

GEORGIA DEPARTMENT OF CORRECTIONS



**Standard Operating Procedures**

**Policy Name:** Obtaining and Using Records for Criminal Justice Employment

**Policy Number:** 104.18

**Effective Date:** 10/13/2020

**Page Number:** 1 of 3

**Authority:**  
Commissioner

**Originating Division:**  
Administration & Finance  
Division (Human Resources)

**Access Listing:**  
Level I: All Access

**I. Introduction and Summary:**

It shall be the policy of this agency that any individual considered for employment with the Georgia Department of Corrections (GDC) will be subject to a criminal history record information investigation. Before a criminal justice agency can request or use a criminal history record for criminal justice employment, the agency must have the job applicant's fingerprints or the applicant's signed consent.

**II. Authority:**

A. O.C.G. A. §35-3-35; and

B. ACA Standards: 2-CO-1C-10, 1-CTA-1C-06, 5-ACI-1C-14 (ref. 4-4061), 4-ALDF-7B-03, and 4-ACRS-7B-05.

**III. Definitions: None.**

**IV. Statement of Policy and Applicable Procedures:**

- A. Before any facility/office requests criminal history records on an applicant, Attachment 1, the GDC Criminal/Driver History Consent Form, must be signed by the applicant to initiate processing. This form will remain valid and in effect for use through the duration of employment with GDC.
- B. The signed consent form must be submitted with a GDC facility's request to the Georgia Crime Information Center (GCIC), Georgia Bureau of Investigation (GBI), Georgia State Patrol (GSP) or other related agency.
- C. If an applicant will not sign the Consent Form, the applicant cannot be considered for employment.
- D. When GCIC Criminal History Background queries are done for applicants seeking to be P.O.S.T. certified, a check must be conducted in each state where the applicant resided.

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- E. If an adverse employment decision is made based on criminal history records, the facility/office must notify the applicant, in writing, of all information pertinent to that decision. This disclosure must inform the applicant of where the name of the criminal justice center where the record was obtained from, the specific contents of the record, and the effect the record had on the decision.

**NOTE: The Appointing Authority is responsible for making this disclosure. Failure to provide all information to the person subject to the adverse decision shall be a misdemeanor. (See Attachment 2 & Attachment 3, Sample Letters.)**

- F. Each facility/office must maintain a file of all signed Consent Forms. If an applicant is hired, their signed consent form shall be included in the employment package sent to the Corrections Human Resource Management Office (CHRM).

**NOTE: It is a violation of Georgia law to inquire into an applicant's driver's license history records for employment considerations, except as specified within this SOP.**

- G. Driver's license history records can only be requested for employees when driving State vehicles is critical to the employee's job duties or when it is necessary to meet P.O.S.T. certification requirements.
- H. Driver's license history information must be obtained for the previous seven (7) years, from all states where an applicant has resided. Certified GCIC operators in GDC may obtain access to an applicant's out-of-state driver's license history files, but they are prohibited from obtaining Georgia driver's license histories for employment checks. Instead, the Georgia driver's license histories must be obtained from the Department of Driver Services (DDS) by the applicant at their own expense. For states that do not participate in the automated response system, the applicant must also provide the driver's license history from that state at their own expense.

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- I. The Appointing Authority will direct the applicants to disclose any disciplinary history involving substantiated allegations of sexual abuse. Supporting documents must be obtained prior to hiring.
- J. Pursuant to the State Security Questionnaire, applicants must disclose any criminal charges, pending charges, and/or convictions prior to hiring. GDC shall consider hiring qualified ex-offenders.

**V. Attachments:**

Attachment 1: Criminal Driver History Consent Form

Attachment 2: Rejection of Applicant - Felony Conviction Sample Letter

Attachment 3: Rejection of Applicant - Misdemeanor Convictions Sample Letter

**VI. Retention Schedule of Forms Relevant to this Policy:**

Upon completion, Attachment 1 shall be retained for two (2) years in the applicant's selection packet; If hired, the form shall be retained permanently in the local and official HR files. Upon completion, Attachments 2 and 3 shall be retained for two (2) years in the applicant's selection packet.