

Category: 300 – Personnel

Number: 311

Subject: Background Check Policy

Purpose: St. Clair County believes that hiring qualified individuals to positions contributes to the County's overall strategic success. A check of a candidate's background is intended to serve as an important part of the selection process when hiring new employees and is conducted to promote a safe working environment. The purpose of this policy is to describe the terms and conditions under which background checks are conducted.

Authority: St. Clair County Board of Commissioner's

Application: This policy applies to all full and part time St. Clair County employees, interns, board members and volunteers hired after August 1, 2007.

Responsibility: The Administrator/Controller shall be responsible for the implementation and administration of this policy.

Definition: The term "Background Check" is understood to encompass all forms of pre-employment screening, including but not limited to: drug screen, physical, criminal background, driving record, sex offender registry, education, training and licensing verification, employment history, credit check, social media and professional and personal references.

Policy: St. Clair County conducts background checks on:

- a. All part time and full time candidates
- b. All temporary and casual employees, seasonal workers, interns and student workers
- c. All appointed Board members (whether paid or unpaid)
- d. All volunteers

Prior to starting employment, the candidate must complete a satisfactory background check.

St. Clair County will ensure that all background checks are held in compliance with applicable federal and state statutes, such as the Fair Credit Reporting Act. Human Resources will retain all background checks related documents in accordance with applicable retention laws. Copies of the background check consent forms and reports will be maintained in a separate and confidential file.

All background checks are conducted after the applicant receives a conditional offer of employment. However, as part of Title VII of the Civil Rights Act, this information cannot be used as a basis for denying employment unless it is determined to bear a significant relationship to the applicant's or employee's suitability to perform the required duties and responsibilities of the position. St. Clair County reserves the right to make the sole determination concerning information or any employment decision arising out of the background check.

Certain positions within St. Clair County may require ongoing background checks, particularly those involving access to sensitive information or interaction with vulnerable populations. Employees in such positions may be subject to periodic background checks as determined by their department head or Administrator/Controller .

St. Clair County requires all contractors who routinely perform work on campus to be in compliance with this policy.

#### Offer of Employment Process

Once a candidate has been identified for hire, the hiring manager submits a Request for Background Check form to Human Resources . At that time, the hiring manager will be notified to extend a conditional offer of employment to the finalist. A sample Conditional Offer of Employment form letters and can be obtained by contacting Human Resources.

When making the offer of employment to the successful candidate, the hiring manager must inform the candidate that the offer is contingent upon the successful results of the background check. Human Resources will conduct any and all applicable background checks on the final candidate and will notify the hiring department accordingly once the results are received.

#### General Guidelines

**NEW HIRES:** Background checks are required for all new hires. This includes all employees that are full time, part time, seasonal, temporary, casual and rehired retirees. The background check must be completed and results verified before any employee begins work. At no time should an employee begin work until Human Resources has verified results of the background check. All job offers must be made "contingent upon successful completion of a background check." After the conditional offer is made, the hiring manager will notify HR and provide all of the required documents. After the background check is successfully completed, generally one to three working days, HR will notify the hiring official. The new employee may begin work at any time after that. A notification of the start date must be given to Human Resources in advance of such date. On those rare occasions when the background check is not satisfactory, Human Resources will provide guidance and a recommendation to the hiring manager or department head.

**REHIRES:** A background check is required for all rehires that have been separated for longer than 90 calendar days from last day worked with the County.

**TRANSFERS:** A background check is not required for current St. Clair County employees transferring to another position within the County.

**EMPLOYMENT CONTINGENCY:** Background checks are to be processed after a conditional offer of employment has been extended to the applicant. Note: The offer of employment is contingent upon the successful results of the background check.

#### Verification of Background Checks

The background check will be completed by Human Resources. The Recruitment Specialist will review the report. If any discrepancies or criminal history are noted, the Recruitment Specialist will notify the Human Resources Director for final determination. The County reserves the right to consult with the

hiring department, or any other pertinent office such as the Prosecuting Attorney, Sheriff's Department, Administrator/Controller's Office, etc.

If the background check is favorable, Human Resources will notify the hiring manager that the candidate is approved to begin employment.

#### Criminal History

The type of criminal history to be considered is dependent on the type of job the applicant has been extended a conditional offer of employment. In determining an applicant's suitability for employment where the applicant has criminal convictions or charges on his/her record, consideration will be given to the specific duties of the position, the number of offenses and circumstances of each, the length of time since the charges or conviction(s) and the accuracy of the explanation on the application. The County reserves the right to conduct an in-depth review of any criminal charges or conviction.

#### Adverse Action Notifications

If a background check is returned with unfavorable results, Human Resources will notify the hiring manager that the background check was not completed successfully only. No privileged information will be relayed to the hiring manager.

Human Resources will contact the candidate to inform him/her that St. Clair County is rescinding its conditional offer of employment. The County will give the candidate the opportunity to review a copy of the report, and inform him/her of his/her rights to dispute inaccurate information. If a candidate disputes the accuracy of any information obtained in a background check (including criminal records) he/she should be referred to the agency that provided the information. Such dispute will not necessarily impact the hiring process. A candidate or current employee disputing the accuracy of information will have three (3) business days to conclusively demonstrate the inaccuracy of the information obtained in a background check, after which time an employment decision may be made.

#### Administrative

Procedure:       None

#### Periodic

Review:           None

Adopted:         July 18, 2007

Revised:          September 19, 2024