

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

202



FROM: Human Resources Department

SUBMITTAL DATE:
February 9, 2005

SUBJECT: Countywide Background Check Policy C-33 and Adoption of Resolution 2005-058
Authorizing Background Checks and LiveScan Fingerprinting Services.

RECOMMENDED MOTION: That the Board of Supervisors approve 1) a new Background Check Policy C-33, that requires all new hires to have a criminal background check conducted prior to County employment; 2) establish LiveScan fingerprinting services, to be conducted by the Human Resources Department for processing criminal background checks on prospective new hires and volunteers, existing employees, local departments and agencies, and the public; 3) approve Human Resources Department's fingerprint rolling fee of \$10.00 per card; and 4) adopt Resolution 2005-058 that precludes County employment to any person who has been convicted of a felony except under certain circumstances or where the conviction is not related to the employment, volunteerism or contract in question.

BACKGROUND: Many county employee jobs relate directly to protecting the public health and safety. Our employees often deal with the most vulnerable members of our society (children, mentally ill and sick), and county employees have the opportunity to take advantage of these people. It behooves us to be especially cautious in selecting and screening those who deal with the public or hold public monies in trust.

(continued)

Ronald W. Komers
Asst. County Executive Officer/Human Resources Dir.

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 60,000	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ 13,200	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ 13,200	For Fiscal Year:	N/A

SOURCE OF FUNDS: Departmental Budgets – Hiring Costs	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: **APPROVE**

County Executive Office Signature

- Dep't Recomm.: Consent Policy
- Per Exec. Ofc.: Consent Policy

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Background (continued):

In 2003, the Department of Justice (DOJ) conducted an audit that identified a need to conduct LiveScan criminal background checks on approximately 800 Child Protective Service Division employees of the Department of Public Social Services (DPSS). Additionally, DOJ determined that several other Riverside County departments did not comply with the requirements at that time. The DOJ's audit highlighted Human Resources' need to provide background check services to all County departments and to ensure consistency in the application of the rules and regulations set forth by the DOJ and by the Federal Bureau of Investigation (FBI).

In the last few years, an increasing number of laws have been passed which mandate fingerprint checks for numerous occupations in an effort to protect the public's interests. At present, the Riverside County Sheriff's Department processes LiveScan fingerprints for law enforcement and employment purposes. Human Resources currently contracts with a vendor agency (USA Fact) to conduct general background checks on all temporary hires, and on regular employees when requested to do so by the hiring department. A criminal records check is included, but records are checked only in those Counties that the applicant has identified as areas in which s/he has either worked or lived. Reports are developed by matching name and date of birth (DOB) in Court records (if the DOB is recorded in the court documents) to the applicant's name and DOB, which sometimes results in an inaccurate match.

LiveScan fingerprint checks provided through the California Department of Justice (DOJ) have proven to be more effective in identifying applicants with criminal histories than the standard name-records checks. The LiveScan fingerprint images are electronically transferred to the State and compared against a statewide criminal database. Over the past few years, FBI statistics have demonstrated that an average of 11 percent of those who had criminal histories would use names entirely different from that listed on their criminal record. These intentionally misleading applicants had prior convictions ranging from assault to drug sales and were only detected because of positive, fingerprint-based identification. The Human Resources Department recommends that the County conduct a DOJ LiveScan on all potential new hires. An additional background check of criminal records in counties outside of California should be conducted if the applicant has lived in any other states. Furthermore, job applicants should generally not be cleared for hire until a background check has been completed and the candidate is approved by Human Resources.

LiveScan checks prove superior to the present system of physical records checks or local database checks. As previously stated, the local court records/database checks currently used for most applicants are based solely upon Name and Date of Birth information, and only in those counties identified by the applicant. Applicants with common surnames have erroneously appeared to have criminal records. In those cases, qualified applicants may either be denied employment due to the information included in those reports, or additional time and cost may be incurred if the County requests a full copy of the County Court records. Conversely, DOJ LiveScan reports will provide detailed information on California convictions based on fingerprints. Additionally, DOJ offers an added benefit that regular background check vendors do not provide: upon request, DOJ will provide subsequent arrest information on all hires that have been LiveScanned for employment purposes. Subsequent arrest information will continue until the County of Riverside notifies DOJ that the employee has terminated employment.

The Human Resources Department recommends an immediate change in all new hire documentation, job postings and bulletins, and job descriptions, to reflect that applicants must provide information on all felony and misdemeanor convictions. Job postings and bulletins should also state that a prior conviction would not automatically preclude candidates from consideration; however, candidates that are hired and found not to have disclosed pertinent information would be terminated.

Background (continued):

Presently, there are numerous positions within the Riverside County Regional Medical Center, DPSS, Regional Parks, Child Support Services, Mental Health, Assessor-Clerk Recorder, CHA and others that legally require a background check and/or LiveScan fingerprinting (See Appendix A). FBI checks, which provide nationwide conviction information, are also required by law for a limited number of positions, most notably in the Department of Public Social Services. The adoption of the Background Check Policy and Resolution will not only ensure better service, consistency and full DOJ compliance for those departments, but will also provide superior services to the County of Riverside as a whole and provide greater protection to the public.

The DOJ currently charges \$32 to check criminal records. Presently, the Sheriff's Department adds an additional \$10 to this amount for its fingerprint "Rolling Fee". We would propose that HR charge the same fee as the Sheriff's Department for employment-related criminal records checks through LiveScan. This total \$42 fee would be charged to the department requesting the records check, as part of the hiring process, and would also be available to individuals in the community upon request. If a criminal check in other states is warranted, the cost of that transaction will also be charged to the requesting department. When an FBI check is required, their charge (currently \$24) will also be added to the fee.

The Sheriff's Department supports the recommended action. The costs associated with enhanced background checks will be borne by hiring departments.

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:	<u>Policy Number</u>	<u>Page</u>
BACKGROUND CHECK POLICY	C-33	1 of 2

I. Purpose:

To establish County policy for conducting pre-employment background and reference checks on potential new hires and for promotion to high-level and risk-sensitive positions, as defined herein.

II. Policy

It is the policy of the Board of Supervisors to have pre-employment and pre-appointment reference and background checks conducted on potential new hires for all regular and temporary positions, and for promotional candidates for specified high level and risk-sensitive positions.

The successful operation of organizational units within the County of Riverside is dependent upon selection of individuals who possess the skills, knowledge, abilities and valid credentials required of their position; and have the personal and professional attributes that will enable success in the position to which they are appointed. In addition, those selected for high level positions should have a demonstrated history of responsible and effective leadership.

To enable appointing authorities to make well-informed selections/placements, LiveScan criminal records checks through the California Department of Justice (DOJ) will be conducted prior to every new hire for regular or temporary employment at the County of Riverside. Other components of the pre-employment background check are established by the Human Resources Department based on the classification and job assignment. Background and reference checks, including a LiveScan criminal record check, are also to be conducted prior to promotion into positions at the Deputy Director level or higher, or other sensitive positions.

III. Policy Amplification

Background and reference checks are used to verify information provided by the applicant and to obtain additional information (i.e., a criminal record and/or significant job-related problems in prior employment) to determine suitability for the position for which they are being considered.

The County has contracts with several background check firms (3rd party vendors) to conduct background and reference checks. In addition, the Human Resources Department performs LiveScan fingerprint checks.

It shall be the policy of the County for the following steps to be taken prior to extending formal offers of employment:

1. Obtain as much job-related information as possible from the current and former employer(s) of potential hires.

**COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

Subject:	<u>Policy Number</u>	<u>Page</u>
BACKGROUND CHECK POLICY	C-33	2 of 2

2. Verify degrees, licenses and other job-related credentials and current status of same.
3. Conduct criminal background and public records checks.

The background check is solely intended for determining an individual's initial employability, promotability, and/or acceptability as a provider of public services. Applicants will not be cleared for hire until their background checks have been completed and approved through Human Resources, unless the Human Resources Director approves a special exemption pending receipt of the background report.

Applicants must complete and sign the appropriate release/waiver form(s) prior to the County accessing background check information. Job applicants are consumers and are entitled to protections under the Fair Credit Reporting Act (FCRA) and the Investigative Consumer Reporting Agency Act (ICRAA).

Information received related to background checks shall not be stored electronically and will be destroyed after the hiring or licensing determination. Destruction of this information shall be to the extent that the identity of the individual can no longer be determined.

Appendix A

Department	Job Title	DOJ check required	FBI required
ACR-County Clerk	Office Assistant II/III	X	
ACR-County Clerk	Research and Policy Analyst	X	
Assessor/ Clerk Recorder	Archives & Records Technician	X	
Assessor/ Clerk Recorder	Archives & Records Technician Trainee	X	
Assessor/ Clerk Recorder	Assistant ACR	X	
Assessor/ Clerk Recorder	Chief Deputy ACR	X	
Assessor/ Clerk Recorder	Legal Certification Clerk	X	
Assessor/ Clerk Recorder	Principal Deputy ACR	X	
Assessor/ Clerk Recorder	Senior Archives & Records Technician	X	
Assessor/ Clerk Recorder	Senior Legal Certification Clerk	X	
Assessor/ Clerk Recorder	Staff Analyst I/II	X	
Assessor/ Clerk Recorder	Supervising Archives & Records Technician I/II	X	
Assessor/ Clerk Recorder	Supervising Legal Documentation Classifier	X	
CHA	Health Care Social Worker	X	
CHA	Health Education Assistant I/II	X	
CHA	Medical Social Services Supervisor	X	
CHA	Nurse Manager	X	
CHA	Public Health Nurse	X	
CHA	Secretary I	X	
CHA	Senior Nutritionist	X	
CHA	Senior Public Health Nurse	X	
CHA	Staff Analyst I/II	X	
CHA-CMS	Coordinating Therapist	X	
CHA-CMS	Dental Health Educator	X	
CHA-CMS	Medical Social Worker	X	
CHA-CMS	Medical Therapy Unit Aide	X	
CHA-CMS	Occupational Therapist	X	
CHA-CMS	Physical Therapist	X	
CHA-CMS	Public Health Program Coordinator	X	
CHA-CMS	Supervising Therapist	X	
CHA-PHN	Assistant Nurse Manager	X	
CHA-PHN	Health Services Assistant	X	
CHA-PHN	Office Assistant II/III	X	
CHA-PHN	Physical Therapist Assistant	X	
CHA-PHN	Senior Therapist	X	
Coop. Extension	Office Assistant II/III	X	
DCSS	Administrative Manager	X	
DCSS	Administrative Supervisor	X	
DCSS	Dept. HR Coordinator	X	
DCSS	HR Clerk	X	
DCSS	Senior HR Clerk	X	
DPSS-All Staff (other than CPS/Insp.)	All Classifications	X	
DPSS-CPS	All Classifications	X	X

Department	Job Title	DOJ check required	FBI required
DPSS-Inspection	Welfare Fraud Investigator A/B	X	X
Exec. Office	Asst. County Executive Offr.	X	
Exec. Office	County Executive Offr.	X	
Exec. Office	Deputy County Executive Offr.	X	
Facilities Management	Air Conditioning Mechanic	X	
Facilities Management	Building Maintenance Mechanic	X	
Facilities Management	Building Maintenance Superintendent	X	
Facilities Management	Building Maintenance Worker	X	
Facilities Management	Building Services Engineer	X	
Facilities Management	Deputy Director for Building Maintenance	X	
Facilities Management	Facilitites Energy Mgmt Coordinator	X	
Facilities Management	Gardener	X	
Facilities Management	Grounds Crew Lead Worker	X	
Facilities Management	Grounds Worker	X	
Facilities Management	Lead Air Conditioning Mechanic	X	
Facilities Management	Lead Maintenance Plumber	X	
Facilities Management	Lead Maintenance Services Mechanic	X	
Facilities Management	Maintenance Carpenter	X	
Facilities Management	Maintenance Electrician	X	
Facilities Management	Maintenance Painter	X	
Facilities Management	Maintenance Plumber	X	
Facilities Management	Sr. Building Maintenance Worker	X	
Human Resources	Employee Relations Rep.	X	
Human Resources	Human Resources Services Mgr.	X	
Human Resources	Human Resources Technician-ER	X	
Human Resources	Senior Employee Relations Rep.	X	
Mental Health- Pjt.Connect	Clinical Therapist	X	
Mental Health- Pjt.Connect	Social Services Assistant	X	
Mental Health-ACT	Clinical Therapist I/II	X	
Mental Health-ACT	Mental Health Services Superv	X	
Mental Health-ACT	Office Asssitant II/III	X	
Mental Health-ACT	Senior Clinical Psychologist	X	
Mental Health-FNL/ CTA	Behavioral Health Specialist II-IV	X	
Parks	Assistant Park Planner	X	
Parks	Grounds Worker-Parks	X	
Parks	Lifeguard	X	
Parks	Museum Assistant	X	
Parks	Park Aide	X	
Parks	Park Attendant	X	
Parks	Park Interpreter	X	
Parks	Park Maintenance Worker	X	
Parks	Park Planner	X	
Parks	Park Ranger	X	
Parks	Park Volunteers	X	
Parks	Parks Trails Coordinator	X	
Parks	Senior Park Ranger	X	
Parks	Supervising Park Ranger	X	

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3 RESOLUTION NO. 2005-058

4 RESOLUTION AUTHORIZING
5 BACKGROUND CHECKS AND LIVESCAN SERVICES

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8 WHEREAS, Penal Code Sections 11105(b) (10) and 13300(b) (10) authorize cities, counties
9 and districts to access state and local summary criminal history information for employment,
10 licensing or certification purposes; and

11 WHEREAS, Penal Code Sections 11105(b)(10) and 13300(b)(10) require that there be a
12 requirement or exclusion from employment, licensing, or certification based on specific criminal
13 conduct on the part of the subject of the record; and

14 WHEREAS, Penal Code Sections 11105(b) (10) and 13300(b) (10) require the city council,
15 board of supervisors, or governing body of a city, county or district to specifically authorize access
16 to summary criminal history information for employment, licensing, or certification purposes.

17 NOW THEREFORE, BE IT RESOLVED, that the County of Riverside is hereby authorized
18 to access summary criminal history information for employment (including volunteers and contract
19 employees) purposes; and

20 BE IT FURTHER RESOLVED, that the County of Riverside shall not consider a person
21 who has been convicted of a felony to be eligible for employment (including volunteers and
22 contract employees), except that such conviction may be disregarded if it is determined that
23 mitigating circumstances exist, or that the conviction is not related to the employment, volunteerism
24 or contract in question.

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