



SAN JOAQUIN COUNTY
PRE-EMPLOYMENT BACKGROUND INVESTIGATION POLICY

ADMINISTRATIVE PROCEDURES

I. Classification Elements Review

A Classification Elements Worksheet (CEW) must be completed for each classification. The CEW will establish a job nexus so that only information that is directly related to the responsibilities of the position is considered during the background investigation.

- A. The Department reviews any previously completed CEW for the requisitioned classification to ensure it still accurately reflects the specific needs of the job classification and vacant position. If no completed CEW is on file, the department will complete a new CEW. The Department submits the CEW to HR for review.
- B. HR Analyst reviews the CEW and determines appropriate background investigation components based on the information contained therein.

II. Background Investigation Process

- A. The following will determine who is subject to a background investigation:
 1. New Hire – Never been employed with San Joaquin County
 - Candidate must undergo background investigation.
 2. Rehire – Previous employment with San Joaquin County
 - Candidates separated from county employment must undergo a background investigation in accordance with D-1 of these procedures.
 - Employees being re-employed in accordance with Civil Service Rule 17 are not subject to a background unless the position they are seeking has a statutory requirement which requires one.
 3. Candidate Entering Unrepresented Unit
 - If candidate has not separated from the county for six (6) consecutive months then candidate is not required to undergo a background investigation unless the position is a management or unrepresented position.
- B. The Department completes its interview process and extends a conditional offer of employment to the candidate.
- C. The Department notifies HR of conditional employment offer acceptance; HR logs background investigation request.
- D. HR Analyst will review the CEW and candidate's qualifications (minimum qualification pattern) to determine appropriate background check components.

- Ensure the candidate has not failed a background in the last 12 months.
 - 1. New Hires and Rehires –
 - If a background has been conducted within the past 6 months, the analyst may use the same background report.
 - i. Ensure all necessary components are in the report; if any are missing, submit a new request to Plexus.
 - ii. Recheck any components that could have changed (i.e. criminal, DMV).
 - 2. Candidate Entering Unrepresented Unit –
 - If no background investigation in the past 12 months, HR Analyst will enter candidate information into portal and request appropriate background investigation components.
 - If a background investigation has been completed in the past 12 months:
 - i. Candidate is not required to undergo background investigation if the previous investigation contained all the components required for the new position.
 - ii. If the previous background investigation did not contain all components required for new position, candidate must undergo a complete background investigation for all missing and required components.
 - iii. If previous background did not include a LiveScan, analyst will also have the candidate complete a LiveScan.

E. HR Analyst will enter candidate's information into portal and the candidate will have three days to activate the e-mail link to initiate the background investigation process.

1. Candidate may be disqualified if they do not activate the e-mail link to initiate the background investigation process within three days. HR Analyst will notify the Department to withdrawal the job offer and proceed with an alternate candidate.

F. Vendor completes background investigation and posts the report on portal.

G. HR Analyst will review investigative reports for convictions, misrepresentation and/or falsification of application information, and history discrepancies.

1. If there are no convictions, misrepresentations, falsifications or discrepancies, analyst will make recommendation to Principal Analyst/Director of Human Resources that the candidate has passed the background investigation and the hiring department can continue with the hiring process.

2. Reports revealing convictions, misrepresentations, falsifications and/or discrepancies require additional analyst review. HR Analyst will review and determine if a nexus to the job exists and then make a recommendation to the Principal Analyst on whether the Pre-Adverse process will be initiated or not. If initiated, HR Analyst will ensure Pre-Adverse process is in compliance with all state and federal laws and regulations.
 - a. **Pre-Adverse Process:** HR Analyst will:
 - i. Send out pre-adverse notification in writing and include¹:
 - a. Notice of the disqualifying conviction(s) or negative credit conduct that are the basis for preliminary decision to rescind offer
 - b. Inform candidate of right to respond to the notice;
 - c. Inform candidate response may include submission of evidence challenging accuracy of conviction history, evidence of rehabilitation, or evidence of mitigating circumstances;
 - d. Give candidate a copy of background report/ copy of credit report which caused the pre-adverse notification;
 - e. Give candidate copy of “A Summary of Your Rights Under the Fair Credit Reporting Act”
 - f. Give candidate at least 5 business days² to respond to the pre-adverse notification. As required by CA law, give candidate additional 5 business days if candidate response within the 5 business days stating they are taking specific steps to obtain evidence supporting their response.
 - ii. HR Analyst shall complete **Individual Assessment**³ *with or without additional information provided by candidate in response to pre-adverse notification* using the following factors:
 - a. Nature and gravity of the offense
 - b. Time that has passed since the offense or conduct and completion of the sentence
 - c. The nature of the job held or sought (job related and consistent with business necessity)
 - iii. HR Analyst will make recommendation.
 - a. Pass – recommendation to Principal Analyst that the candidate has passed the background investigation and the hiring department can proceed with the hiring process.
 - b. Fail – recommendation to Principal Analyst/Director of Human Resources that the candidate failed background investigation and the

¹ Requirements for notification are codified in CA Government Code Section 12952 (c)(2)(A-C)

² This is required by CA Government Code Section 12952 (c) (3)

³ This is required by CA Government Code Section 12952 (c) (1) (A) (i-iii)

hiring department is proceed with new candidate. HR Analyst will proceed with adverse action.

- b. **Adverse Action Process:** HR Analyst will send adverse action notification to candidate informing candidate of disqualification.
 - i. Notification must be in writing and include⁴:
 - a. Statement that the adverse action notification is the final decision of disqualification for a period of 12 months
 - b. Right to file compliant with the DEFH
 - c. Right to dispute accuracy of report with background check company
 - d. Right to receive a free copy of credit report within 60 days
 - e. Conditional job offer withdrawal
 - ii. HR Analyst notifies support staff to remove failed candidate from the eligible list from which the conditional offer was made.
 - iii. Candidate entering an unrepresented unit who fails background investigation:
 1. HR Analyst will work with Principal Analyst and HR Director on appropriate course of action.
3. HR Analyst updates tracking logs and communicates the outcome of background investigation with Department.
4. HR Analyst will file all background investigation documents and reports into a separate confidential file in accordance with federal and state laws and regulations.

III. SST/Invoicing

- A. Human Resources will receive the monthly invoice from the vendor and process the payment.
- B. Departments will receive an SST from Human Resources on a monthly basis for any background chargebacks incurred.
 - Charges may vary depending on types and total number of components included in each background check.

⁴ Requirements for notification are codified in CA Government Code Section 12952 (c)(5)(A-C)