

College Operating Procedures (COP)



Procedure Title: Employment Background Checks

Procedure Number: 05-0305

Originating Department: Office of Human Resources

Specific Authority:

Board Policy 6Hx6:5.02

Florida Statute n/a

Florida Administrative Code n/a

Procedure Actions: Adopted: 11/21/96; 12/2/08; 1/15/10; 11/1/10; 10/28/13

Purpose Statement: To provide guidelines for the College to use in the hiring of employees.

Guidelines:

The College will conduct various types of background checks which may include, but are not limited to criminal background, credit check, driver's license check, previous employment and education, and professional references.

Employees that are re-hired with any break in service greater than one (1) year will have at a minimum, the criminal background check resubmitted. Any employee that is rehired by the College that has not previously submitted to a criminal background check must submit to a criminal background check. If continuously employed by the College, the College may conduct updated references and checks as deemed appropriate, with proper notification to the employee.

False statements, including omissions of material facts, will disqualify an applicant from further consideration for employment. An applicant who provides misleading, erroneous, or deceptive information on the application form, resume, credential documents, disclosure form, or in an interview may be eliminated from further consideration for employment or may be subject to employment termination.

Refusal to provide a waiver to obtain the required employment background checks will result in the termination of consideration of the candidate for employment, withdrawal of any pending offer of employment or conditional offer of employment, or the termination of any employment previously commenced.

All employment background checks will be conducted in accordance with applicable federal and state laws or regulations.

Procedures:

- A. Criminal History Checks – criminal background checks, including fingerprinting, will be conducted on all final candidates for positions.
1. An applicant who has accepted a position with the College will be required to submit to a criminal history check. Employment or continued employment (if already working) is conditional pending the results of the criminal background check.
 2. The Office of Human Resources or Public Safety will perform fingerprinting and will provide the waiver form to be executed by the candidate. Refusal to submit to a criminal record check or submit fingerprints will result in the termination of consideration of the candidate for employment, withdrawal of any pending offer of employment or conditional offer of employment, or the termination of any employment previously commenced.
 3. The College will bear the cost for employment background checks for its employees except for those applicants for the collegiate high school substitute teacher rosters. Those individuals must pay for their own background checks.
 4. The determination of eligibility for employment will be made on a case-by-case basis however all College employees must meet the Level II screening standards as outlined in Florida Statute Chapter 1012. If an applicant or employee is unable to pass a Level II screening then they will not be considered for employment. Where there is a positive criminal history, consideration shall be given to, but is not limited, to the following factors:
 - a. the specific duties of the position;
 - b. the nature of the offense;
 - c. the number of offenses and circumstances of each;
 - d. how long ago the conviction occurred;
 - e. whether the offense arose out of an employment situation; and
 - f. the accuracy of any explanation on the application.
 5. If there is a positive criminal history that does not include any disqualifying offenses pursuant to the Level II screening requirements, the Director, Human Resources in consultation with the appropriate hiring manager will review the report and make a determination regarding eligibility for employment.
 6. As referenced in this policy, a positive criminal history includes a conviction, entry of a guilty plea, entry of a no contest plea, a charge for which adjudication was withheld, a charge for which no disposition is indicated, or a pending (misdemeanor or felony) charge.

7. In the event the criminal history report results in an adverse hiring decision, the Office of Human Resources will notify the candidate.
- B. Credit History Checks – a credit history check may be conducted on the final candidate for employment or for employees in certain positions, as deemed appropriate by the College. Such positions may include, but are not limited to, those with access to or accountability for college funds or other cash, financial assets or accounts; public safety; college-wide information technology system access and data access; positions with the responsibility of speaking on behalf of the College or representing the College in a public, legislative or political arena, etc. If a credit history check is warranted and conducted by a consumer reporting agency, the College shall observe all requirements as outlined in the Fair Credit Reporting Act (FCRA).
 - C. Driver's License Check – may be conducted on employees who drive a College-owned vehicle during the course of their work at the College.
 - D. Previous Employment and References – Previous employment and references will be verified for all new employees. For employees who are rehired following a break in service of one (1) year or longer, previous employment references may be reverified. Previous employment and reference checks are typically conducted by the hiring manager.
 - E. Other Employment Background Checks - The College may institute additional types of employment background checks at any time. In the event that any new requirement includes current employees, the impacted employees will be provided with proper notification and a waiver agreement authorizing the College to obtain the information in accordance with applicable laws and policies.