

BACKGROUND CHECK POLICY (effective August 1, 2025)

I. Purpose.

At the conclusion of the hiring process, CCAO will conduct a background check on selected candidate(s). After extending an offer of employment contingent on a successful background check to prospective new employees, CCAO will then use the information as part of the employment decision-making process. All employment offers to new employees are contingent upon satisfactory completion of background check.

II. Definitions

Background Check means the process of compiling confidential and public information to investigate a candidate's criminal history and confirm information given.

Background Check Report means the information obtained because of a background check.

Candidate means an Applicant who after review and validation of their application materials have been found to possess the minimum qualifications required by the position description.

Conviction means a judgment of liability entered upon a plea, verdict or finding of guilt for an offense, rendered by a legally constituted jury, court, or administrative authority of competent jurisdiction. Conviction excludes any "minor traffic offense" and "juvenile record" as defined below.

Juvenile record means any information regarding an offense committed or alleged to have been committed by an individual who was under eighteen (18) years of age at the time of the offense or alleged offense.

Offense means a violation of any penal statute, ordinance, law, or code of any jurisdiction.

III. Policy and Procedures

CCAO will perform background check on candidates after extending an employment offer. Current employees applying for new positions will not be subject to a background check. Background checks are subject to advanced written consent by the subject candidate.

CCAO will conduct criminal background checks including but not limited to criminal record within multi-jurisdictional criminal and sex offender registry of all counties where the Candidate has lived in the past 7 years and social security search.

1. Eligibility

CCAO shall perform background checks on candidates, prior to becoming a new employees.

2. Basis

Background checks will be performed during the pre-employment decision-making

process and in accordance with any settlement agreements, arbitration awards, court orders, and /or reinstatement agreement, and as otherwise deemed necessary by the Deputy Assessor of HR.

3. Consent

Background checks are subject to advanced written consent by the subject candidates. CCAO shall follow requirements set forth by applicable law in obtaining consent from an individual that is subject to a background check. Refusal or withholding of consent shall result in rescission of the employment offer.

4. Types of Background Checks Performed

The following type of background checks may be performed, to the extent permitted by law and as deemed necessary by the Deputy Assessor of HR, or Designee, including but not limited to:

- Multi-State Criminal search;
- Multi-State Sex Offender search.

5. Falsification and/or Failure to Disclose Criminal Convictions

a. During the Hiring Process

Falsification of application information and/or failure to disclose criminal conviction information may result in rescission of the employment offer and ineligibility for future employment for up two (2) years.

b. During Employment

Any current or prospective employee who is convicted of a felony during their employment must disclose the conviction within two business days to HR.

Falsification or failure to disclose such information may subject the employee to discipline, up to and including discharge, in accordance with the Handbook and/or applicable collective bargaining agreement.

6. Use of Criminal Convictions in Employment Decisions

The Deputy Assessor of HR or designee will consider the factors listed in Section 42-35(h)(5) of the County Code of Ordinances and the requirements of the job description prior to making an employment decision based on a criminal conviction.

7. Background Check Review Process

Upon receiving a background check report the Deputy Assessor of HR or designee, will classify such report as either approved, pending, or disapproved.

a. Approved. Background Check Reports will be designated “approved” provided that:

- Information (educational or employment data, for example) submitted to CCAO by the candidate is found to be consistent and accurate when compared to the background check report; and,

- The candidate does not have any criminal convictions, or the criminal conviction does not render the individual ineligible for employment upon a review conducted in accordance with the provisions of this Policy.

b. **Pending.** Background Check Reports will be designated "pending" provided that:

- Information (educational or employment data, for example) submitted to the County by the Candidate or employee is found to be inconsistent and/or inaccurate when compared to the Background Check Report, and the Candidate or employee has been given an opportunity to cure; and/or,
- The candidate has a criminal conviction that is pending a review conducted in accordance with the provisions of this Policy.

c. **Disapproved.** Background Check Reports will be designated "disapproved" provided that:

- Information (educational or employment data, for example) submitted to the County by the Candidate or employee is found to be inconsistent and/or inaccurate when compared to the Background Check Report, and the Candidate or employee has not been given an opportunity to cure, or has failed to cure; and/or,
- The candidate has a criminal conviction that renders the individual ineligible for employment upon a review conducted in accordance with the provisions of this Policy.

8. **Notice and Opportunity to Cure**

If a background check is designated “pending,” CCAO will provide the candidate with a Pre-Adverse Action Notice that contains information obtained from the Background Check Report. Such Notice may provide an opportunity to cure any inconsistencies or inaccuracies found in the application based on the Background Check Report, and/or also solicit additional information concerning any criminal conviction(s), by a date certain, for consideration by the Deputy Assessor of HR or Designee, prior to making an employment decision.

If a Background Check is designated “disapproved,” the CCAO will provide the candidate with a Post-Adverse Action Notice that rescinds the Employment offer. Such notice may contain information concerning how to dispute the Background Check Report with the issuing agency.

9. **Legacy Clause Exemption**

Current employees who began working at the CCAO prior to the effective date of this policy are exempt from mandatory background checks and disclosure of prior convictions as set forth in this policy. However, this exemption shall not be construed as a limitation on the CCAO’s right to require other testing on the basis of reasonable suspicion, e.g., drug and alcohol testing, consistent with the CCAO Handbook and any applicable collective bargaining agreements.

10. Confidentiality

CCAO maintains confidentiality of information, to the extent required by applicable law.