be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigations for the purpose of obtaining criminal history record information. Employees may be given a conditional change in assignment and be permitted to start their new assignment subject to completion of a satisfactory background check. Failure to complete all information accurately will result in disciplinary action for current county employees up to and including termination.
- D. **Falsification of the Employment Application or Criminal Background Information Form** – Falsification of the criminal background section of the employment application or Criminal Background Information form will render the applicant or employee ineligible to reapply with the county or reapply for promotion or transfer for a period of five years. After five years, the applicant may make a written request that their ability to apply for county positions be restored. Applicants or employees rendered ineligible to reapply with the county for failing to disclose a misdemeanor conviction on their application prior to September 24, 2018, may be permitted to submit a request for rehire at any time. Applicants or employees must contact Human Resources to begin the process to request rehire eligibility.
- E. **Juvenile Services Positions** – All applicants and employees applying for juvenile services positions must comply with the provisions of Administrative Procedure 6-16.
- F. **Seasonal Employees, Contract Workers, Volunteers and HR Floaters** – Requirements for Contract Worker background checks are outlined in Administrative Procedure 5-5, Contract Worker Security Procedures. Requirements for Volunteer background checks are outlined in Administrative Procedure 6-25, Background Check Policy for County Volunteers. Seasonal Employees, Contract Workers, Volunteers and HR Floaters who successfully complete a background check are authorized to work for Chesterfield County for a period of three years, even when there is a break in employment, or contract service or volunteerism. At the end of the three-year period, a new background check must be completed to continue employment, or contract work or volunteerism. Background checks may be administered more often if required by law.
- G. **Temporary (Temp) Agency Workers** – The county shall complete a federal background check on every temporary agency employee working in the areas/departments designated as (1) safety sensitive, (2) financial, and/or (3) serving juveniles when the engagement will, or is expected to, exceed one week. The county reserves the right to perform federal background checks on all other temporary agency employees at the discretion of the county. The county shall review and determine if a background check is acceptable and reserves the right to reject/terminate any temporary agency employee that does not meet county standards.
- H. Criminal background checks will not be conducted on persons under the age of 18.

III. APPLICABLE DATA BASES

HR shall process each Release of Information Form in order to receive information from the Central Criminal Record Exchange (“CCRE”) maintained by the State Police; the Court Access Information System (“CAIS”) maintained by the Virginia Supreme Court; the Sex Offenders and Crimes Against Minors Registry; and other databases legally accessible by the county.

IV. DISQUALIFYING RESULTS

No person shall be employed or retained for employment if the results of a background check show information that would adversely affect the applicant's or employee's ability to perform successfully the specific responsibilities of the position applied for or, in the case of existing employees, the position they currently hold. In determining whether or not an individual's criminal background disqualifies the individual from employment with the county, the following factors may be considered:

- A. The number of convictions in the applicant's or employee's past.
- B. The nature and seriousness of the offending conduct.
- C. How the past conduct relates to the particular functions of the job or the ability, capacity, or fitness required to perform the duties of the job.
- D. The degree of public contact in the job.
- E. The length of time since the conviction.
- F. The circumstances of any convictions.
- G. The applicant's or employee's employment history prior to and since the offending conduct.
- H. Rehabilitation of the individual.
- I. How such conduct could affect the integrity of the workplace.
- J. The age of the individual at the time of conviction.
- K. The extent to which the position applied for might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved.

Based on the results of the background check, the employee may be disqualified for promotion or transfer and subject to situationally appropriate discipline, depending on the seriousness of the disqualifying conduct and the impact on the employee's ability to continue to perform current job duties.

If the search returns information regarding any employee, HR and, as appropriate, the department director and the County Attorney, shall determine whether such information disqualifies the individual for employment in accordance with Section IV.

The department shall consult with HR prior to disciplining employees related to background check information.

V. DISSEMINATION OF RESULTS

All background search results shall be accessed solely by HR. At the conclusion of the background check, an applicant or employee may review a copy of the results. HR shall destroy the criminal record provided by the State Police after the background investigation is complete.

VI. CONFIDENTIALITY

HR shall maintain the confidentiality of all records received pursuant to a background search. Departmental management will not be provided with copies of the background investigation unless needed to defend a grievance or legal action.

VII. GRIEVANCE

Any full-time, non-probationary employee disciplined as a result of a background search may grieve such discipline in accordance with the county's grievance procedure (Administrative Procedure 6-9).

**Appendix
Background Check Requirements**

Personnel Action	Background Check Requirement
New Hire	Yes
Reinstatement	Yes, unless background check completed within past 60 days
Promotion – New Department	Yes
Promotion – Same Department	Yes
Transfer – New Department	Yes
Transfer – Same Department	No
Demotion – New Department	Yes
Demotion – Same Department	No
Volunteer (>18 years old)	Refer to Policy 6-25, Background Checks Volunteers
Volunteer (< 18 years old)	No
Contract Worker	Refer to General Services, Policy 5-5, Contract Worker Security Procedures
Part-Time to Full-Time – New Department	Yes
Part-Time to Full-Time – Same Department	Yes
Full-Time to Part-Time – New Department	Yes
Full-Time to Part-Time – Same Department	No
Second County Job – New Department	Yes
Temporary/Seasonal – County Employee	Yes
Temporary – Agency Hire	Refer to Section III. G. above
HR Floaters	Yes, unless checked within previous three (3) years