

	<i>Administrative Regulation</i>	
	<b>Background Checks</b>	
	Policy#	16.3
	Effective:	10/22/2019
	Revised:	N/A
	Owner:	Human Resources

**Purpose:**

The background check policy is in place to ensure protection to the employees and community members of the City of Springfield.

**Scope:**

This regulation applies to all applicants, current employees, volunteers, interns, and contractors (hereafter referred to as applicants).

**Policy:**

The City will conduct background checks for applicants prior to hire or placement into a position. A background check may consist of, but is not limited to the following:

- Criminal History (International, Federal, State, County and Local)
- Driving Record
- Social Security Verification
- Employment Verification
- Professional License/Certification Verification
- Education Verification
- Sex Offender Registration (State and National)
- Reference Checks (Personal and Professional)
- Credit History
- Drug Screen
- Physical/Medical Evaluation
- Pre-placement Fitness Evaluation
- Psychological Evaluation
- Motor Vehicle Records
- Address Verification
- Alias/ Name Check

**Procedure:**

1. Applicant Duty to Disclose

- 1.1. Applicants must consent prior to the City performing the background check.
- 1.2. An applicant will be automatically disqualified from further consideration if they fail to accurately and fully complete the Background Check Authorization Form. Applicants eliminated due to a failure to disclose will not be eligible for reconsideration for another position for a minimum of three years.

## 2. Confidentiality

- 2.1. Information secured for the purpose of extending, maintaining, or retracting an offer of employment will be confidentially maintained.
- 2.2. For the purpose of making decisions, report contents or portions of the content may be shared with appropriate individuals who have a legitimate business need to know as determined by the Human Resources Director.
- 2.3. The background check for an applicant with a criminal history that is hired or appointed will become a part of the confidential personnel file for that employee or volunteer. Access to personnel files is limited to authorized persons or those sanctioned by law.

## 3. Relevancy of Convictions

- 3.1. A conviction will not automatically preclude an individual from employment consideration unless it is a bona fide occupational requirement. The City will consider various factors in evaluating whether a conviction warrants revoking a conditional offer of employment:
  - 3.1.1. Nature and frequency of the offense(s),
  - 3.1.2. Time since conviction,
  - 3.1.3. Completion of sentence or any other remediation, and
  - 3.1.4. Relevancy to the position for which the candidate is being considered.
- 3.2. The following convictions will typically result in a withdrawal of a conditional offer of employment or appointment, including but not limited to:
  - 3.2.1. Homicide
  - 3.2.2. Manslaughter
  - 3.2.3. Criminal vehicular murder and injury
  - 3.2.4. Assault
  - 3.2.5. Kidnapping
  - 3.2.6. Criminal sexual conduct
  - 3.2.7. Simple and/or aggravated robbery
  - 3.2.8. Theft and/or burglary
  - 3.2.9. Terroristic threats

3.2.10. Arson

3.2.11. Violations of harassment and/or stalking.

#### 4. General Provisions

- 4.1. In accordance with state law, the City does not inquire about criminal history during the application process or prior to an initial interview unless it is a bona fide occupational requirement (ex: Police Department). The City's practice is to extend conditional offers of employment or appointment prior to conducting a background check.
- 4.2. Background checks may be performed by a third-party vendor or by the City of Springfield Police Department. When performing a background check by a third-party, individuals are protected under the Fair Credit Reporting Act. Applicants must sign the background check authorization and disclosure forms and be given a copy of the "Summary of Your Rights under the Fair Credit Reporting Act." Background checks conducted by the Springfield Police Department will conform to the requirements of Ordinance 6280 (adopted July 16, 2012).
- 4.3. The City will not consider arrest information unless the arrest resulted in pending criminal charges. In such circumstances, the applicant and/or law enforcement agencies will be contacted to obtain further information in order to assess the relevancy to the position in question.
- 4.4. Hiring an applicant, reassigning a current employee, or appointing a volunteer or contractor with a criminal history record will require the approval of the Human Resources Director, after full disclosure and consideration of the criminal history.
- 4.5. At the discretion of Human Resources an applicant who possesses an unfavorable background, after determining job relatedness, will not be considered for employment or for a specific position. The written criminal history record on persons not hired or appointed as a volunteer will be retained in accordance with the requirements of OAR 166-200-0305.

#### 5. Volunteers

- 5.1. Background checks may not be required for volunteers in the following limited instances:
  - 5.1.1. For those that volunteer for the City through another organization (City contracts with sponsoring organization to require background checks as part of contract terms);
  - 5.1.2. For a self-contained event (i.e. Street lighting refurbishment activity) where there exists no opportunity for the volunteer to interact with patrons/staff without

supervision. This category should be used sparingly and requires approval by Human Resources.

**Definitions:**

1. N/A

**Resources:**

1. [ORS 659A.360 Restricting Criminal Conviction Inquires](#)
2. [Ordinance 6280 \(adopted July 16, 2012\).](#)