



MARICOPA COUNTY INTERNAL POLICY

Policy Title: PRE-EMPLOYMENT BACKGROUND INVESTIGATIONS	Policy Number: HR2435
	Current Adoption Date: 12-13-2017 Current Implementation Date: 1-1-2018
Approved by: BOARD OF SUPERVISORS	Board Agenda Number: C-92-17-004-6-01
	Original Adoption Date: 1-11-2017

I. PURPOSE

This policy provides for background investigations as part of the recruiting and selection process. Background investigations provide information necessary to determine an applicant's overall suitability for employment and promote the protection of Maricopa County's physical property, information and other assets. Proper use of background investigations ensures applicants are considered for employment opportunities based on the merit of their skills, experience and other qualifications specifically related to the position for which they are applying in compliance with all applicable federal, state and local laws, including fair employment practices and equal employment opportunities. Maricopa County also supports providing a second chance to individuals who have criminal record by, when applicable, providing an opportunity to explain their record and discuss any inaccuracies after a conditional offer of employment has been made. This policy does not preclude additional background investigations that may be required due to position requirements and business necessity.

II. APPLICATION

This policy applies to all County elected offices and appointed departments, the Flood Control District, the Library District and the Stadium District; except that it does not apply to:

- A. Officials holding elective office; and
- B. Those elected offices who administer their own background investigation processes.

III. DEFINITIONS

- A. **Appointing Authority:** An elected official, the single administrative or executive head of a Department/Special District, or the designated representative authorized to act in this capacity.
- B. **Background Investigation:** Any communication with an employee's or applicant's current or former employer, references, or other individuals or entities listed in an application that concerns education, training, experience, qualifications and job performance of the employee or applicant and that is used for the purposes of evaluating the employee's or applicant's suitability for employment. It may also include but is not limited to the results of any academic credentials check, any professional license or sanctions check, any state or federal criminal history record check, and the results of any state motor vehicle department record check.
- C. **Human Resources:** Maricopa County (Central) Human Resources Department.
- D. **Safety Sensitive Position:** A position with responsibilities where the risk to public safety is substantial and real. For example, employees who carry a firearm, employees involved in drug interdiction and employees who have extensive contact with children.

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IV. POLICY

- A.** The County shall not inquire about an applicant’s criminal history at any point during the initial application nor subsequent selection process(es), prior to the applicant being offered, and accepting, a conditional offer of employment.
 - 1. Certain exceptions exist where a state or federal law prohibits a person from holding a job due to prior criminal conduct. In such instances, the County may inquire about an applicant’s criminal history on the initial application or during subsequent selection process(es) and may disqualify the applicant from further consideration for this reason, prior to extending a conditional offer of employment.
 - 2. In addition, where an elected office has chosen to administer its own background investigation process for its employees or for employees of other County departments in connection with required access to the facilities utilized by the elected office (such as County jails), nothing in this policy prohibits Human Resources from making the requisite criminal history inquiries on the initial application. If criminal history is disclosed on the application, the County department responsible for making the hiring decision may inquire further with the applicant during any stage of the selection process on behalf of the elected office, prior to extending a conditional offer of employment.

- B.** After an applicant has been identified as otherwise qualified for a position based on their skills and experience, all offers of employment made to new hires and rehires at Maricopa County are contingent upon successful completion of a thorough background investigation.

- C.** A background investigation is conducted on a current employee who changes to a Safety Sensitive Position or one having the potential for serious adverse impact on the integrity or efficiency of the County. Such positions may include:
 - 1. Policy making responsibility
 - 2. Major program responsibility
 - 3. Public safety and/or health related
 - 4. Fiduciary responsibilities or other duties demanding a significant degree of public trust
 - 5. Positions involving access to or control of financial records, or significant risk for causing damage or realizing personal gain
 - 6. Any other position as determined by:
 - a. The Elected Official of the hiring department
 - b. The County Manager

- D.** Human Resources is responsible for coordinating the background investigation process and may use a third-party vendor to conduct background investigations and to verify the accuracy of the information provided by the applicant, subject to availability of information contained in consumer reports.

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- E. All background investigations are conducted in compliance with all applicable federal and state statutes, such as the Fair Credit Reporting Act (FCRA) and the Americans with Disabilities Act (ADA). The information collected from previous employers and other sources will be limited to job-related criteria.
- F. Background investigations required prior to the start of employment will include but are not limited to:
 - 1. **Social Security Validation:** Validates the applicant's social security number, date of birth and former addresses.
 - 2. **Employment Verification:** Confirms applicant's employment as listed on the application and/or resume, and, subject to available information, may include dates of employment, position held and additional information available pertaining to salary/wages, performance rating, and reason for departure and/or eligibility for rehire.
 - 3. **Multi-State Criminal History:** Provides records from counties of past residence and federal criminal history checks for any crimes committed in violation of federal law in the district of current residence.
- G. The following discretionary investigative tools may be applicable to the position:
 - 1. **Motor Vehicle Report:** Confirms a valid unrestricted license for positions for which driving is an essential requirement.
 - 2. **Motor Vehicle Report and Drug & Alcohol Test:** Confirms a valid unrestricted license and suitability for positions that require a Commercial Driver's License.
 - 3. **Professional License and/or Sanctions Verification:** Confirms license is active and in good standing for positions that require a professional license.
 - 4. **Education Verification:** Confirms the educational institution, the years attended and the degree/diploma received for positions which require a Bachelor's Degree or higher.
 - 5. **Credit Report:** Provides credit history for positions which involve management of funds and/or cash handling.
- H. A current or prospective employee may be required to submit a full set of fingerprints as a component of the background investigation process depending on the needs of the position. In such cases, the fingerprints shall be submitted to the Arizona Department of Public Safety (DPS) to obtain a state and federal criminal history check pursuant to Arizona Revised Statute (ARS) §41-1750 and Public Law §92-544. The DPS may exchange this fingerprint data with the Federal Bureau of Investigation (FBI).
- I. Any information used to deny employment, will be job-related and consistent with business necessity.

V. APPLICATION

- A. Following the acceptance of a conditional offer of employment, the background investigation will be completed for all new hires and rehires. A background investigation will also be completed on current employees in accordance with this policy. The chosen candidate shall not begin work prior to the Department receiving approval from Human Resources following the required background check.

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- B. If a decision not to hire a candidate (including current employees) is made based on the results of the background investigation, Human Resources is responsible for ensuring FCRA requirements are met as necessary.

VI. RECORD-KEEPING

All information obtained from the background check process will only be used as part of the employment process, will be kept strictly confidential and maintained in a file separate from employees' personnel files. Unless required by law, only the Appointing Authority, Human Resources personnel and legal staff responsible for background investigation processes or administrative action relating to hiring decisions will have access to this information. Maricopa County complies with all federal and state laws regarding the collection, storing and disposal of applicant information, such as the Fair and Accurate Credit Transactions Act (FACTA).

Revision History

Version	Revision Date	Description of Revision
1	1-11-2017	Initial version (C-92-17-004-6-00)
2	12-13-2017	Sections I, II,A-B and IV.A revised to coincide with second chance employment practices (C-92-17-044-6-01).