

UNIVERSITY OF CALIFORNIA, MERCED
BACKGROUND CHECK PROGRAM PROCEDURES

POLICY REFERENCE:

[UC PPSM 21-21E BACKGROUND CHECKS](#)

BACKGROUND:

This procedure is to provide local guidelines for the University of California Appointment-Background Check policy cited above.

DEFINITION(S):

Agency Background Check: An agency background check is a background check completed by an outside agency contracted by the University. The department may request education/degree, employment verification, and driving record checks as necessary.

Department of Justice (DOJ)/Federal Bureau of Investigation (FBI)

Background Check: A DOJ/FBI background check is a fingerprint check of criminal convictions, initiated by departmental request, through the Live Scan System. The Live Scan System transmits fingerprints electronically to DOJ databases in Sacramento, CA, and generates State of California conviction results. The Live Scan System also has the ability to transmit fingerprints to the FBI for a national criminal conviction check.

Hiring Authority: The Hiring Authority, for the purposes of this PROCEDURE, is the department responsible for authorizing staff and student hires, e.g. Human Resources for all staff positions including Senior Manager positions; Career Services for student assistant positions; and Academic Personnel for academic positions.

Hiring Manager: The Departmental authority responsible for making the final hiring decision.

Critical Position: A Critical Position, as defined by the System-wide Guidelines for Designating Critical Positions, is any position whose essential function or duties has or requires:

1. Master or sub-master key access to residences and other facilities, particularly laboratories.
2. Direct Responsibility for the care, safety and security of humans or animals; or the safety and security of personal and University property.
3. Direct access to or responsibility for cash, cash equivalents (as defined by Business and Finance Bulletin, BUS 49) or disbursements, or receipts.
4. Direct access to or responsibility for controlled substances or hazardous materials.

5. Extensive authority for committing the financial resources of the University.
6. Responsibility for operating commercial vehicles, machinery or toxic systems that could cause accidental death, injury or health problems.
7. A requirement for a professional license certificate or degree, the absence of which would expose the University to legal liability and/or adverse public reaction.
8. Direct access to and/or responsibility for information affecting national security.
9. Direct access to and/or responsibility for protected, personal or other sensitive data. Access to detailed personally identifiable information about students, faculty, staff, or alumni which might enable identity theft.

PROCEDURE:

Identification of Critical Positions and Categories of Background Checks

Critical positions are those that include functions with the potential to incur human, financial or property loss or other harm to the University and its constituents. A position must contain at least one of the elements listed in the system-wide guidelines for Designating Critical Positions to be considered a critical position.

All critical positions are subject to a criminal background check. Depending on the nature of the function, they may also be subject to additional categories of background checks as outlined below. Besides the campus requirements stated in this procedure, departments may be subject to additional restrictions, requirements, laws or regulations.

Critical positions are designated by the Human Resource Department, in consultation with the department, at the time the Position Description is classified based on these guidelines.

The categories of background checks include, but are not limited to:

- Confirmation of a person's identity;
- Review of criminal conviction records;
- Verification of educational degree, license or certification required for the position;
- Review of Department of Motor Vehicles records;
- Drug testing as required by law;

- Department of Justice/FBI fingerprint scan (livescan).
- Government security clearance

REVIEW OF CRIMINAL BACKGROUND CHECK

The criminal background check will seek only felony, felony reduced to misdemeanor, misdemeanor convictions, and verification of identity.

An individual subject to a background check shall not be required to disclose, nor shall any University background check investigate, an arrest, detention or report of abuse that did not result in a conviction as part of a background check unless such information is permitted or required by law.

A background check will include information regarding an individual from their eighteenth (18) birthday to present. The only exception could be for employees who have contact with children under 18 or dependent adults or have direct responsibility for care, safety or security of people.

In determining an applicant's suitability for employment where the applicant has criminal convictions on record, consideration will be given to the specific duties of the position, the number of offenses and circumstances of each, the age of the conviction(s), and the accuracy of the explanation on the application.

In instances where information is obtained that would appear to make the candidate a liability to the University, the AVC for HR will provide guidance and a recommendation to the hiring department.

Only specially designated hiring authorities in Human Resources, Academic Personnel or Career Services, or other areas to which this responsibility has been delegated, may have access to and review criminal offender histories. Prior to being given access to criminal offender histories, such specially designated individuals must undergo a criminal background clearance and complete the Hiring Authority training process provided by UCM Police Department.

If a candidate disputes the accuracy of any information obtained in a background check, s/he should be referred to the agency that provided the information. Such dispute will not necessarily serve to delay the hiring manager's decision to fill the position.

In accordance with existing personnel policies, falsification of information submitted to the University on application materials may be cause for corrective action, up to and including dismissal, or release during the employee's probationary period.

RESPONSIBILITIES

Hiring Authority is responsible for:

1. Designating certain positions/functions, including positions whose employees may be covered by a Memorandum of Understanding with an exclusive bargaining

agent and contract positions, as critical and subject to a background check as a condition of employment, in consultation with the hiring department.

2. Upon the request from the hiring department, Human Resources is responsible for conducting an agency background check through an authorized agency on final candidates for employment, reclassification, transfer, promotion, or demotion to a critical position or for position description update.
3. Once the results are returned, the appropriate hiring authority will review, notify, and or advise the department of any additional steps to be taken.
4. Ensuring that all recruitment information, announcements, and position descriptions contain the following statement: "This position is a critical position and subject to background check. Employment is contingent upon successful completion of a background investigation including, but not limited to, criminal history and identity check."

Hiring department is responsible for:

1. Properly identifying positions subject to a background check along with the appropriate hiring authority. A "Background Check Worksheet" has been developed to assist departments in determining which positions are subject to a background check based on the Office of the President guidelines.
2. Filling out the "Background Check Worksheet" for all positions requiring a background check and maintaining a copy in the department's recruitment file.
3. Providing the final candidate(s) in the hiring process or current employee, in the case of a reclassification, with a notification form, obtaining his/her signature on an authorization/release/application form.
4. Scheduling the applicant or employee for the fingerprint-based background check with the Campus Police Department; requiring the final candidate or employee to bring picture identification (e.g. state driver's license, valid passport, or state identification card); and/or submitting proper paper work to Human Resources for a background check. Background checks must be initiated no later than 5 days after the employees start date, except for those that are mandated by law to have a completed background check before the first day of employment. Continued employment is contingent upon successful completion of the background check.
5. Paying the cost of all required background checks.
6. Consulting with Human Resources to hire the candidate, or assign critical position duties.
7. Providing the selected candidate with a conditional offer letter.

8. Upon receipt of recommendation, if hired, indicate date and category of background check(s) performed on employee's EDB record (EBCC screen).
9. Notifying the UCM Police Department when an incumbent in a critical position leaves that position.

UC MERCED Police Department is responsible for:

1. Upon request from the hiring department, conducting a fingerprint-based background check on final candidates for employment, reclassification, transfer, promotion, or demotion to a critical position or for position description update, via Live Scan, to the Department of Justice/Federal Bureau of Investigation.
2. Housing and maintaining the Live Scan equipment.
3. Training designated personnel in the rules, responsibilities and procedures related to the Live Scan Background Check process.

CRITICAL POSITIONS FOR NEW HIRE, TRANSFER, POSITION DESCRIPTION UPDATE, PROMOTION, RECLASS OR DEMOTION

1. Upon obtaining the results of the background check, the appropriate hiring authority will contact the hiring department. The hiring authority will review the background check results in comparison with the duties of the position and the critical criteria and notify the department that the individual has met the hiring criteria or not met the hiring criteria.
 - a. If the individual does "meet the hiring criteria", the appropriate hiring authority will notify the hiring department, and the hiring process or new assignment of duties may proceed.
 - b. If the individual does "NOT meet the hiring criteria", the hiring department will be notified by the appropriate hiring authority that the individual did not clear the background check. The Assistant Vice Chancellor for HR in consultation with the department hiring manager will together determine if the department shall make the final appointment based upon the guidelines of this procedure. If it is determined that the candidate is not suitable to hire, the department may consider their second candidate and follow the same process of obtaining a background check.

RESTRICTIONS ON DISCLOSURE AND CONFIDENTIALITY OF INFORMATION

All UC Merced employees who receive access to background check information obtained from the DOJ and/or FBI or a background check agency must first undergo a background check and complete training. Recipients of DOJ and/or FBI

information are required to maintain confidentiality and only share information with authorized individuals in accordance with University, Department of Justice, and FBI regulations. Penalties for improper and unauthorized disclosure of background check information may include criminal prosecution as authorized by California Penal Code §§ 11140, 11142, and 11143, including termination of employment for just cause.

California Department of Justice and FBI provides automatic updates on criminal subsequent arrests for individuals who have had a background check performed until such time as the University notifies DOJ/FBI that the individual is no longer employed. Upon receipt of a subsequent arrest notification leading to a conviction for a current employee in a critical position, the hiring authority shall review the information on a case-by-case basis in accordance with the principles of this procedure.

Current University employees transferring from one department to another are required to undergo a background check if the new position is identified as a critical position and a background check had not previously been conducted.

ATTACHMENTS:

Attachment I – Guide to Sensitive Positions

Attachment II – Background Check Worksheet

Attachment III- Agency Background Check Release and Disclosure Form

Attachment IV- Request for Live Scan Service Form

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Attachment I
[Guide to Sensitive Positions](#)

Critical Elements of Critical Positions	Examples of Occupations/Positions that may warrant determination as Individual Critical Positions*	Examples of Possible Critical Position Functions or Tasks*	Required Background Checks**
1. Master key access to residence and other facilities.	<ul style="list-style-type: none"> • Building Engineers • Custodians • Facilities personnel • Locksmiths • Network/IT personnel • SMG positions (as appropriate) • Telecommunications Services Managers 	<ul style="list-style-type: none"> • Access to Master Keys • Access to offices for equipment repair • Access to residences and other facilities for ongoing maintenance • Maintain building security 	Criminal Conviction Record
2. Direct responsibility for the care, safety and security of humans or animals; or the safety and security of personal and University	<ul style="list-style-type: none"> • Animal care personnel • Camp counselors • Childcare services personnel • Coaches • Counseling Services 	<ul style="list-style-type: none"> • Access to laboratories • Access to computers and other valuable equipment • Oversee 4-H Activities 	Criminal Conviction Record

property.	<p>personnel</p> <ul style="list-style-type: none"> • Dispatchers • Health and Safety personnel • Recreation instructors • Resident hall managers • SMG positions (as appropriate) • Student Affairs Officers 	<ul style="list-style-type: none"> • Provide employee or student counseling and advice Services • Provide services for children and minors • Provide emergency care Services • Work with research animals 	
3. Direct access to or responsibility for cash and cash equivalents (as defined by Business and Finance Bulletin, BUS-49) or University property disbursements or receipt.	<ul style="list-style-type: none"> • Business and Accounting Managers • Cashiers • Collection Managers • Mail Services • Management Services Officers • SMG positions (as appropriate) • Storekeepers 	<ul style="list-style-type: none"> • Cashiering • Check printing • Check writing • Distribution of employee salary or reimbursement checks • Handling/receipt of development funds • Invoice approval and payment • Petty cash disbursement • Postage meter use 	Criminal Conviction Record

<p>4. Direct access to or responsibility for controlled substances or hazardous materials.</p>	<ul style="list-style-type: none"> • Custodians • Dentists • Lab personnel • Nurses • Pharmaceutical services staff • Physicians • Staff research associates 	<ul style="list-style-type: none"> • Access to drugs in clinical or research environments • Access to potentially hazardous chemicals • Access to radioactive and nuclear materials • Dispense prescription medication • Maintain drug formulary 	<p>Criminal Conviction Record</p>
<p>5. Extensive authority for committing the financial resources of the University.</p>	<ul style="list-style-type: none"> • Architects • Buyers • Controllers or Financial Managers • Deans of Administration • Directors/Managers of Purchasing, Computing, and Contracts • Engineers • Other SMG positions (as appropriate) • Senior Managers 	<ul style="list-style-type: none"> • Approve insurance payments • Approval of contracts • Bid and RFP approvals • Commit funds for programs and projects • Vendor or product approval 	<p>Criminal Conviction Record</p>

	<p>(UCOP)</p> <ul style="list-style-type: none"> • Vice Chancellor of Admin/budget 		
<p>6. Responsibility for operating commercial vehicles, machinery or toxic systems that could cause accidental death, injury, or health problems.</p>	<ul style="list-style-type: none"> • Automotive technicians • Equipment Operators • Environmental Health and Safety Officers • Groundskeepers • Transit drivers 	<ul style="list-style-type: none"> • Operation of heavy duty equipment or machinery • Operation of commercial vehicles • Responders to emergencies involving potentially hazardous substances 	<p>DMV record and license class verification</p>
<p>7. A requirement for a professional license, certificate, or degree, the absence of which would expose the University to legal liability and/or adverse public reaction.</p>	<ul style="list-style-type: none"> • Architects • Attorneys • Dentists • Employee Assistance Counselors • Engineers • Nurses • Firefighters • Police Officers • Pharmacists 	<ul style="list-style-type: none"> • Counsel employees or students • Design or build facilities and offices • Patent licensing • Provide legal advice • Real estate transactions • Render medical services 	<p>Verification of the credential, license, certificate, and/or degree</p>

	<ul style="list-style-type: none"> • Physicians • Psychologists • SMG positions (as appropriate) 		
8. Direct access to and/or responsibility for information affecting national security.	<ul style="list-style-type: none"> • Department of Energy Lab positions • Employees whose position requires a government security clearance • SMG positions (as appropriate) 	<ul style="list-style-type: none"> • As defined by agency granting clearance 	Government Security Clearance
9. Direct access to and/or responsibility for protected, personal, or other sensitive data	<ul style="list-style-type: none"> • Auditors • Development Officers and Staff • Information Systems personnel • HR and payroll staff • Nurses • Patient intake and billing staff • PC Coordinators • Physicians • Programmers • Registrars 	<ul style="list-style-type: none"> • Access to donor info • Access to employee or student records • Access to personal or other restricted sensitive or confidential data • Access to protected health information • Access to restricted data (as defined in IS-3 Electronic Information Resources) 	Criminal Conviction Record

	<ul style="list-style-type: none"> • Staff research associates • Student Affairs Officers • Voc Rehab Counselors 	<ul style="list-style-type: none"> • Maintain inventories of restricted data • Systems maintenance 	
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* The tasks and positions listed do not include all positions, functions, or tasks which may require a background check. In addition, not all of the employees in the sample positions may require background checks; the hiring department should consult with the hiring authority to determine if required. All Medical Center positions are considered critical and subject to background checks.

PPSM 21.E applies to all employees and applicants for staff positions. Many Senior Management Group positions will be designated as critical in accordance with the position elements, functions, or tasks identified above.

** A criminal conviction background check will document any felony or misdemeanor convictions. Locations utilize either: a campus or local police department or human resources department to conduct Live Scan fingerprinting and initiate a Department of Justice (California) and/or FBI (national) criminal conviction background check; or a Consumer Reporting Agency (e.g. ChoicePoint, Kroll Inc., Hireright) to conduct a criminal conviction background check.

In addition to the background checks listed within the systemwide guidelines, other types of background checks may be required (in line with operational needs, legal requirements and other relevant considerations). For example, a location may elect to conduct a credit report on an employee in a critical position who has direct access to cash and cash equivalents. The types of background checks that a location may utilize include, but are not limited to: employment and reference checks; credit reports; Department of Motor Vehicles pull notice program; and required health screenings (e.g. TB test or other tests pursuant to DOT regulations).

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Attachment II
Background Check Worksheet

Instructions: UC Merced procedure requires a background check at the time of hire, reclassification, Job Description update or transfer into a "critical" position. A "critical" position is one where any of the elements listed below are a significant part of the job.

Please check all boxes that apply, sign and date the form, and **retain it in the department's recruitment file**, classification review, or other personnel action.

Date _____

Employee Name _____

Position Title Code/Title _____

Action: hire reclassification promotion transfer
 demotion Job Description update

Master key access to residence and other facilities. (e.g., custodians, police, telecommunication's crew, facility managers and other staff or student positions with master key access to any facility/building and/or campus residence).

Direct responsibility for the care, safety and security of human or animals; or the safety and security of personal and University property (e.g., physicians, nurses, student affairs officers, counseling psychologists, residence hall supervisors, coaches, or other staff or students providing professional counseling services directly to students and /or transporting staff or students, animal care personnel, child care services personnel, public safety dispatchers, health and safety personnel, and recreation instructors).

Direct access to or responsibility for controlled substances or hazardous materials (e.g. pharmacists, pharmacy assistants, custodians, lab personnel, nurses, physicians, staff research associates)

*Note: Positions designated as having Unescorted Access to Radioactive Materials in Quantities of Concern must also complete the 'Certificate of Trustworthiness and Reliability'

- Extensive authority for committing the financial resources of the University (e.g., ALL MSP and Sr. Manager positions, directors, assistant/associate directors, management services officers, accountants, architects, buyers, and other staff that have the extensive responsibility for approving purchases or committing financial resources).
- Direct access to or responsibility for cash, cash equivalents, checks, or University property disbursements or receipts (e.g., cashiers, accountants, parking representatives, storekeepers, and other staff responsible for petty cash, distribution of employee salary or reimbursement checks, and invoice approval and payment, collection managers, mail services, management services officers).
- A requirement for a professional license, certificate or degree, the absence of which would expose the University to legal liability and/or adverse public reaction (e.g. Nurses, Police Officers, Physician, Engineers)
- Direct access to and/or responsibility for protected, personal, or other sensitive data (e.g., auditors, development officers and staff, information systems personnel, HR and payroll staff, nurses, nurse practitioners, patient intake and billing staff, PC coordinators, physicians, programmers, registrars, staff research associates, student affairs officers, voc rehab counselors)
- Direct access to and/or responsibility for information affecting national security.
- Responsibility for operating commercial vehicles, machinery or toxic systems that could cause accidental death, injury or health problems.
- Other (requires approval of Dean/Vice Chancellor): _____
- Background check not required. None of the above applies to this position.

Department Head

Department

Phone

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Attachment III

Agency Background Check Release and Disclosure Form

Please supply the subject of the investigation the **DISCLOSURE AND CONSENT CONCERNING CONSUMER AND INVESTIGATIVE CONSUMER REPORTS.**

Please complete the **Request for Background Investigation** to include contact and FAU string information along with the signed consent completed by the subject of the investigation.

Requestor Name: _____

Department: _____

Phone Number: _____

UC Merced Package - Total Price is \$50.25 per Applicant – per Name Criminal Based on Social with National Sex Offender and National Criminal Database

- County Criminal Felony and Misdemeanor with Social Trace (Includes all counties within 7 years, Based upon Social Trace)^(a)
- Social Security Number Validation
- National Sexual Offender Search^(f)
- National Criminal Database^(g)

Motor Vehicle Request - \$ 5.00 per state

Credit Check Request - \$7.00 per state

Other:

*****Information to be completed by requesting department*****							
FAU Information to be Billed:	Account	Cost Center	Fund	Project	Sub	Object	Source
						3455	

DISCLOSURE AND AUTHORIZATION FORM

University of California, Merced (the "Company") may request background information about you from a consumer reporting agency in connection with your employment application and for employment purposes. This information may be obtained in the form of consumer reports and/or investigative consumer reports. These reports may be obtained at any time after receipt of your authorization and, if you are hired by the Company, throughout your employment.

HireRight, Inc., or another consumer reporting agency, will obtain the reports for the Company. HireRight, Inc. is located at 5151 California, Irvine, CA 92617, and can be contacted at 800-400-2761. The reports may contain information bearing on your character, general reputation, personal characteristics, mode of living and credit standing. The types of information that may be obtained include, but are not limited to: social security number verifications; credit reports; criminal records checks; public court records checks; driving records checks; educational records checks; employment verifications; personal and professional references checks; licensing and certification records checks; drug testing results; etc. The information contained in the reports will be obtained from private and public record sources, including, as appropriate, personal interviews with sources, such as neighbors, friends and associates.

You may request more information about the nature and scope of any investigative consumer reports by contacting the Company. A summary of your rights under the Fair Credit Reporting Act is also being provided to you.

ADDITIONAL STATE LAW NOTICES

CALIFORNIA: Under section 1786.22 of the California Civil Code, you may view the file maintained on you by HireRight during normal business hours. You may also obtain a copy of this file, upon submitting proper identification and paying the costs of duplication services, by appearing at HireRight's offices in person, during normal business hours and on reasonable notice, or by mail. You may also receive a summary of the file by telephone, upon submitting proper identification. HireRight has trained personnel available to explain your file to you, including any coded information. If you appear in person, you may be accompanied by one other person, provided that person furnishes proper identification.

CONSENT CONCERNING CONSUMER

AND INVESTIGATIVE CONSUMER REPORTS

CONSENT

I have carefully read and understand this Disclosure and Consent form and, by my signature below, consent to the release of consumer and/or investigative consumer reports, as defined above, to the Company in conjunction with my application for employment. I further understand that any and all information contained in my job application or otherwise disclosed to the Company by me before, during or after my employment, if any, may be utilized for the purpose of obtaining the consumer reports or investigative consumer reports requested by the Company. I understand that if the Company hires me, it may request a consumer report and/or an investigative consumer report about me, as defined above, for employment-related purposes during the course of my employment. I understand that my consent will apply throughout my employment, to the extent permitted by law, unless I revoke or cancel my consent by sending a signed letter or statement to the Company at any time. This Disclosure and Consent form, in original, faxed, photocopied or electronic form, will be valid for any reports that may be requested by the Company.

Applicant Last Name: _____ First: _____
Middle: _____

Other Names Used: _____ Social Security #: _____

Date of Birth (for ID purposes only): _____ Home Phone (with area code): _____

Present Home Address:

City/State/Zip:

Drivers License Number: _____ Expiration Date: _____
State Issued: _____

Applicant Signature:

California, Minnesota or Oklahoma applicants only – You will be provided with a free copy of any consumer reports or investigative consumer reports obtained on you if you check the box below.

I wish to receive a free copy of the report.

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BACKGROUND CHECK PROGRAM PROCEDURE

Attachment IV
[Request for Livescan Service Form](#)