

GEORGIA DEPARTMENT OF CORRECTIONS



Standard Operating Procedures

Policy Name: Fingerprinting Employees

Policy Number: 104.12

Effective Date: 12/11/2024

Page Number: 1 of 4

Authority:
Commissioner

Originating Division:
Administration Division
(Human Resources)

Access Listing:
Level I: All Access

I. Introduction and Summary:

As a condition of employment by the Georgia Department of Corrections (GDC), all employees of GDC, whether full-time or part-time, will be fingerprinted, either prior to, or immediately after, hiring. Such fingerprinting may be required even though the applicant or employee may have already undergone fingerprinting by another agency in Georgia or elsewhere. Fingerprint record searches which indicate falsification or withholding pertinent data applicable to employment requirements may result in denial of employment, adverse action, and/or prosecution.

II. Authority:

- A. The Privacy Act of 1974 (5 USC § 552a), as amended;
- B. 28 CFR 50.12; 28 CFR 16.30 through 16.34 ;
- C. O.C.G.A. § 35-3-35;
- D. State Personnel Board Rule 478-1-06;
- E. GDC Board Rule: 125-2-1-.02 Employment;
- F. GDC SOP 104.09, Filling a Vacancy; and
- G. ACA Standards: 2-CO-1C-18, 1-CTA-1C-06, and 5-ACI-1C-14.

III. Definitions:

As used in this SOP, these terms are defined as follows:

- A. **Appointing Authority** – Individuals specifically designated by the Commissioner to make decisions that directly affect the status of persons employed by the agency.

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B. **Georgia Applicant Processing Service (GAPS)** - A service providing the ability for fingerprint background checks to be processed electronically, thus eliminating the need for the agencies to submit hardcopy fingerprint cards by providing electronic fingerprint submission services for applicants in the State of Georgia.

C. **Live-Scan** - Technology used by law enforcement agencies and private facilities to electronically capture fingerprints and palm prints.

IV. Statement of Policy and Applicable Procedures:

A. Employees are required to be fingerprinted prior to, or immediately after, being hired, rehired, transferred from another agency, or as otherwise required by (Correctional Human Resources Management (CHRM)).

B. Employee fingerprints will be captured utilizing Live Scan and submitted for comparison to the Georgia Crime Information Center (GCIC) via Georgia Applicant Processing Service (GAPS).

1. Fingerprinting responsibilities are as follows:

a. Once the applicant or employee has been fingerprinted, the authorized Human Resources (HR) Representative will, within 24-72 hours, print the GBI and FBI electronic response which will become part of the applicant's or employee's hiring packet or as otherwise required. The local HR will review the results of the background check during the hiring process and any indication of falsification or withholding of pertinent data will be reported to the Appointing Authority which may result in denial of employment, dismissal, and other adverse actions, and/or prosecution.

b. Any indication of falsification or withholding of information, including criminal history information, by those hired for Security (Peace Officer) positions will be reported to the Georgia Corrections Academy – Georgia

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Peace Officer Standards and Training Council (P.O.S.T.) Certification Unit
by the Appointing Authority.

- c. All applicants will be asked about previous misconduct, as described in SOP 104.09, Filling a Vacancy, during the hiring process. All current employees have a continuing duty to disclose any misconduct.
- d. Appointing Authorities will ensure that all P.O.S.T. and non-P.O.S.T. certified positions have a fingerprint based Criminal History Record Check conducted every five (5) years from the date of hire.

C. Applicant Privacy Rights Notification:

1. Notification:

- a. Prior to fingerprinting, individuals must complete an application and receive a copy of Attachment 1, Applicant Privacy Rights and the Privacy Act Statement.
- b. Once the applicant had read the Applicant Privacy Rights and the Privacy Act Statement, the applicant will sign Attachment 2, Applicant Privacy Rights Notification Signature Form, stating the notification was received.

2. Record Challenge/Correction:

- a. If an applicant chooses to challenge the accuracy of the criminal history record or needs to correct or update a record, they will be given thirty (90) calendar days from the date of notification to do so.
- b. The applicant is notified that the procedures for challenging an FBI record are set forth in 28 CFR 16.30 through 16.34 and the procedures for challenging a Georgia record can be found on the GBI website.

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- c. The applicant will be given a copy of the fingerprint-based criminal history record upon written request.
- d. The department is not authorized to release the name-based criminal history record.

3. Appeal Process:

- a. The applicant is provided an opportunity to appeal an adverse decision based on the criminal history record information provided from the fingerprint-based background check.
- b. The appeal must be in writing to the Appointing Authority and will only be accepted if the applicant is successful in challenging the accuracy of their criminal history record.
- c. The appeal must be made within forty-five (45) calendar days of the notification of the adverse hiring decision, inclusive of the time granted to challenge the accuracy of the criminal history record.

V. Attachments:

Attachment 1: Applicant Privacy Rights and Privacy Act Statement
Attachment 2: Applicant Privacy Rights Signature Form

VI. Record Retention of Forms Relevant to this Policy:

Upon completion, Attachment 2 shall be retained in the CHRM and the local personnel office for a period of three (3) full years.