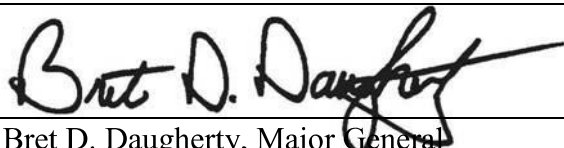




Department Policy No. HR-247-11

Title:	Employee and Pre-Employment Background and Other Screening Checks
Authorizing Source:	Title 49 RCW RCW 28A.400.303 Background Checks (WYA Staff) AR 190-56 Army Regulation (Security Guards) RCW 43.43.815 Conviction Record Furnished to Employer (All Employees) Governor's Executive Order 16-05
Information Contact:	Human Resources Director Building # 33 (253) 512-7942
Effective Date:	March 15, 2012
Mandatory Review Date:	September 19, 2023
Revised:	September 19, 2019
Approved By:	 Bret D. Daugherty, Major General The Adjutant General Washington Military Department Director

Purpose

This policy establishes standards for the Washington Military Department (WMD) to conduct background checks for WMD employees, volunteers, interns and applicants for employment.

Scope

This policy applies to all state employees, volunteers, interns, and applicants for employment in state positions within the WMD. It does not apply to guardsmen on state active duty or to federal government personnel, to include Active Guard Reserve (AGR) members, traditional guardsmen in a federal military status, or military technicians. This does not impact or replace any requirements or processes necessary for Federal Security Clearances.

Definitions

1. **Background Check:** A review of an employee or applicant's work and criminal histories to ensure compatibility with the employment requirements of WMD positions.

2. **Criminal Background Check**: A report provided by law enforcement authorities that identifies an individual's official criminal history record.
3. **Applicant Background Self Disclosure Statement**: A self-disclosed report provided by an employee or applicant concerning their background, education, employment and criminal history.
4. **Medical Examination** (Security Guards Only): A combination of self-disclosed medical history and physical medical evaluation to determine the employee or applicant's ability to perform the essential functions of the job safely in accordance with Army Regulation (AR) 190-56.

Policy

Thorough background checks provide a meaningful and proactive approach to protect WMD personnel, funds, property, other assets and the general public and ensure a safe and secure environment for employees, cadets, visitors, and stakeholders.

In accordance with the WMD's mission, it is important to ensure that employees are qualified and able to:

1. Minimize the impact of emergencies and disasters on people, property, environment, and the economy of Washington State and the region;
2. Provide trained and ready forces for state and federal missions, and
3. Provide structured alternative education opportunities for at risk youth.

A. Pre-Employment

1. The WMD will conduct background checks on:
 - a. All new employees
 - b. Current employees promoted into new positions
 - c. State employees transferring to the WMD from other State Agencies
 - d. Washington Youth Academy (WYA) and Security employees who are promoted to a new position.
2. The pre-employment background checks and verifications will include, but are not limited to:
 - a. Educational credentials verification
 - b. Employment history verification / reference checks
 - c. Professional licenses and certifications verification (for applicable positions only, as noted on the Position Description Forms)
 - d. Motor vehicle record (in accordance with Vehicle Operators Policy #RSM-602-11)
 - e. Personnel File Review (for current and previously employed state employees)

- f. Drug, Alcohol, Polygraph, and Medical screening (for Security Guard positions)
 - g. Drug screening (for WYA positions)
 - h. Criminal history records check (type of check will be dependent upon the requirements of the position) will be done only after determining if the applicant is otherwise qualified.
3. Criminal Background Checks: The Human Resources (HR) Director or designee reviews, determines and documents if candidates pass each of the required criminal background checks.
- a. Washington Access to Criminal History (WATCH) system checks:
 - (1.) Applicants for WMD employment are required to complete and pass a Washington State Patrol (WSP) WATCH system check prior to an official job offer from the WMD.
 - (2.) Pre-employment WATCH checks for WYA are completed if the National Crime Information Center (NCIC) form is not received (see 3.c) and the HR Director gives permission for a WATCH check and conditional job offer.
 - (3.) Pre-employment WATCH Checks are only completed for Security candidates that pass the self-disclosure portion of the application process.
 - b. Background Self Disclosure Statement: WYA and Security applicants are required to complete and pass the self-disclosure portion of the application process.
 - (1.) WYA: Candidates must pass the self-disclosure check prior to receiving a conditional job offer.
 - (2.) Security: Candidates must pass the self-disclosure and WATCH checks prior to receiving a conditional job offer. The initial WATCH check is done to reduce delays and costs associated with the hiring process and will not replace the formal fingerprint background checks.
 - c. National Crime Information Center checks (NCIC): WYA and Security positions are required to complete and pass the NCIC requirements of the application process prior to an official job offer from the WMD.

Candidates are required to comply with the NCIC processes as follows:

- (1.) WYA: will comply with the background check procedures of the Superintendent of Public Instruction and the applicable school district. The applicable school district will process the initial criminal history check from State and Federal authorities.
- (2.) Security: Candidates will comply with the procedures of Army Regulation 190-56. The Army National Guard Personnel Security Manager's office will obtain the criminal histories from State and Federal authorities.
- (3.) Selection and hiring processes occur once the background check process is completed.

(4.) Pre-Employment criminal background checks are normally valid for 90 days when candidates apply for multiple jobs. Extensions may be granted and documented by the HR Director on a case-by-case basis.

B. Periodic Background Checks: WYA and Security employees are required to participate in periodic WATCH checks at least once every three years due to the sensitive nature of their positions. The HR Director or designee reviews, determines and documents any new findings for the appropriate disposition.

C. Other Background Information/History:

1. Background checks associated with Common Access Cards (CAC) will be conducted in accordance with the WMD Policy # HR-234-10.
2. Employees in positions that require National Security clearances, facility entry and/or access to weapons are subject to the associated background check requirements. These background checks will be conducted in compliance with the applicable federal requirements.

D. Candidate Criminal History: Criminal history is considered only after an applicant has had the opportunity to show their knowledge, skills and abilities to do a job. A reported criminal offense or conviction is not necessarily grounds for disqualification. The nature and seriousness of the offense, the date of the offense, the surrounding circumstances, rehabilitation, the relevance of the offense to the specific position(s), and whether hiring, transferring or promoting the candidate would pose an unreasonable risk to the agency will be considered before making a final determination.

E. Falsification, Misrepresentation or Omissions: It is important for candidates and employees to be completely honest and truthful in the recruitment and periodic background check processes. WMD may withdraw any offer of employment or consideration for employment to candidates and/or discipline current employees (up to and including dismissal) upon finding falsification, misrepresentation, or omission of facts on their employment applications, resumes, background self-disclosure forms, other recruitment documents, or in verbal statements, regardless of when it is discovered.

F. Record and Document:

1. Retention. Background check documents, disclosures and associated reports will be retained in the HR Office in confidential files.
 - a. Employee background check information will be retained in a separate file for the length of employment or as required by the recruitment retention schedule, whichever is longer.
 - b. Candidates that are not hired will have their background information retained as part of the recruitment file.
 - c. Copies of the criminal history disclosure and criminal history reports will not be placed in the individual's personnel record, unless the reported activity is associated with formal employment actions.

2. Access to background check file. Employees and applicants of the WMD will not have routine access to their background check file. Access is limited to the WMD Director, Division Director, and HR staff on a “need to know” basis. Access may also be granted to union representatives, employees and others with a need to know in the event of grievance proceedings, litigation, or otherwise as required by law.

G. Payment for background checks. The employing / hiring division is financially responsible for any costs associated with medical evaluations, polygraphs, verification of professional certifications and degrees, and background/criminal history checks.

H. Criminal activity or restraining orders.

1. Employees shall notify the WMD as soon as possible and no later than the end of their next work shift if they are arrested, charged with a crime or served a restraining order.
 - a. Notification shall require the employee to communicate with their supervisor or a manager within their chain of command. If management is not available, the employee should contact their Division Director.
 - b. Upon notification, the supervisor/manager shall contact HR Director or designee immediately.
 - c. Potential effects upon the employment relationship, raised by the arrest, charges, or restraining order will be promptly reviewed on an individual basis by the HR Director or designee in consultation with the Division Director.
2. WMD can take appropriate employment action, including termination, if employee’s report or background checks disclose information or criminal activity that impacts their continued employment.

PROCEDURES

The following guidelines outline the WMD's background check process. The order in which the checks are conducted may differ depending on the requirements of the position.

Action
<p>Reference Checks</p> <ol style="list-style-type: none">a. The candidate completes applicable authorization to release information form (this is normally completed during the interview process).b. Employment Reference checks are completed on the top candidates by the supervisor/manager in the hiring Division.c. A minimum of three checks must be completed (two Supervisors, and one peer or subordinate). Checks may include individuals who were not provided as references by the candidate. <u>The most current or present supervisor must be contacted as a part of the reference process.</u> If candidates have requested that their current employer not be contacted, the candidate should be notified of their status and this requirement. Candidates that are unwilling to meet the reference check requirement shall be removed from consideration.d. Reference checks are documented using <u>Employee Reference Check Sheet</u> (MIL Form 572).e. Reference checks are submitted to the HR office with the hiring packet for review. The HR Director or designee will review the reference checks for compliance and dispositions.f. Upon appointment, reference check forms are filed in the employee's confidential background check file.g. Non-selected applicant forms are filed with the recruitment file.
<p>Pre-Employment Disclosure of Criminal History and Employment History Self Disclosure Form</p> <ol style="list-style-type: none">a. Applicants applying for positions within the Washington Youth Academy (WYA) or as Security Guards will complete and provide the applicable Criminal History and Employment Disclosure form to HR staff at the time of interview.b. The HR Director or designee will review the completed forms.c. The HR Director or designee will review any anomalies with the appropriate Division Director.d. Upon appointment, the pre-employment forms are filed in the employee's background check file.
<p>Personnel File Review</p> <ol style="list-style-type: none">a. The recruiter will conduct a personnel file review on all current and previous state employees and document the results on the Personnel File Review Form. Records may

need to be requested from the State Archives for previous state employees. No previous state employee will be appointed without a state personnel file check.

- b. Upon appointment, the Personnel File Review form is filed in the employee's background check file.

Education/Professional License/Certification Verification

- a. When applicable, the recruiter will verify an applicant's education and or certification credentials.
- b. Upon appointment, documentation of verification will be placed in the employee's personnel file.

Criminal History Check

Non-WYA and Security Positions:

- a. The recruiter will notify the hiring manager or designee when the hiring packet has been reviewed and cleared. The HR Director or designee will initiate the Criminal Background check using the WATCH system prior to the Official Job Offer.
- b. The WATCH Report will be printed as a record of the background check.
- c. The HR Director or designee will review WATCH reports that contain findings for the appropriate dispositions.
- d. Upon appointment, the WATCH check documentation is filed in the employee's background check file.

WYA Positions:

- a. The recruiter will notify the appropriate hiring manager or designee when both the hiring Personnel Action Request form (PAR) is approved and the conditional job offer is signed by the applicant.
- b. The HR Director or designee will coordinate and schedule the appointment for the candidate to have their fingerprints taken for the NCIC check.
- c. The Office of the Superintendent of Public Instruction maintains the database system through which the applicable school district processes criminal background checks after the applicant submits to be fingerprinted.
- d. The HR Director or designee will review NCIC reports that contain findings for the appropriate dispositions.
- e. Failure to pass a background check with any undisclosed finding will result in the withdrawal of the conditional job offer by the HR Office.
- f. Upon appointment, any documents from the checks are filed in the employee's background check file.

Security Positions:

- a. The recruiter will notify the appropriate hiring manager or designee when both the hiring PAR is approved, and the conditional job offer is signed by the applicant.
- b. **WATCH checks** are done by the HR Director or designee as an initial criminal history screening. The HR Director will review the results and discuss any inconsistencies with the Division Director.
- c. **Criminal Background Check – Compliance with Gun Control Act and Lautenberg Amendment:** Candidates passing the WATCH Check and drug and alcohol screening will submit their fingerprints and complete the required background check forms. These will be processed for an NCIC check with the Army National Guard Personnel Security Manager's office. The NCIC background check process can take up to twelve months post-employment. Failure to pass a background check will be cause for termination.
- d. The HR Director or designee will review the WATCH checks and NCIC reports that contain findings for the appropriate dispositions.
- e. Failure of a candidate to pass a background check with any undisclosed finding will result in the withdrawal of their conditional job offer by the HR Office.
- f. Upon appointment, any document obtained as a result of the checks will be filed in the employee's background check file.

Polygraphs (Security only)

- a. Will be conducted for Security positions in accordance with the Security Guard – Armed Recruitment, Pre-Employment Screening, Selection, and Training Requirements Manual.

Drug and alcohol testing

- a. Will be conducted for WYA and Security positions in accordance with the Department's policy on Ensuring a Drug and Alcohol-Free Workplace (policy HR-201-08).

Psychological and Medical examinations

- a. Will be conducted for security positions in accordance with the Security Guard – Armed Recruitment, Pre-Employment Screening, Selection, and Training Requirements Manual.

Official Job Offer

- a. HR Director or designee reviews results from all required checks prior to approving and routing the Personnel Action Request form for Appointing Authority Approval to extend an Official Job Offer.

Periodic Background Checks

- a. Criminal Background WATCH checks will be conducted a minimum of once every three years for employees working in WYA and Security positions. Any new WATCH findings will be reviewed by the HR Director or designee for the appropriate dispositions.