

WSU Background Check Program

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Agenda

- ▶ Introduction
- ▶ What is Background Check Screening
- ▶ Background Screening Process Overview
 - ▶ Why WSU is instituting background check program
 - ▶ Benefits for WSU
- ▶ The Legal Environment
- ▶ Ethics/Confidentiality
- ▶ WSU Background Check Policy
 - ▶ Types of Background Checks



Agenda

- ▶ Roles and Responsibilities
- ▶ WSU Background Check Process
 - ▶ Job offer/Forms/Background Services/Assessment & Eligibility for Hire/Escalation Points/Record Retention
- ▶ Record Retention
- ▶ Standards and WSU Protocol/Escalation Points
- ▶ Wrap-up/Post-test





Introduction

Learning Objectives

Session Objectives

As a result of this module, participants will be able to:

- ▶ Define the **terminology** background check screen
- ▶ **Explain** the various types of **background check** screens
- ▶ Describe the **laws governing** the use of **background check screens**
- ▶ Demonstrate **ethical standards** of behavior at all times when conducting background check screening
- ▶ Interpret **WSU's background check** policy
- ▶ **Differentiate** between the various **roles & responsibilities** associated with this **program**
- ▶ Apply **WSU's process** for conducting background check screens
- ▶ **Assess** background **check results**



Overview

What is Background Screening
Background Screening Process Overview

What is Background Screening?

Type	Purpose
SSN Trace	Used to match a person's Social Security Number to his or her name. Also verifies previous address history that will be utilized to conduct the check.
Criminal Records	Used to help identify past instances of criminal felonies and misdemeanors. Usually a SSN trace is required to verify SSN to name match before check is completed. Also, national and state sex offender registries are checked.
Educational and Licensing	Used to verify if a degree or credential was issued and to confirm the institution and date awarded. Used to also check candidate's past driving records and/or to ensure candidate is permitted to operate various types of machinery as required by position responsibilities.
Employment History	Used to verify the dates of employment, position, and salary history.
Credit History	Used to identify if an applicant has any financial accounts in collections, open loans, etc. by accessing credit bureau information.
Drug Screen	Used to test for illegal substances.
Motor Vehicle Check	Used to provide information regarding a person's driver license and driving record.

Background Screening Process Overview



1. Individual is provided contingent offer of employment/service
2. Individual completes invitation; signs/provides FCRA release form and personal data to screening agency
3. Screening Agency conducts investigation according to federal, state, local laws
4. Results provided to Employer, usually within 48-72 hours
5. Assessment/eligibility for hire determination
6. Employer shares results with individual, as required by law
7. Based on preliminary and final ineligibility decision, pre-adverse and adverse action letters are provided to individual.

Why WSU is Instituting this Program

- ▶ Recent nationally publicized events heightened the need for a comprehensive background screening process at WSU
- ▶ There was not a consistent comprehensive background check policy
- ▶ WSU lagged behind peers in background check policies and processes
- ▶ At Cabinet's direction, and working with Office of the General Counsel, a revised policy was approved for implementation.



WSU Benefits

- ▶ Improved workplace safety & security
 - ▶ Conducting a background check will assist us in determining if employees can safely and competently perform their jobs (i.e. reduces our exposure to theft, fraud, violence, etc.)
- ▶ Public perception – public/community image and reputation of Wayne State University
 - ▶ WSU has taken precautions to protect students and public from employees who may behave violently or otherwise inappropriately towards others



The Legal Environment

Federal Law

Fair Credit Reporting Act

Disclosure Required

- An employer may not obtain a consumer report unless:
 - A clear and conspicuous disclosure has been made in writing that the employer may obtain a consumer report on that individual, and
 - The individual authorizes in writing the procurement of that consumer report

Pre-Adverse Action Letter

- Before taking an adverse action based on a consumer report, the employer must:
 - Provide the person with a copy of the report, and
 - Describe in writing the rights of the individual concerning the report

Fair Credit Reporting Act

Adverse Action Letter

- An employer who takes an adverse action based on information in a consumer report must:
 - Notify the individual of the adverse action
 - Provide to the individual:
 - The name, address, and phone number of the reporting agency and
 - A statement that the reporting agency did not make the decision to take the adverse action and is unable to provide the reasons for the decision
 - Notify the individual of the right to:
 - Obtain a free copy of the consumer report and
 - Dispute with the reporting agency the accuracy or completeness of the information in the report



Ethics/Confidentiality

Ethics/Disclosure/Need to Know

- ▶ All results of background checks are to remain strictly confidential and only to be shared with individuals that have a “need to know”. These individuals may include:
 - ▶ HR Directors & Senior Management
 - ▶ Office of General Counsel
 - ▶ Academic Leadership (for academic employee only)



Roles & Responsibilities

Talent Management Coordinator

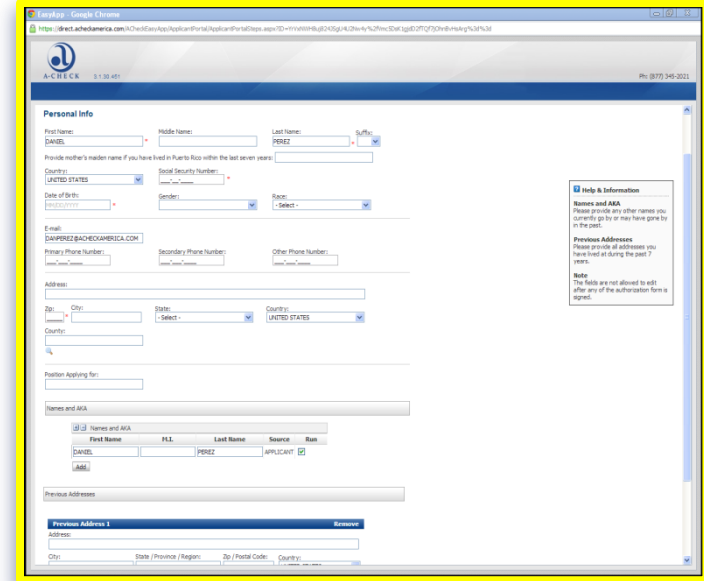
- ▶ Extends *contingent* offer of employment or service to external final candidate, volunteer, temporary employee or child program worker (if worker is *not* acting as a representative of an organization)
- ▶ Responsible for providing the external final candidate, volunteer, temporary employee or child program worker with background check forms to be completed. If documents are completed in paper format, TMC must upload completed documents to A-Check website.
- ▶ Processes request for appropriate background check package based on position and job requirements before job is posted.
- ▶ Partners with hiring manager in gathering position details to inform decision-making.

Talent Management Coordinator

- ▶ Reviews and assesses all background check results received from A-Check.
- ▶ Works in consultation with OGC, AVP/HR and Associate Provost for Academic Personnel (for faculty, academic administrator or academic staff positions) in determining eligibility related to various categories of background checks.
- ▶ Administers pre-adverse and adverse action procedures.
- ▶ Communicates with External Final Candidate throughout administration of background check process, as necessary.
- ▶ Communicates final eligibility decision (**only**) to hiring manager.
- ▶ Handles appropriately and confidentially, information contained in background checks and follows record retention procedures.

A Check

- Third party background check vendor contracted by WSU to conduct all background checks.
- Follows WSU account policy/protocol while conducting background checks.
- Owner of Easy App web based system used to facilitate background checks.
- May communicate with External Final Candidates, if needed.



The screenshot displays the A-CHECK web application interface. The page is titled "Personal Info" and contains various input fields for user information. The "First Name" field is populated with "DANIEL", "Last Name" with "PEREZ", and "Country" with "UNITED STATES". There are also fields for "Date of Birth", "Gender", "Race", "Social Security Number", "Email", "Primary Phone Number", "Secondary Phone Number", and "Other Phone Number". A "Help & Information" sidebar is visible on the right, providing instructions on how to use the application and a note about the accuracy of the information provided.

Final Candidate/Volunteer/Temporary Employee/ Staffing Agency Worker/Child Program Worker

- ▶ Completes invitation for background screening application upon receiving contingent offer from TMC.
- ▶ Reviews and completes online screening application via A-check Easy App.
- ▶ Voluntarily completes all required steps related to background check process and complies with requests for additional information requested by TMC and/or A-Check representative.

Client Services Director

- ▶ Provides counsel and direction to TMC on background check process.
- ▶ Provides guidance on background check policy interpretation.
- ▶ Participates in decision-making process for determining final candidate eligibility.
- ▶ May communicate final eligibility decision (**only**) to hiring manager.
- ▶ Handles appropriately and confidentially, information contained in background checks and follows record retention procedures.



Office of the General Counsel

Consults, provides guidance and interpretation on various types of background check results.



Associate VP/HR and Associate Provost for Academic Personnel

For various types of background checks, is consulted on final candidate eligibility decisions for faculty, academic administrators and academic staff positions.



Hiring Manager

- ▶ For faculty positions, may extend contingent job offer to final candidate.
- ▶ Partners with TMC to provide position details to appropriately select background check package and a-la-carte checks (if any) for the position.
- ▶ Follows appropriate steps related to the use of criminal information disclosed during the interview process.
- ▶ Provides Human Resources with pertinent background check information gained during the interview process.



HR Solutions (formerly ESC)

Provides technical assistance and oversight of EasyApp system in partnership with A-Check.



Background Check Procedure

Job Offer/Obtaining Background Check

Required Background Checks for External Final Candidates

There are **four (4) standard** background checks that all External final candidates (EFC) for **all positions** shall receive:

1

SSN* Trace

*Social Security Number

2

Criminal Records
Check

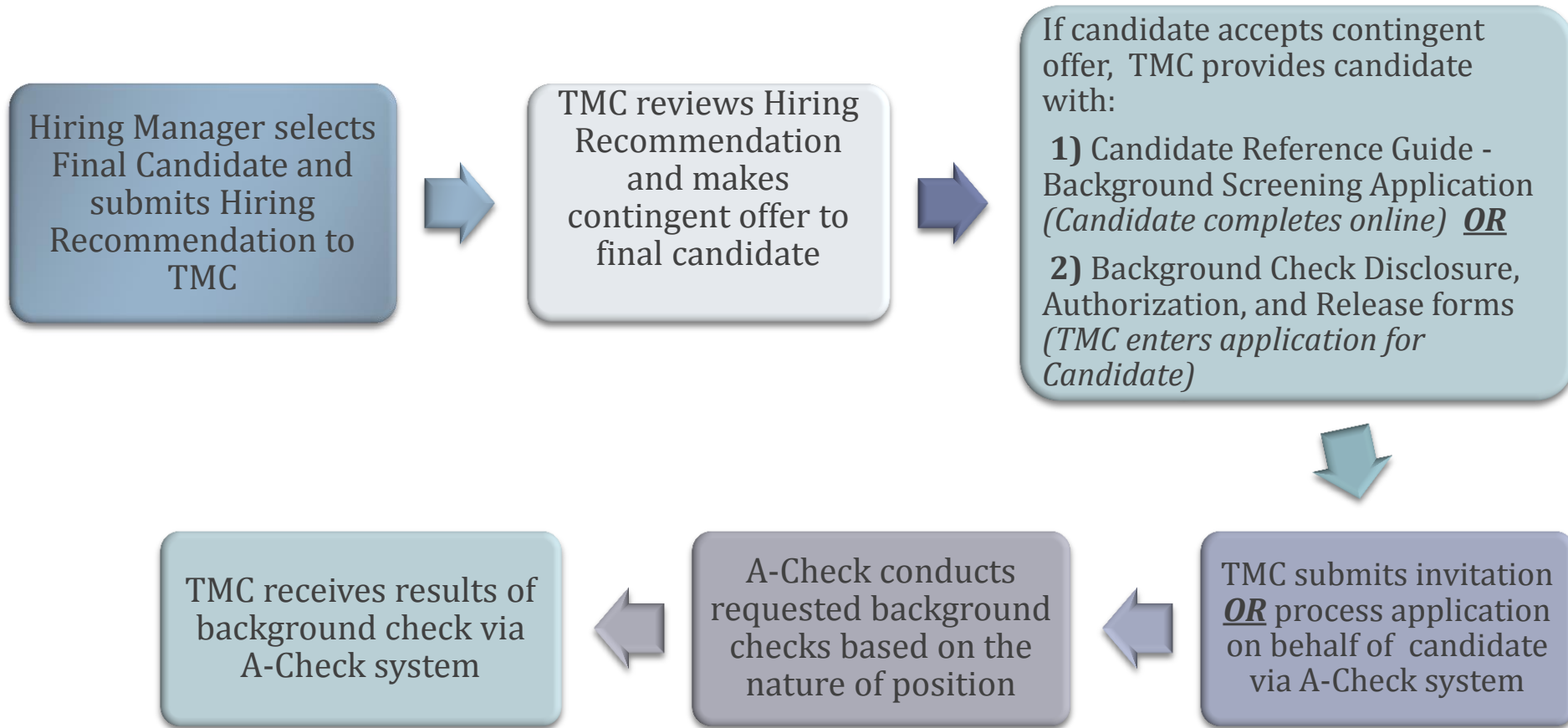
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National Sex
Offender Registry
Check

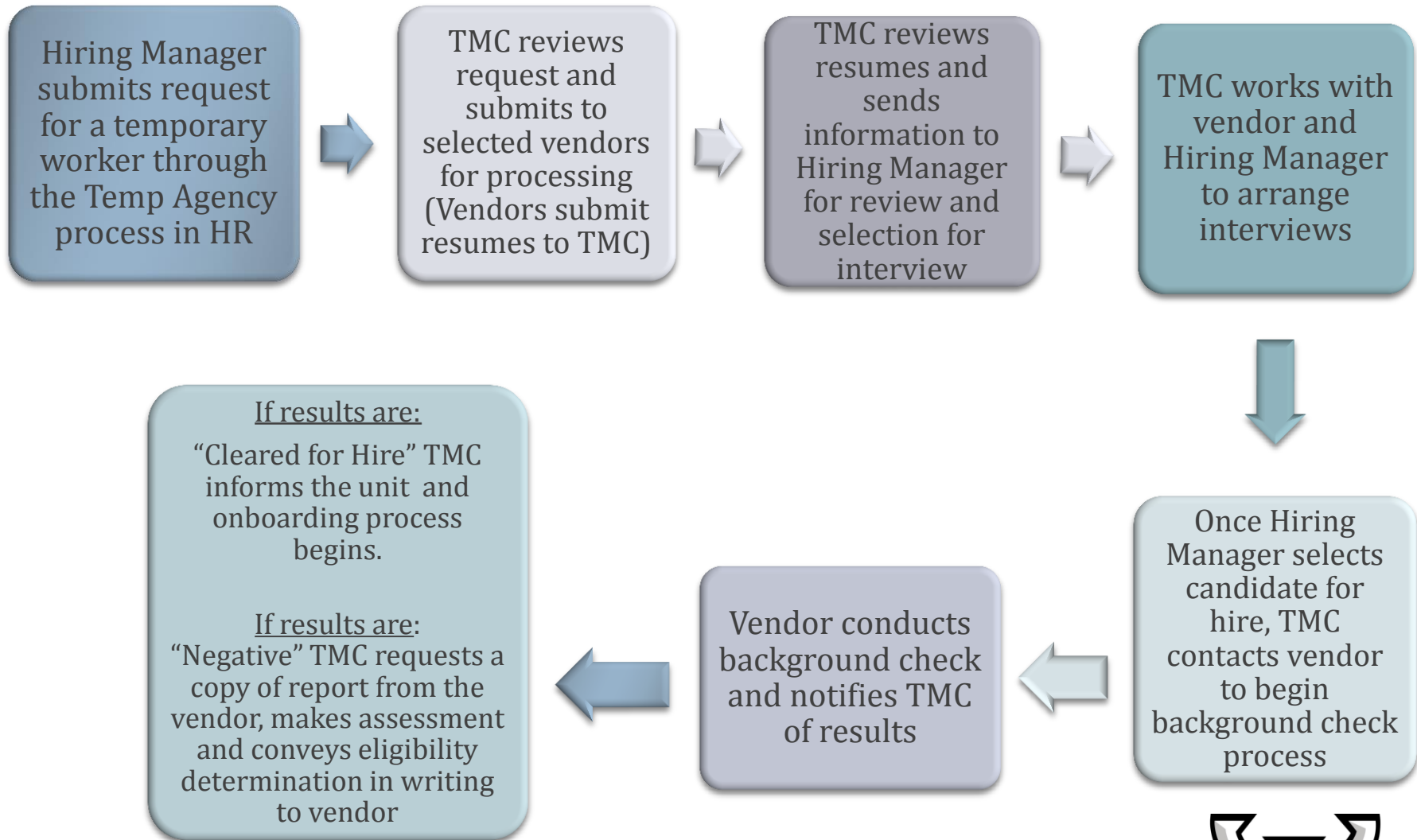
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Employment
History
Verification

External Final Candidate or Volunteer



Staffing Agency Worker



Child Program Worker

ONLY If Child Program Worker is acting as a representative of an organization:

The organization arranges background check by using it's established process or by using the "Supplier Program" site with A-Check



The background check results should be reported to the Program Director of Summer Conference Services and the TMC



If results are: "Cleared"
the Program Director may proceed with next step in the process.

If results are: "Negative"

the Program Director requests a copy of report from the organization or goes to the Supplier Program site (if using WSU vendor) and consults **with TMC** to make assessment, then conveys eligibility determination in writing to the organization

Temporary Worker

- ▶ An External Final Candidate who is offered a position as a Temporary Employee, as defined in APPM Section 3.2.3., may begin employment **before** the Background Check results are completed and assessed **as long as** such individual (“Temporary Employee”) has completed and submitted the Background Check Forms before beginning employment.

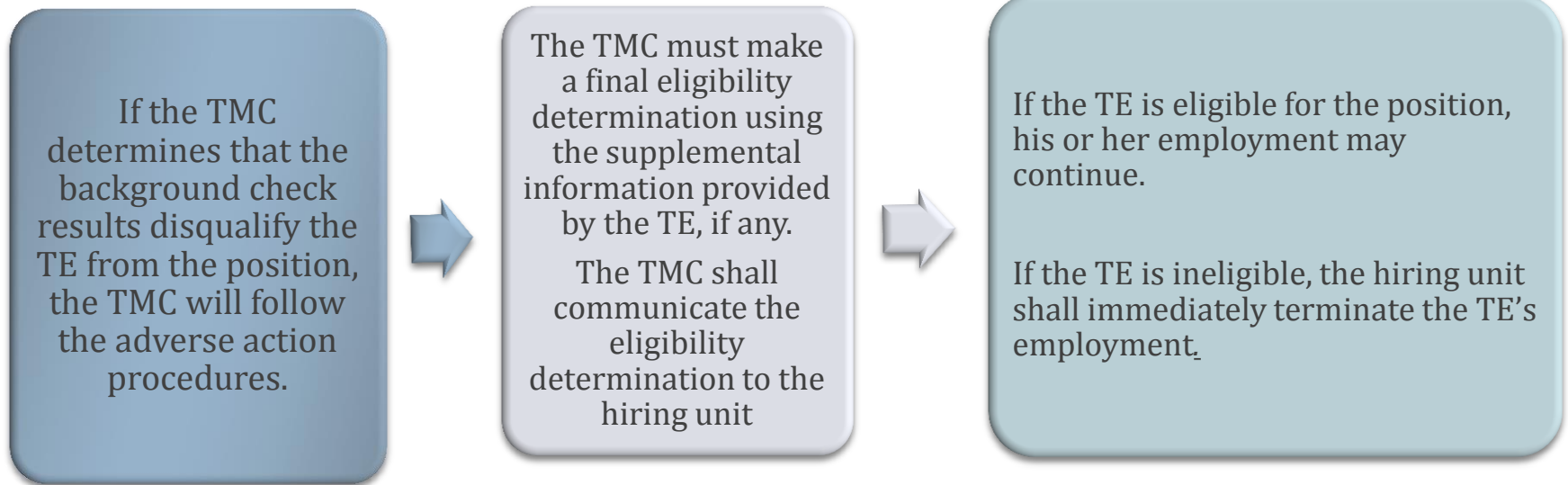
The offer of employment given to a Temporary Employee must state as follows:

“This offer is contingent upon the completion of a satisfactory background check that is required by University policy for this position, including, but not limited to, a criminal background check. If the University determines that your background check results are unsatisfactory, this offer shall be revoked or, if your employment has already commenced, your employment will be immediately terminated.”



Temporary Worker

- ▶ TMC must follow the procedure applicable to an **External Final Candidate** for obtaining a background check and assessing background check results.



Background Check Procedure

Types of Background Checks

Assessing Background Check Results

SSN Trace

SSN check verifies the identity of the EFC by matching his/her SSN with his/her name

IF

- the SSN trace confirms the individual's identity

THEN

- the individual remains eligible pending assessment of the *remaining* background check results

however

IF

- the information obtained fails to confirm the individual's identity

THEN

- the individual is preliminarily **ineligible** for hire. TMC must follow adverse action procedures



Criminal History

- ▶ The assessment of an EFC's criminal history is based on results obtained from two sources:
 - ▶ Criminal Records Check (CRC) **and**
 - ▶ The National Sex Offender Registry Check (NSORC)
- ▶ The criminal history assessment may **ONLY** consider convictions for a felony **or** the conduct underlying an arrest for a felony in an open case (when felony charges arising out of the conduct have been filed), but not finally resolved.
- ▶ A felony conviction or conduct shall be referred to as a "*Criminal Event*".

Criminal History

- ▶ WSU **will not** consider convictions for misdemeanors (except for Public Safety positions) nor arrests for felonies in closed cases.
- ▶ Closed cases are those cases either not resulting in a filing of felony charges or not resulting in a felony conviction.
- ▶ WSU will also not consider any misdemeanor arrests, whether in a closed or open case.



Criminal History - Assessment

IF

- the criminal records check and the national sex offender registry check indicate no criminal events

THEN

- the individual remains eligible for the position. The TMC should proceed to assess the results of any other background checks required.

- ▶ If a **criminal event** appears on the CRC, then the TMC must complete the assessment steps listed on the following slides.

Criminal History Assessment

- ▶ Please note that the existence of a **criminal event** in an EFC's criminal history **DOES NOT** necessarily render the EFC ineligible for the position.
- ▶ An EFC may be determined to be ineligible for the position due to a **criminal event** **only if** the exclusion is based on *reasons related to the safe and efficient performance of the duties of the position and is consistent with business necessity.*

Criminal History Assessment

- ▶ The following standard shall be applied by considering **all** of the factors below:
- ▶ The nature and gravity of the offense or conduct
- ▶ The time that has passed since the offense, conduct and/or completion of the sentence. In considering this factor, the following will be evaluated:
 - ▶ *Age of EFC at time of conviction*
 - ▶ *Evidence that the individual performed the same type of work for which he or she is being considered, post-conviction, with the same or a different employer, with no known subsequent incidents of criminal conduct*
 - ▶ *The length and consistency of employment history before and after the offense or conduct*
 - ▶ *The nature of the position for which the EFC was selected*



Criminal History Assessment

IF

the criminal records check or the national sex offender registry check reveals a **criminal event**

THEN

the TMC shall consult with the Office of General Counsel **AND** if the EFC was offered a faculty, academic administrator or academic staff position, the TMC must also consult with the AVP/HR & Associate Provost for Academic Personnel before making a preliminary determination regarding the EFC's eligibility for the position.

IF

after such consultation, it is determined that the EFC remains eligible, the TMC should proceed to assess the results of any other background checks required for the position.

Criminal History Assessment

IF

- it is determined that the EFC is ineligible for the position

THEN

- the TMC should move forward with the pre-adverse action procedures

IF the EFC responds to the pre-adverse action letter with supplemental documentation, all such documentation will be considered. Particularly relevant and significant documentation is:

The facts or circumstances surrounding the offense or conduct;

Rehabilitation efforts such as education/training;

Employment or character references and any other information regarding fitness for the particular position;

Whether the individual is bonded under a federal, state, or local bonding program.

Criminal History Assessment

- ▶ Under special circumstances, Human Resources may extend the adverse action procedure's seven-day period for submission of supplementary documentation.
- ▶ **IF** the individual submits supplementary documentation, the TMC should consult with the OGC **and** the AVP/HR & Associate Provost for Academic Personnel, if the EFC was offered a faculty, academic administrator or academic staff position.
- ▶ Reconsideration of the preliminary determination may be made in light of the supplementary documentation leading to a **final** determination regarding the EFC's eligibility for the position.

If it is determined that the EFC remains eligible for the position, the TMC shall proceed to assess the results of any other background check required for the position.



Criminal History Assessment

- ▶ **IF** it is finally determined that the EFC is ineligible for the position, the TMC will do the following:
 - ▶ Notify the hiring manager
 - ▶ Notify the EFC that the contingent offer is being withdrawn and send an adverse action letter to the EFC.

*The TMC **will not disclose** to the hiring manager any information revealed by the criminal records check or the national sex offender registry check. **Such information shall be kept confidential.***

Employment Verification

- ▶ The employment verification is used to confirm that the EFC has accurately represented his or her:
 - Past employers
 - Position held
 - Dates of employment
 - Salary earned
- ▶ This verification is required for no more than the last two places of employment

IF

- the results confirm that the EFC did work for the two previous employers stated on the application and/or resume

THEN

- the individual remains eligible pending assessment of the remaining background check results

Employment Verification

IF

- the individual is preliminarily ineligible for the position

THEN

- the TMC shall follow the pre-adverse action procedure, making a final eligibility determination for this background check using the supplemental information provided by the EFC, if any.*

**If the EFC was offered a faculty, academic administrator or academic staff position, the TMC/HR shall consult with AVP/HR & Associate Provost before making a preliminary or final determination of eligibility.*

Required Background Checks for External Final Candidates

In addition to the standard 4 background checks, for positions that require a degree and/or professional license EFCs shall **also** receive:

SSN Trace

Criminal Records
Check

Nat'l Sex
Offender Registry

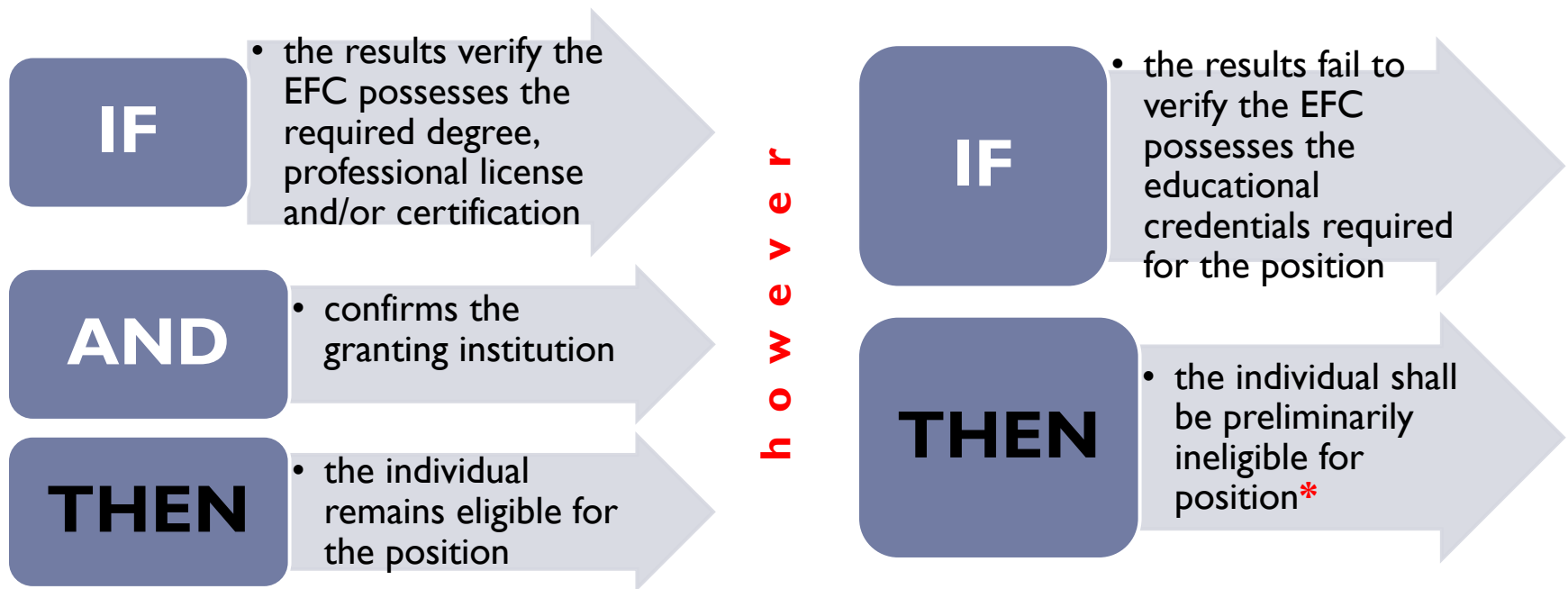
Employment
History
Verification

PLUS

Educational & Licensing
Check

Education and Licensing

- ▶ The education and licensing check is used to
 - ▶ verify that a degree, professional license and/or certification were issued to the EFC
 - ▶ confirm the granting institution



*TMC /HR should follow the pre-adverse action procedures & then make a final eligibility determination for the background check. Consultation with AVPI/HR & Associate Provost required for faculty, academic administrator or academic staff position.

Required Background Checks for External Final Candidates

In addition to the standard 4 background checks, for positions that require a driver's license and/or satisfactory driving record EFCs shall **also** receive:

SSN Trace

Criminal Records
Check

Nat'l Sex
Offender Registry

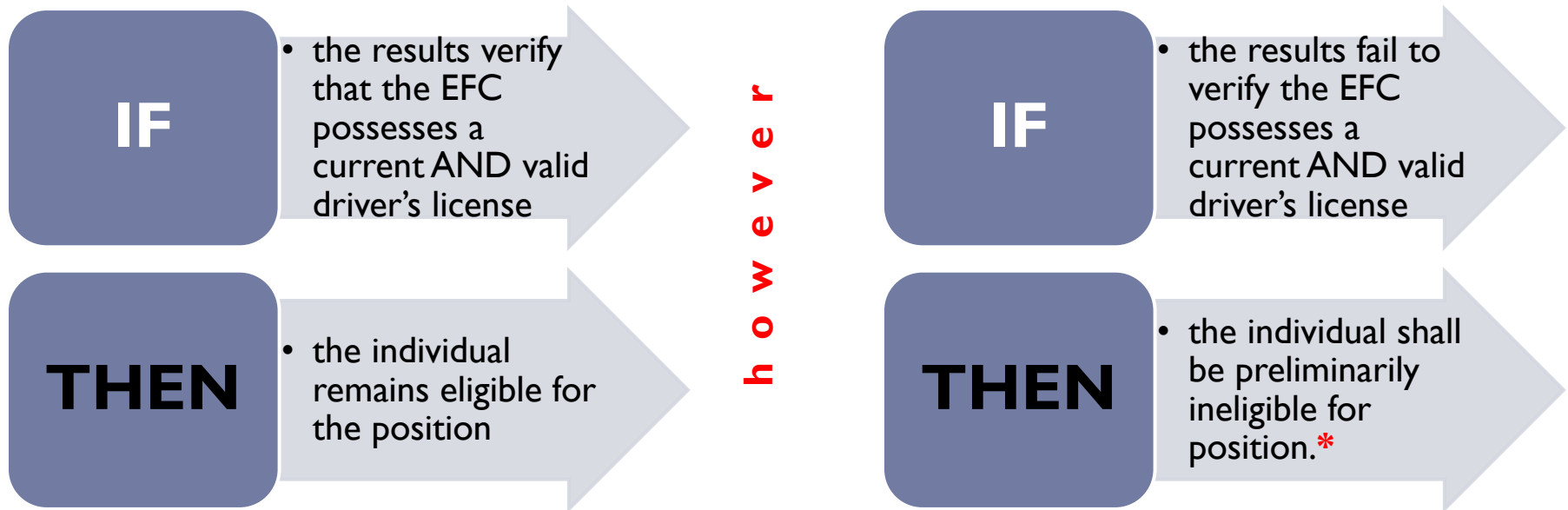
Employment
History
Verification

PLUS

Motor Vehicle (Driving)
Record Check

Motor Vehicle (Driving) Record

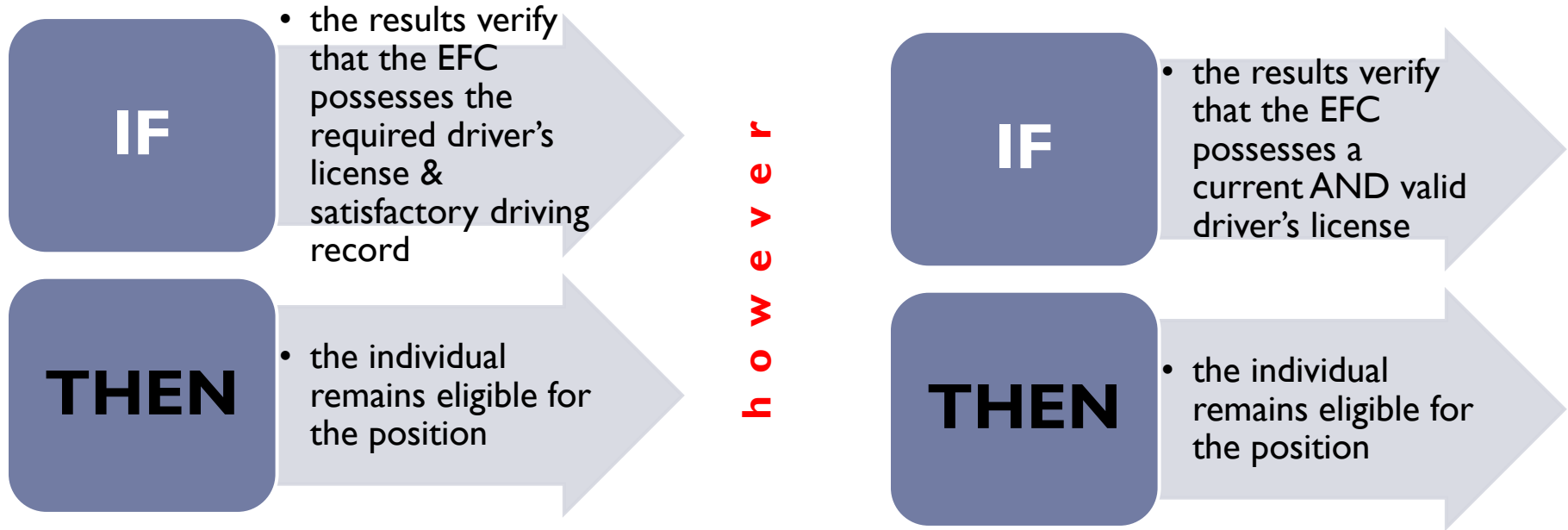
- ▶ The Motor Vehicle (Driving) Records check is used to
 - ▶ verify that the EFC possesses a current and valid driver's license
 - ▶ **where required** (specified by university policy or appropriate collective bargaining agreement), the EFC has a satisfactory driving record



**TMC/HR should follow the pre-adverse action procedures & then make a final eligibility determination for the background check.*

Motor Vehicle (Driving) Record

- ▶ For positions that require a satisfactory driving record and past driving records for the required time period specified by:
- ▶ University Policy, APPM or Non-Rep Manual
- ▶ appropriate collective bargaining agreement



Required Background Checks for External Final Candidates

In addition to the standard 4 background checks, EFCs for positions that require the handling of cash or have significant budgetary or financial responsibilities EFCs shall **also** receive:

SSN Trace

Criminal Records
Check

Nat'l Sex
Offender Registry

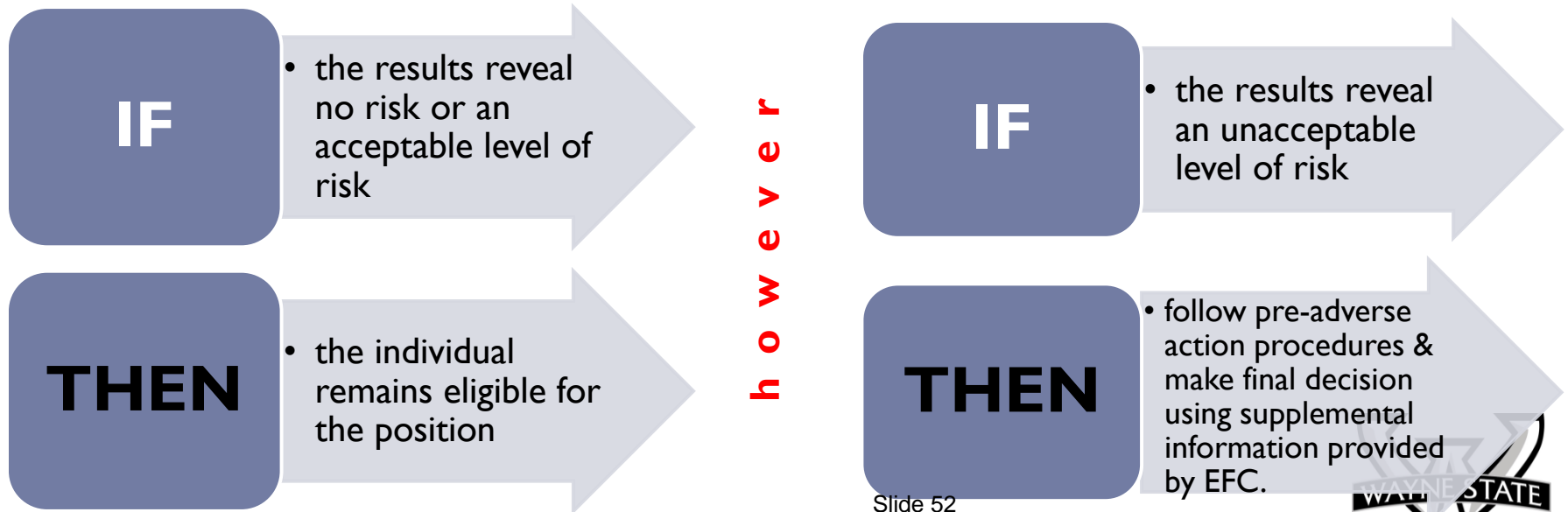
Employment
History
Verification

PLUS

Credit History Check

Credit History

- ▶ The credit history check results are evaluated to determine the **level of risk** associated with an EFC who is being considered to fill a position that
 - ▶ involves the handling of cash or significant budgetary or financial responsibilities
- ▶ *The decision under review is specific to whether the EFC is able to competently and responsibly perform the position duties.*



Required Background Checks for External Final Candidates

In addition to the standard 4 background checks, for positions that require routine operation of university-owned vehicles, use heavy equipment or access and/or use firearms EFCs shall **also** receive:

SSN Trace

Criminal Records
Check

Nat'l Sex
Offender Registry

Employment
History
Verification

PLUS

Drug Screen

Drug Screen

- ▶ Applies to all EFC's for positions that:
 - ▶ require the routine operation of motor vehicles or heavy equipment **or**
 - ▶ allow access to and use of firearms are required to undergo a drug screen
- ▶ WSU requires **ONLY** a five-panel drug screen, which is a test that identifies the presence of:
 - ▶ marijuana
 - ▶ cocaine
 - ▶ opiates
 - ▶ amphetamines
 - ▶ phencyclidine

in a sample taken from the EFC.



Drug Screen Process



**EFC who refuses, or fails without an adequate excuse, to appear at the collection site within the three (3) business day time frame shall be ineligible for the position.*

Drug Screen Results

- ▶ **Positive results:**
 - ▶ Indicated by the presence of cocaine, opiates, amphetamines, phencyclidine or marijuana (*other than medical marijuana*)
 - ▶ IF the drug screen results are positive, the individual is preliminarily ineligible for the position and the TMC shall follow the adverse action procedures.
 - ▶ If the supplemental documentation obtained during the pre-adverse action procedure correct the drug screen result from a positive to a negative (result), the individual shall remain eligible for the position pending assessment of the remaining background check results. Otherwise, the individual will remain **ineligible** for the position.

The TMC/HR shall not communicate to the hiring manager any information revealed by the drug screen. Such information shall be kept confidential.



Drug Screen Results

- ▶ **Negative results:**
 - ▶ IF the drug screen results are negative, the EFC shall continue to be eligible for the position pending assessment of the remaining background check results

Record Retention

Record Retention - Hired

- ▶ For External Final Candidates who are hired, and for Staffing Agency Workers or Child Program Workers whose services are retained, the individual's Background Check Disclosure, Authorization, Release form and Background Check results (collectively, "Background Check Records") shall be retained by Human Resources in a secured location for the length of employment, or service, plus three years thereafter.
- ▶ Records shall be maintained in a location that is separate from the individual's personnel file.

Record Retention – Not Hired

- ▶ For External Final Candidates who are not hired, and for Staffing Agency Workers or Child Program Workers whose services are not retained, the individual's Background Check Records shall be retained by Human Resources in a file separate from other documents generated by the selection process for three years from the date that Human Resources received the Background Check results.



Escalation Points Standards and WSU Protocol

Escalation Points

Below are a few situations that require escalation to a higher authority.

Situation	Escalate To
Hiring Manager requests that a particular type of background check is run on an EFC that is inconsistent with the scope of the job as outlined in the job description.	Client Services Director
Credit Check & Criminal Records Check that reveal a criminal event (non-academic position)	Notify Client Services Director and consult with Office of General Counsel
Employment Verification, Education/Licensing Check, Criminal Records Check that reveals a criminal event (faculty, academic administrator, academic staff positions)	Notify Client Services Director and consult with Office of General Counsel, AVP/HR, Associate Provost for Academic Personnel
EFC refuses or fails to appear at collection site for drug screen, offers excuse and requests consideration.	Client Services Director
Any administration of and/or decision that results in a deviation from the WSU Background Check Policy.	Client Services Director



Wrap-up

Post Test