



DINWIDDIE COUNTY
EMPLOYEE BACKGROUND CHECK POLICY
Effective 2/14/2013

I. PURPOSE

The purpose of this policy is to outline procedures for conducting criminal background checks on full-time and part-time employees. In order to preserve the integrity of county government and the safety and well-being of citizens and all county employees, the county will not employ individuals if they have demonstrated past conduct incompatible with service to the public. This policy is not intended to supersede or control background investigation procedures already in effect for departments that have background check requirements that exceed the requirements of this policy or that have procedures that may otherwise be required by law.

II. IMPLEMENTATION

Human Resources shall implement and administer this policy.

A. New Hires – Each applicant offered employment with the county shall be required, as a condition of their employment, to submit to fingerprinting and to execute a completed Release of Information form to be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigations for the purpose of obtaining national criminal history record information regarding such applicant. Failure to submit a completed Release of Information form or complete all information truthfully shall result in the applicant being ineligible for employment. All persons hired shall be given a conditional offer of employment and be permitted to begin work subject to completion of a satisfactory background check.

B. Current Employees Changing Positions – Employees who are being promoted to a position in their own or another department or who are applying for a transfer to a position in another department must submit to fingerprinting and execute a release form to be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigations for the purpose of obtaining criminal history record information. Employees shall be given a conditional promotional or transfer offer and be permitted to start their new position subject to completion of a satisfactory background check. Failure to complete all information truthfully will result in disciplinary action for current county employees up to and including termination.

C. Falsification of the Employment Application - Falsification of the criminal background section of the employment application or forms associated with the criminal record check process shall result in disqualification from consideration of employment or termination of employment/placement.

D. Continuing Obligation to Report – An individual who is charged with or convicted of a crime, subsequent to the initial background check or during the course of employment, is required to immediately report such information to his/her supervisor. Failure to report may subject the employee to disciplinary action, up to and including termination. The county may require an employee to provide current criminal history information where the county has reason to believe that a criminal conviction has occurred but has not been reported as required under this provision.

III. APPLICABLE DATABASES

Human Resources shall process each Release of Information Form in order to receive information from the Central Criminal Record Exchange (“CCRE”) maintained by the State Police; the Court Access Information System (“CAIS”) maintained by the Virginia Supreme Court; the Sex Offenders and Crimes Against Minors Registry; and other databases legally accessible by the county.

IV. DISQUALIFYING RESULTS

No person shall be employed or retained for employment if the results of a background check show information that would adversely affect the applicant’s or employee’s ability to perform successfully the specific responsibilities of the position applied for or, in the case of existing employees, the position they currently hold. In determining whether or not an individual’s criminal background disqualifies the individual from employment with the county, the following factors may be considered:

- A. The nature and seriousness of the crime
- B. The relationship of the crime to the work to be performed in the position applied for
- C. The extent to which the position applied for might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved
- D. The relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of the position being sought
- E. The extent and nature of the person’s past criminal activity
- F. The age of the person at the time of the commission of the crime
- G. The amount of time that has elapsed since the person’s last involvement in the commission of a crime

H. The conduct and work activity of the person prior to and following the criminal activity

I. Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release

RESULTS	DISQUALIFIER	Comments
Barrier Crime Conviction (Defined as any crimes or offenses that are (1) listed as barrier crimes in Code of Virginia Section 63.2-1719 or (2) any "Crime Against the Person," as defined by Title 18.2, Chapter 4 of the Code of Virginia.)	Yes	For positions serving juveniles, disabled, or the elderly
Felony convictions less than five (5) years old	Yes	
Felony convictions greater than five (5) years old	No	Additional review needed
Class 1 Misdemeanor convictions (excluding minor traffic) less than three (3) years old	Yes	
Class 1 Misdemeanor convictions (excluding minor traffic) greater than three (3) years old	No	Additional review needed
Class 2-4 Misdemeanor convictions (excluding minor traffic)	No	Additional review needed

Based on the results of the background check, the employee may be disqualified for promotion or transfer and subject to appropriate discipline, depending on the seriousness of the disqualifying conduct and the impact on the employee's ability to continue to perform current job duties.

If the search returns information regarding any employee, Human Resources and, as appropriate, the department director, County Administrator, and the County Attorney, shall determine whether such information disqualifies the individual for employment.

The department head shall consult with Human Resources prior to disciplining employees related to background check information.

V. DISSEMINATION OF RESULTS

All background search results shall be accessed solely by Human Resources.

VI. CONFIDENTIALITY

Human Resources shall maintain the confidentiality of all records received pursuant to a background search. Departmental management will not be provided with copies of the background investigation unless needed to defend a grievance or legal action.

VII. GRIEVANCE

Any full or part-time, non-probationary employee disciplined as a result of a background search may grieve such discipline in accordance with the county's grievance procedure.

Approved by: 
County Administrator

2.14.13
Date