

IREDELL COUNTY CRIMINAL BACKGROUND CHECK ADMINISTRATIVE GUIDELINES

PURPOSE OF POLICY

The purpose of this policy is to safeguard County assets, employees, and Iredell County citizens. The policy aids in providing a “duty of care” to protect workers, clients, and citizens from injury caused by an unfit employee. This policy also positions Iredell County to be in compliance with the Equal Employment Opportunity’s Enforcement Guidance as it relates to the use of arrests or conviction records in employment decisions under Title VII of the Civil Rights Act of 1964, as amended and the Fair Credit Reporting Act.

RESPONSIBILITY

It shall be the Human Resources Director’s responsibility, in conjunction with the Department Head as needed, to evaluate criminal background checks within the guidelines as described herein. This policy shall provide for fair and unbiased treatment regardless of gender, race, color, disability, national origin, marital status, religion, or other protected class. Iredell County shall comply with the Fair Credit Reporting Act, Equal Employment Opportunity Commission Enforcement Guidance, and other federal and state laws.

EXEMPTIONS TO THE POLICY

The Iredell County **Sheriff’s Office** shall be exempt from complying with these procedures due to having internal processes in accordance to the state Sheriff Standards.

COMMUNICATION OF THE POLICY

The criminal background requirement will be announced on all vacancy announcements through the county website, Employment Security Commission, newspaper advertisements, and any other means of advertisement. It shall be the responsibility of all levels of management to maintain background checks in a highly confidential manner.

In accordance to the Fair Credit Reporting Act, all applicants shall receive “A Summary of Your Rights under the Fair Credit Reporting Act” at the time a consent form is signed and if the applicant is denied employment.

CONFIDENTIALITY

Human Resources is responsible for maintaining all record keeping of background check results as highly confidential information. At times the Human Resources Director may consult with a Department Head and/or Supervisor regarding the results of a background check as it relates to

the essential functions of the job. It is the responsibility of all levels of management to maintain any information disclosed as highly confidential.

DESCRIPTION OF CRIMINAL BACKGROUND CHECKS

A criminal background check shall consist of a review of national criminal records to include convictions and/or charges, felonies, misdemeanors, and traffic violations that appear. In addition, a United States National Sex Offender Registry search shall be conducted. Maiden names and other states may also be checked.

INTERPRETATION OF CRIMINAL BACKGROUND CHECKS

The final determination to qualify/disqualify a background check shall be made by the Human Resources Director (or designee), and in consultation with the Department Head as needed.

In accordance to the EEOC's Enforcement Guidance, disqualifying information is identified based upon the nature and gravity of offenses, the time that has passed since the conviction and/or completion of the sentence, the essential functions of the job and the associated risks, and the candidate's record since the date of conviction. Professional discretion and consistent application must be used to ensure that only job-related disqualifications occur. Examples of disqualifying criteria include, but are not limited to: embezzlement or fraud conviction of an accountant applicant; sexual harassment judgment against a supervisory candidate; or drunk-driving convictions against an individual whose essential job functions require the operation of a motor vehicle.

APPLICANT CRIMINAL BACKGROUND CHECK PROCEDURES

All positions (full-time, part-time, and temporary) within Iredell County shall require a criminal background check before a final offer of employment is made. Applicants shall complete a Criminal Background Check Consent Form prior to the check being conducted. Refusal to sign a disclosure authorization statement will constitute grounds to discontinue any employment consideration for that candidate. It shall be the responsibility of the Human Resources Director, in conjunction with the Department Head as needed to qualify/disqualify applicants to hire for County Departments (Exception: Sheriff, ICATS, DSS, and Health).

EMPLOYEE CRIMINAL BACKGROUND CHECK PROCEDURES

All employees will sign a consent form understanding that a background check may be performed on employees who are promoted and for reasonable cause throughout the duration of their employment.

Employees Being Promoted: Employees who are promoted to other positions within the County shall be required to have a criminal background check conducted prior to moving into the position.

Reasonable Cause: Iredell County shall have the right to perform criminal background checks on any current employee for reasonable cause.

EMPLOYEE REPORTING REQUIREMENTS

Reporting of Convictions/Charges: Employees are required to report any criminal convictions/charges to their Department Head in immediately. Convictions/charges to be reported include, but are not limited to: detention, criminal summons, civil summons, expired driver's license, warrant for arrest, order for arrest, traffic violations, etc. The Department Head, in conjunction with Human Resources Director, will determine the direct association, if any, of the charge/conviction as it relates to the essential functions of the job and what disciplinary action, if any, should be considered. Minor citations such as expired inspection stickers, expired license plates, warning tickets, parking tickets, improper equipment, or any other non-moving violations shall be excluded from reporting procedures.

Any employee that is charged with an offense that results in immediate suspension or revocation of license must immediately notify and may not operate or use personal vehicles on county time.

Reporting of Arrest, Charge, or Convictions of Illegal Substances: In accordance to Iredell County's Substance Abuse Policy, each County employee shall notify his/her supervisor of his/her arrest or conviction of any criminal drug and/or alcohol statute for a violation no later than five days after such arrest or conviction. It is understood that such notification shall constitute a reasonable suspicion for such employee to undergo a required drug test.

Failure to Report Arrests/Charges/Conviction: Employees failing to report convictions/charges shall be subject to disciplinary action up to and including termination. Convictions/charges reported shall be evaluated in terms of the nature of the essential job functions versus convictions/charges to determine continued employment or disciplinary action.

NOTIFICATION OF DISQUALIFICATION AND APPEAL PROCEDURES

Applicants: In the event that disqualifying information is revealed during the background check process, applicants shall be notified in writing that the Conditional Offer of Employment is being withdrawn based on the results of the background check, the contact information of the agency that provided the information, and "A Summary of Your Rights under the Fair Credit

Reporting Act.” Applicants shall have the right to appeal the disqualifying decision to the County Manager, or designee, in writing within five business days from the date of receipt of the rejection notification letter.

Current Employees will be notified in writing of the criminal conviction/charges through Iredell County’s Personnel Ordinance Article VIII – Separation, Disciplinary Action, and Reinstatement. They shall have the right to appeal any disciplinary action or employment decisions related to the convictions/charges by using the guidelines set forth in Iredell County’s Personnel Ordinance Article IX – Grievance Procedure.