

# Davis County Human Resources Policies

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## Background Checks #455

### 1.0 Purpose & Scope

To establish the process for administering background checks for pre-employment candidates, employees, and volunteers to protect the safety, health, and security of County citizens, employees, and property.

### 1.1 Policy

1. In accordance with Utah Code 53-10-108, criminal background checks are conducted for successful applicants for positions and volunteer assignments as designated by the HR Director. Positions designated for criminal background checks include but are not limited to, all positions with significant contact with minors and vulnerable adults, financial responsibility, access to private and protected information, and security-related functions.

2. In accordance with Utah Code 53-10-108, finger-print based criminal background checks are conducted for successful applicants for positions or volunteer assignments whose duties include care, custody, and control of children; fiduciary trusts; national security interests; the care of vulnerable adults; and positions designated by the County Sheriff, County Attorney, County Health Department Director or Human Resources Director.

### 1.2 Definitions

See Human Resources Policy #100 Definitions

### 1.3 Procedures

1. Criminal background checks for positions designated by the HR Director will be conducted as follows:
  - a. Employment or volunteer candidates who receive contingent offers must consent to a background check by signing a waiver and providing the required information—Candidates who refuse to provide consent will not be considered for the position.
  - b. Human Resources will coordinate background checks for all positions with the exception of designated positions in the Davis County Sheriff's Office, the County Attorney's Office, the Health Department, and other departments that are designated by the HR Director.
    - i. These designated positions will go through the BCI background checks process and be coordinated by the respective department's Director or designee.
    - ii. Records of these investigations shall be filed in the department of origin.
  - c. Background checks may include but are not limited to the following:
    - i. Criminal records
    - ii. Drug testing
    - iii. Fingerprinting
    - iv. Credit report
    - v. Verification of application information
    - vi. Driving records

# Davis County Human Resources Policies

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- vii. Reference checks
- viii. Psychological examination
- ix. Integrity examination
- d. Results. When the background check results in no negative information, the hiring supervisor will proceed with the hiring process. When a background check results in negative information, the Director or designee in collaboration with Human Resources will make a determination to proceed with the hiring process or to deny employment/volunteer assignment. The applicant will be given an opportunity to dispute any conviction disposition before they are denied employment/volunteer assignment.
- e. Criteria to determine if an applicant will be selected when there is negative information on the background check include but are not limited to
  - i. The number of convictions
  - ii. The severity of the conviction(s)
  - iii. The length of time since the conviction(s)
  - iv. The security sensitivity of the position
  - v. The relation between the job duties of the position and the nature of the conviction(s)
  - vi. The preservation and safety and security of the County, its citizens, and employees.
  - vii. Any other factors mandated by federal or state law
- f. New hires will be allowed to begin employment when necessary but may be subject to immediate dismissal if the background criminal investigation reveals a disqualifying criminal record.
- g. Employees transferring from a position that did not require a background check into a position that requires background checks will go through the designated background check process for the new position.
- h. Employees or volunteers that separated from the County for more than six (6) months will go through the designated background check process for the new position unless the position requires a shorter period of time as designated by the hiring department's Director or the Human Resources Director.
- i. Current employees and volunteers may be required to submit to a background check where reasonable cause exists.
  - i. If a background check results in negative information, the Director or designee in collaboration with Human Resources will utilize the criteria in section 1.3.e to make a determination to allow the employee/volunteer to continue their employment/volunteer assignment or to take an adverse action. Adverse actions include disciplinary action up to and including termination of employment and termination of the volunteer agreement.
  - ii. The applicant will be given an opportunity to dispute any conviction disposition before an adverse action is taken.
  - iii. Failure to submit to a background check may result in disciplinary action up to and including termination of employment or termination of the volunteer agreement.

# Davis County Human Resources Policies

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## 2. Employment Eligibility Verification

Human Resources will utilize the federal government's E-Verify system to confirm all new county employees' legal employment eligibility status. Confirmation of legal employment status shall be a condition of employment for all new hires. When the Human Resource Office receives a non-confirmation notice of the legal employment status of a new hire through the E-Verify system, the new hire will be notified and, upon request, will be allowed eight (8) days to correct the problem. If, following the eight (8) day period, legal employment status still is not confirmed through the E-Verify system, the new hire's employment shall be voided.

## 3. Library requirements.

In accordance with Utah Codes 9-7-215 & 9-7-218, this policy is reviewed and submitted to the State Library of Utah by the County Library Director every three years to verify it meets the legal requirements for library employees who have significant contact with minors.

### **1.4. Policy History:**

1. Effective Date: 9/12/2023
2. Previous Catalogue: Background Investigations #455
3. Previous Revisions: 12/01/2009