

Employment Screening Procedure

WHAT:

An employment screening procedure for potential employees and current employees changing positions is established to include both national/international (as applicable) and state criminal background checks and certain disclosures as mandated by the State of Arkansas. In addition to the criminal background checks, potential employees are required to disclose (a) whether they or members of their family are employees of the State of Arkansas and (b) whether the potential employee has a financial interest in any entity doing business with the State of Arkansas.

All offers of employment must be made subject to approval of background checks and disclosure forms.

WHO:

The following employment screening procedure applies to all new full-time faculty, new full-time staff, all adjuncts, all extra labor, and all graduate assistants with hire dates July 1, 2013 and after. Student labor paid as non-work-study or college-work-study is not subject to this procedure (see exceptions in the PRE-EMPLOYMENT SCREENING PROCEDURE SPECIFIC TO STUDENT WORKERS WITH ACCESS INTO SECURE SYSTEMS section). Current full-time faculty and staff are not subject to a criminal background check, unless they change positions (see below). Subsequent background checks may be applicable if there is a break in service (see definition below).

The University has contracted with a third party vendor to conduct the national/international (as applicable) background checks; state background checks are conducted through the Arkansas State Police. The Human Resources Office staff will review and approve the State of Arkansas disclosure forms.

PRIVACY:

Employment screenings can reveal private information about the employee. Although the results of the screening will not be shared, the supervisor will be made aware if an individual is not hireable by the University. This information must be kept confidential and not shared with other employees in the office or department.

TIMELINE:

The background checks and disclosure forms must be completed and cleared through the Human Resources Office (HR) **BEFORE** a contract, notice of employment, or other employment document can be issued/approved. If the background check is not completed and cleared through HR by the stated hire date the individual may not begin employment. The start date of the employment document will be the first day worked after approval is received and the salary prorated. For employees who teach, this means that the faculty member, adjunct or graduate assistant may **NOT** begin the class or classes until the background checks are successfully completed and the disclosure forms are cleared with HR, even if the class is online. For other employees, this means they may not begin any part of their assignment until cleared through HR.

As new full-time faculty are contracted, in many instances, several months before their actual start date, HR and University Counsel have approved these background checks and disclosure forms to be

completed at the time of offer of employment with the express understanding that the offer of employment is contingent upon successful completion and approval of the criminal background check and disclosure forms. The same procedure has also been approved for new adjuncts, which will allow timely scheduling of courses and assignment of teaching responsibilities by the dean and department head. All offers of employment must contain the following language: This offer of employment is contingent upon successful completion and approval of the criminal background check and disclosure forms.

For classified and extra labor employees, the employee's application for the position must be submitted and approved by HR **prior** to initiation of the employment screening procedure to ensure that the state minimum qualifications for the position are met.

For graduate assistants, the background checks and disclosure forms must be completed and cleared through HR **before** the *Approval for Graduate Assistant Position* form is sent to the Graduate College office.

Please remember: No employee may begin employment until the background checks and disclosure forms are complete and cleared through HR.

PROCESS:

Supervisor:

The supervisor logs into their OneTech page and clicks on *Employee* located on the left side of the screen followed by clicking on *Self-Service Banner* located in the middle portion of the page. Next, the supervisor will click on their *Supervisor* tab at access the *PreEmploymentScreeningRequest* for a background to be submitted.

A supervisor is defined as the individual administratively responsible for the budget/position being filled. The supervisor completes the request form for each potential employee and hits *Send to HR*. The supervisor should enter the primary email address for the potential employee as determined by the employee.

When the submission is successful an email will be created to the potential employee providing them with a link along with instructions on how to complete the State of Arkansas disclosure forms. Additionally, the supervisor's email will be sent to the hrbackgroundchecks@atu.edu email address and will log the name and email of the sender. HR will later use the generated email to reply back to the employee's supervisor once the background checks and disclosure forms are completed and cleared.

If the supervisor has not heard from HR within five (5) working days of submission of a potential employee's information to HR, it is the supervisor's responsibility to check on the status of the

Pre-employment screening process with the HR office. Note: many international background checks will take a minimum of ten (10) working days.

Human Resources:

The HR office will initiate the applicant screening by entering the potential employee's email address and name.

Potential Employee/Screening Agency/Arkansas State Police:

The potential employee should respond immediately to the email request for completion of the disclosure forms. A criminal background screening will be initiated immediately upon receiving the pre-employment request submitted by the hiring official.

Once HR supplies the screening agency with the potential employee's name and email address, the screening agency will send the potential employee an email with directions on how to log into the their website and provide the information needed for the background checks. The screening agency will maintain the individual's name and email as entered by HR indefinitely or until the HR office requests the information be deleted. However, each potential employee should be made aware of the importance of logging into the agency's website as soon as possible after receiving the email.

Note: If the potential employee does not have a primary email address, that individual may go to the HR office and use a computer for entry of their personal information. They may also complete disclosure forms in the HR office.

Personal information to be entered by each potential employee includes, but may not be limited to: full legal name, social security number, date of birth, and residence address. As the national background check will review addresses held during the past seven (7) years, numerous addresses may be required. Upon receipt of the report from the screening agency, the HR office will initiate a state screening check with the Arkansas State Police.

Human Resources/Employment Screening Committee:

HR will be notified by the screening agency and the Arkansas State Police when the checks are complete. If an offense is returned, an Employment Screening Committee (composed of a representative from Human Resources, Academic Affairs, Administration and Finance and Student Services with University Counsel serving in an advisory capacity) will review the screening results.

In accordance with federal and/or state law, a previous conviction will not automatically disqualify an applicant from consideration for employment. Each applicant identified with a criminal conviction will be evaluated on a case-by-case basis. The following factors will be considered for those applicants with a criminal conviction history in determining whether to extend an offer of employment:

1. The nature or gravity of the offense(s); and
2. The time since the conviction and/or completion of sentence; and
3. The nature of the job held or sought.

Should Arkansas Tech University consider an adverse decision on the applicant based on the criminal background check information, the applicant must:

- Be notified of the potential adverse decision based on the criminal background information;
- Be provided a copy of the criminal background report; and
- Be given the opportunity to provide to the Criminal Background Check Committee additional written information to dispute within five business days the accuracy of the criminal background report.

A final employment decision shall not be made until the applicant's additional information has been considered or such time that the applicant fails to respond as required.

If no offense is returned, the supervisor will be notified by HR to proceed with hire. If an offense is returned and review by the Employment Screening Committee determines that the offense will not preclude the hire, the supervisor will be notified by HR to proceed with hire. If an offense is returned and review by the Committee determines that the person may not be hired, the supervisor will be notified by HR that the applicant does not qualify for employment at the University.

For verification of identity, HR will issuance/confirm of a T number based from the data entered into the screening agencies portal from the employee.

BREAK IN SERVICE:

It is the responsibility of the supervisor to determine whether a break in service has occurred. HR can assist if requested.

Full-time (faculty or staff):

If the full-time employee leaves the university for more than one year and then applies for and is offered a position, background checks and new disclosure forms will be required.

Adjuncts:

If the adjunct teaches fall, but does not teach spring, then they would need new background checks and disclosure forms for the next summer, fall or spring term in which they teach. Note: if background checks and disclosure forms are completed in summer, new checks and forms will not be required for fall. If they teach spring and do not teach the next fall, then again, they would need new background checks and forms for the next spring, summer, or fall term in which they teach. For simplicity's sake, only the fall and spring terms are used to determine a break in service. However, if the adjunct is brand new for a summer term, then background checks and disclosure forms would obviously be required.

Graduate Assistants:

A break in service for a graduate assistant is defined the same as for adjuncts (i.e., not on contract for a fall or spring term).

Extra Labor:

A break in service for an extra labor employee is defined as lack of employment for more than one year. 5

CHANGE IN POSITION:

If a current employee changes positions or applies for another job on campus or there is a change in job duties, a change in pay, and a change in position number, the employee will be subject to employment screening. This includes full-time employees changing to other full-time positions and part-time employees changing to full-time positions. This also includes employees changing positions within the same office or department. Based on the results of the employment screening process, the employee may not be allowed to change positions and may be subject to termination from their original position.

PROCEDURE WHEN A PRIOR BACKGROUND CHECK IS ON FILE:

Background checks will remain on file within the HR office. When an individual is hired or changes positions, the pre-employment screening process should be initiated by the supervisor as described within this document. In order to avoid unnecessary checks, HR will determine if the individual has a background check on file less than one year old and, if so, no additional background check will be required (note: see Pre-Employment Screening Procedure Specific to Camps/Workshops/Seminars Involving Minors below). If the background check had offenses returned, the Screening Committee will review the applicant as described within this document. If no offenses were returned, HR will clear the applicant for employment. If a previous background check is on file and is over one year old, then a new background check will be initiated.

For all hires or position changes, new disclosure forms as mandated by the State of Arkansas must be completed.

This procedure does not supersede other employment regulations or procedures under Human Resources and Affirmative Action, but is meant to clarify the employment screening process only. Please remember that, in the event of full-time faculty or staff searches, the appropriate Affirmative Action paperwork must also be completed prior to preparation of employment documents by Academic Affairs, the President's Office, Human Resources or the Budget Office.

If an employment document is issued and the employment screening process was not followed, disciplinary action may result for the affected supervisor(s).

PRE-EMPLOYMENT SCREENING PROCEDURE SPECIFIC TO CAMPS/WORKSHOPS/ SEMINARS INVOLVING MINORS:

Camps/Workshops/Seminars Staff:

Due to the inclusion of minors (individuals under the age of 18) in various camps/workshops/seminars held on campus or sponsored on campus, this section is devoted to specific procedures relating to campus personnel involved in those activities. These procedures may vary slightly from those outlined above.

All university and potential employees involved in activities involving minors must undergo a pre-employment screening prior to the first camp/workshop/seminar worked for the season. Background checks will be conducted annually, regardless if previously on file. If other camps/workshops/seminars are worked, HR will refer back to the first screening of the season to determine work eligibility.

Pre-employment screenings should be requested and a list of staff provided to HR approximately four weeks prior to the beginning of the camp/workshop/seminar to ensure timely review. No employee will be allowed to participate in the planned activity until the pre-employment screening process is complete and a successful background check is received. It is the responsibility of the camp/workshop/seminar organizer to ensure that background checks are initiated for all individuals working the event.

PRE-EMPLOYMENT SCREENING PROCEDURE SPECIFIC TO STUDENT WORKERS WITH ACCESS INTO SECURE SYSTEMS:

While the general population of student workers (non-work study and college work study) are not subject to pre-employment screening, a small segment of students are currently being asked to assist in office and other technical tasks which necessitate the student having access to data systems or areas that contain regulated or confidential data. These can be defined within:

Regulated Data: Extremely sensitive, such as but not limited to, social security numbers, credit card numbers, bank accounts, driver's license, health information (HIPPA), student information, prospective student information, donor information, or other data that may be subject to FERPA guidelines;

Confidential Data: Highly sensitive, such as but not limited to, research details, library transactions, personnel information, information covered by non-disclosure agreements, financial information, contracts, facilities, management information, or other information that could increase a risk to health or personal security.

Effective September 5, 2017, any student worker with current access to a secure system will be required to undergo a pre-employment screening. Additionally, any student worker hired after September 5, 2017, with requested access to a secure system will be required to undergo a pre-employment screening. The pre-employment screening procedures described elsewhere within this document shall be followed by the supervisor.

A student being requested to participate in a pre-employment screening may refuse. However, if the job duties assigned to the student worker position require the student to have access to a secure system and the student refuses the pre-employment screening, the supervisor may withdraw the offer of employment and is under no obligation to find alternative employment for the student.

Should an offense be returned on the pre-employment screening, the procedures listed under the "Human Resources/Employment Screening Committee" section of this document shall be followed.

Access to the secure system will be terminated upon either the student's graduation or termination from the position.

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