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| Department of Management Services Logo | ADMINISTRATIVE POLICY |
| TITLE: **Background Investigations &**  **Fingerprinting Requirements** | POLICY NUMBER**HR****05-107** |
| EFFECTIVE: August 5, 2005REVISED: April 18, 2013 |

**PURPOSE**

Establish the requirements for background investigations and fingerprinting as a condition of employment.

**SCOPE**

This policy applies to all Department of Management Services’ (DMS/department) employees, volunteers and interns.

**AUTHORITY**

Section 110.1127, Florida Statutes (F.S) - Employee Security Checks

Section 282.318, Florida Statutes (F.S.) - Security of Data and Information Technology

 Resources

Chapter 435, Florida Statutes (F.S.) - Employment Screening

DMS Policy – HR 08-102 Hiring Processes and New Employee Orientation (NEO)

**DISTRIBUTION LIST**

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| The Following Individuals Should be Notified of this Policy, its Procedures and Forms | Method of Notification |
| All DMS Employees  | * New Employee Orientation
* DMS communications via employee e-mail distribution list
* DMS Web site
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| DMS Executive Leadership | * Executive Leadership meetings
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**POLICY**

As provided in Florida Statutes, DMS, as an employing agency, has designated positions of special trust which are subject to a security background check, including fingerprinting, as a condition of employment.

On an ongoing basis, the HR Director reviews and recommends to the Secretary or Chief of Staff the security background check level for positions based on the job duties of the position. Level 1 (L1) is a statewide background check and Level 2 (L2) is a national background check including fingerprinting. The Human Resources (HR) Office will maintain corresponding indicators in People First and on position descriptions to reflect the required level of security background check.

All positions at the department require at least a L1 security check. Positions designated as “special trust” require a L2 security check (which includes the L1 security check). Examples of position duties that are considered special trust are positions with access to:

* employee, vendor or customer personal information
* sensitive locations
* certain financial information
* sensitive information
* employee medical information
* sensitive technology
* IT workers, agency contracts, providers and partners as defined by Rules 71A-1.004 and 1.005

All job announcements for positions will advise job seekers that a L1 or L2 (which ever applies to the position being advertised) background investigation is a condition of employment.

Requests for L2 background screenings must be submitted two weeks (10 working days) prior to the applicant beginning employment. This requirement may be waived based on exigent circumstances.

**PROCEDURES**

**A. NEW EMPLOYEES**

Once a candidate has been selected for employment, the candidate must be advised that the Department’s offer of employment is contingent upon a successful criminal history background screening. The following processes apply:

**Level I Criminal History Background Screening**

The supervisor for this position must complete the Department’s L1 Background Check Request, Form HR-102-F17. This form may be accessed by using the link below.

[http://dms.myflorida.com/index.php/content/download/46797/199447/version/8/file/HR-102-F17+-+Background+Check+Request.doc](http://dms.myflorida.com/index.php/content/download/46797/199447/version/8/file/HR-102-F17%2B-%2BBackground%2BCheck%2BRequest.doc)

The supervisor must obtain a copy of the candidate’s driver’s license or state issued identification card. The supervisor shall ensure that the candidate has resided in Florida for more than one year. If the driver’s license or state identification was issued less than one year prior to the screening process, the supervisor must obtain evidence of the candidate’s former residency. Acceptable documents may include one of the following items: utility bills that reflect the candidate’s address, school records or official documents mailed to the candidate’s address. Documents must have a date that is more than one year prior to the screening process.

Once the documents identified above have been provided, the supervisor must contact the Office of Inspector General to request the criminal history background screening be initiated. This request shall be made by e-mail and titled “L1 Background Check Request.” A copy of the driver’s license or state identification card and evidence of residency must be attached as scanned documents. This e-mail must include the division’s organization code for billing purposes. The following example will be used to make background screening requests:

 “Mr. John Doe has accepted a contingent offer of employment by the (division, bureau). This position requires a Level I Criminal History Background Screening. Please charge this background screening to Organization Code xxxxxxxxxxx. Contact information for this candidate is:

Mr. John Doe

123 East Main Street

Tallahassee, FL 32311

(850) 888-7777 (home)

(850) 333-2222 (cell)

(850) 487-9999 (work)

John.Doe@mywork.com (e-mail)”

Once the requested criminal history background screening is completed, the Office of Inspector General will issue a report reflecting that the candidate has been approved or disapproved for the requested security screening. This report will be provided to the Human Resources office and the hiring department will be notified by e-mail for proper processing.

**Level II Criminal History Background Screening**

The supervisor of the position must notify the Office of Inspector General that a candidate has accepted a contingent offer of employment and request that a Level II criminal history background screening be conducted. This notification shall be made by e-mail and must include the candidate’s full name, address and telephone numbers (home, cell, work, and e-mail) and a copy of the candidate’s employment application. The e-mail request must include the division’s Organization Code for billing purposes. The following example applies:

“Mr. John Doe has accepted a contingent offer of employment by the – (bureau, division). This is a Position of Special Trust and requires a Level II Criminal History Background Screening. Please charge this background screening to Organization Code xxxxxxxxxxx.”

Mr. Doe’s contact information is:

Mr. John Doe

123 East Main Street

Tallahassee, FL 32311

(850) 878-7777 (home)

(850) 339-2222 (cell)

(850) 487-9999 (work)

John.Doe@mywork.com (e-mail)

The Office of Inspector General will contact the candidate and initiate the background screening process. When the criminal history background screening is completed the Office of Inspector General will issue a report reflecting that the candidate is approved or disapproved for a Position of Special Trust. This report will be provided to the Human Resources Office for administrative processing.

All questions concerning criminal history background screenings should be directed to the Office of Inspector General.

**B. CONTRACTORS**

Solicitations for services will advise vendors whether background checks are required, and if so, the type of security background check required for the contractor’s employees.

**Verification of Employment Status**

**Executive Order 11-02**

All awarded contractors and their assigned sub-contractors must verify the employment eligibility of all persons employed during the contract term. U.S. Department of Homeland Securities E-verify documentation must be provided to the Administrative Assistant in the Division of Real Estate Development Management’s Operations and Maintenance Bureau at 850-922-6337. The website link to E-verify registration is:

<http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=d4abfb41c8596210VgnVCM100000b92ca60aRCRD&vgnextchannel=d4abfb41c8596210VgnVCM100000b92ca60aRCRD>

**C. REFUSAL TO COOPERATE**

Any person required to undergo a security background investigation who refuses to cooperate in such investigation or refuses to submit fingerprints (L2 positions) is not eligible to work for the department, and if employed, will be dismissed.

**D. OFFICE OF INSPECTOR GENERAL (OIG)**

Background investigations or fingerprinting of employees in positions of special trust shall be in accordance with established procedures of the OIG and sections 110.1127 and 435.04, F.S.

Background investigations or fingerprinting of state employees are conducted at the expense of the department. The background investigations of contractor employees are paid by the vendor.

The OIG is the custodian of background investigation records. Background screening records are confidential and not part of an employee’s official personnel file. Section 110.1127 (3)(d), F.S., does not allow the release of background records for purposes other than screening for employment.

The OIG conducts reviews of employees identified as having a criminal record. Information will be shared with the HR director and the General Counsel’ Office (GCO) for consideration of appropriate action.

**RESPONSIBILITIES**

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| Individualor Group | Responsibilities |
| Contract Manager & Departmental Purchasing | * Include in all solicitations for services the level of security check required for contract employees.
* Ensure within 10 days after the award and execution of a contract (or as soon as practicable or as provided in the contract), that all contractors are processed by the Inspector General’s Office.
* Review vendor responses to solicitations for services to determine whether any potential criminal conviction may disqualify a contractor employee. If needed, consult with the OIG prior to execution of a contract awarding services.
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| Employee | * If L2, meet with the OIG and FDLE for fingerprinting.
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| GeneralCounsel | * Provide consult to OIG and HR director when needed.
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| HR Director | * Review and recommend to the secretary or chief of staff the security background check level of each position based on the duties of the position
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| HR Office | * Update each position in People First to reflect the required security check level.
* Ensure each new employee has completed the L1 or L2 background check.
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| Office of Inspector General (OIG) | * Conduct background investigations.
* Meet with employee to complete FDLE paperwork and schedule employee’s appointment with FDLE for fingerprinting.
* Provide secure location for background investigation records.
* Consult with the HR director, GC, supervisors and contract managers when necessary to discuss disqualification of an employee or contract employee.
* Determine if an exemption may be granted.
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| Secretary orChief of Staff  | * Designate positions of special trust subject to a security background check, including fingerprinting, as a condition of employment or contract award.
* Approve requests for exemption as appropriate
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| Supervisor | * Ensure all job announcements advise job seekers that a background check, and if L2 fingerprinting, is a condition of employment.
* Coordinate L2 new hires appointment with the Office of Inspector General.
* Review the applicant’s application for employment prior to an offer of employment to determine whether any potential criminal conviction may disqualify an applicant. Consult with the OIG prior to an offer of employment if any criminal convictions are disclosed on the application.
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**DEFINITIONS**

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| Word/Term | Definition |
| Contractor Employee | An individual or entity that contracts directly or indirectly through another contracting entity, with the state to perform a service for a fee. |
| Convicted/Conviction | An adjudication of guilt by a court of competent jurisdiction; a plea of guilty or nolo contendere; a verdict of guilty when adjudication is withheld; or entering into a pretrial intervention program. |
| Department | The Department of Management Services. |
| Florida Criminal History Check(L1 & L2) | An inquiry to identify violation(s) of law resulting from arrests and charges by law enforcement officers in the State of Florida. |
| Employee  | Any person who has been hired, works for the state, and receives a warrant from the state for services rendered.  |
| Intern | A student or a graduate of an educational institution with a cooperative agreement with the department that allows students or graduates to perform duties and receive training. |
| National Criminal History Records Check | An inquiry using fingerprints to check national criminal records of the Federal Bureau of Investigation to identify violation(s) of law resulting from arrests and charges made by law enforcement officials in the United States. |
| Position of Special Trust(L2) | A position or duty designated as sensitive because of special trust, responsibility, or the location of such position or duties within sensitive areas in which confidential information, records or files may be reviewed, utilized, altered or destroyed.  |
| Vendor | A person or organization that provides a service or a product to the state including a person or organization that provides software or firmware or documentation to a user for a fee or in exchange for services.  |
| Volunteer  | Any person who, of his or her own free will provides services to the Department with no monetary or material compensation.  |

**ASSOCIATED FORMS**

HR-102-F17 – Background Check Request Form