

Procedure 21.a: Background Check

Responsible Office: Human Resources

Issued: June 2023

Reviewed/Revised: June 2023

A. Purpose and Scope

In Accordance with [Personnel Policies for Staff Members \(PPSM\) 21-Selection and Appointment](#), and UCI Procedure 21, this procedure implements background check processes to ensure fair hiring decisions based upon comprehensive job-related information and to prioritize the health and safety of the UCI community, property, and information.

This procedure provides for mandatory pre-employment background checking for all employment categories, including but not limited to: current employees appointed into positions or assigned duties which require background checks, Campus and Medical Center staff, non-employee volunteer, and intern appointments (henceforth “appointment”) for positions which perform the critical functions defined in [PPSM 21](#) (§ V. Critical Positions).

This procedure also provides instructions when a background check returns potentially disqualifying information (PDI) and opportunity to respond.

B. Authority and Responsibility

Department heads and supervisors are responsible for ensuring that Background Checks are requested in accordance with applicable University policies and procedures.

Talent Acquisition (TA) and the assigned HR Representative, in consultation with Workforce Relations (WR), are responsible for reviewing, decisioning, and maintaining confidentiality of any potentially disqualifying information.

Hiring authorities and/or Department Designees identify positions with critical or sensitive functions are designated prior to job positing.

C. Guidelines

1. Background checks may only be initiated after the selected candidate has been identified and a conditional job offer is made.
2. Background checks may include but are not limited to: employment eligibility, employment history, conviction history, national sex offender search, education, credit history, driving history, or professional licenses report, health care sanctions, prohibited and restricted parties, review of Department of Motor Vehicles records; Department of Justice clearance, and drug testing as required by law.

3. May be completed by the Department of Justice, FBI, and/or HireRight, DMV, and/or the Consumer Reporting Agency

D. Procedures

Background Check Requirement Notification

1. Background Check During Recruitment:
 - a. The application for employment as well as the job posting site will carry appropriate language stating that a pre-employment/appointment background check will be conducted prior to hire.
 - b. The assigned HR Representative/TA provides a conditional offer of employment, informing the applicant that they have been identified as the selected candidate, upon successful completion of a background check. The conditional offer shall include instructions to appeal or submit evidence of mitigation/rehabilitation.
2. Background Check Due to Change in Duties:
 - a. The department works with their assigned HR Representative/Classification/TA when critical duties are being added to an existing position or during reclassification
 - b. The supervisor should discuss the anticipated duties with the employee and inform the employee that a background check is required prior to the assignment of such duties and that if negative job-related information is received pertaining to the anticipated duties, they will not be assigned
 - c. The department notifies the employee at least 3 days prior to beginning the background check and coordinates the background check process with TA (The actual background check is conducted by an outside vendor)

Background Check Results Review

1. Background check reports, which may include conviction or non-conviction information, are received/accessed by TA Operations.
2. The report(s) is reviewed, along with the job posting, resume and employment application by TA and WR.
3. The nature of the offense is reviewed in accordance with established UCI Guidelines: date of the offense is within 7 years, the number of offenses, recency of the offense, and how the offense is potentially related to general employment or the specific job duties.
4. When necessary, the Department HR Representative will be consulted to better assess potential organizational risk. Issues will be escalated to the senior leader of the department or business unit, and/or General Counsel as necessary.

Background Check Results Determination

1. If no PDI is received and/or if the candidate/employee provides sufficient evidence of mitigation and/or rehabilitation, the hire/reclassification/position update may move forward.

2. If the information returned may result in disqualification, TA Operations will utilize the Pre-Adverse Action process and notify the candidate/employee of an intent to rescind the offer/eligibility of employment/continued employment. The notice shall inform the candidate of their right to dispute the disqualification within 5 business days. The TA Operations team will manage all written communications with the individual in these situations, in accordance with FCRA and other laws.
3. If the candidate/employee does not respond within 5 business days, Human Resources shall issue a notice of final disqualification of eligibility for employment/appointment for the position
4. If the candidate/employee informs the University that they dispute the disqualification, they may provide evidence of mitigation or rehabilitation within 5 business days.
5. Department HR Representative/TA/WR reviews the information submitted by the candidate to determine whether it sufficiently established mitigation or rehabilitation, in accordance with policy and/or applicable bargaining agreement
 - a. If the candidate/employee has established sufficient mitigation/rehabilitation to eliminate risk, the University shall proceed with the hiring process
 - b. If the candidate/employee fails to establish sufficient evidence of mitigation/rehabilitation, and/or the PDI presents unacceptable risk, the University shall issue a final notice of disqualification from eligibility for employment/appointment in the position, or assignment of critical duties

Subsequent Incident Notification

1. Once candidates/current employees are cleared through any required background check system they are enrolled in the applicable ongoing active notification program, accordingly. Upon enrollment, the University shall receive subsequent report information regarding DMV and Subsequent Arrest Notification (SAN).
 - a. For employees in positions that require driving, the employee is enrolled in the DMV Employee Pull Notice Program after successfully satisfying the preemployment condition of having an active driver's license.
 - b. Access to subsequent arrest information is strictly controlled. Failure to properly protect the confidentiality of information obtained from the DOJ can incur penalties under [California Penal Code Section. 11140, 11142, and 11143](#).
2. If the University receives notice of subsequent information which may disqualify a current employee from continued employment, TA, WR, and assigned HR Representative will review to assess information, as detailed above, in 3. Background Check Results Review, to determine next steps.

Post Employment

Once an employee is separated from UC, TA Operations will process to de-enroll the employee from the applicable subsequent incident notification system and these notifications will no longer be received.

Record Keeping

Human Resources serves as the Office of Record for any records or other information generated by background checks. The material will be maintained in accordance with state and federal laws as well as university policies and procedures on privacy ([see Section 720-11](#)), and will be disposed of in accordance with the [UC Records Retention Schedule](#).

E. References

Personnel Policies for Staff Members:

- [Policy 20](#), Recruitment
- [Policy 21](#), Appointment
- [Policy 36](#), Classification of Positions
- [Policy 70](#), Complaint Resolution

Personnel Procedures for UCI Staff Members:

- [20](#), Recruitment
- [21](#), Appointment
- [36](#), Classification of Positions

UC Business and Finance Bulletin

- [BUS-49](#) Cashiering Responsibilities and Guidelines

F. Forms & Resources

- [Offer of Employment Sample Letter](#)
- [Reference Checking Guidelines](#)
- [UC Records Retention Schedule](#)
- UCI Administrative Policies & Procedures
 - [Section 720-11](#), Privacy of and Access to Information (Excluding Student Records) - Guidelines