

04-02. Background Checks

Internal Policies and Procedures of the Utah State Board of Education
Policy # 04-02
Subject: Background Checks
Effective Date: 08/01/2018
Revision Date:
Purpose: To ensure: <ul style="list-style-type: none">• that USBE employees are well qualified for assigned positions, and their past history will not adversely affect their ability to successfully perform work duties;• that USBE mitigates risk and liability; and• the safety and security at USBE.
Policy: <ul style="list-style-type: none">• A new hire to the USBE shall undergo a background check that enters the individual into the national Rap Back system. This applies to all new hires, including those who worked in a state agency or other governmental job.• An existing USBE employee shall undergo a background check that enters the individual into the national Rap Back system, if the USBE employee is not already entered into that system.<ul style="list-style-type: none">○ Completing these background checks on existing USBE employees shall be implemented in a timeframe established by the Superintendency, with prioritization given to employees who hold positions that could present the USBE with the greatest levels of risk.
References: Administrative Rule R477-8-20. Background Checks

Procedures:

General Provisions

- USBE will not perform a background check on an individual without the individual's written consent.
- A USBE or USDB employee who applies for a new job within USBE or USDB, or who is transferred to a new section in USBE or USDB, is not required to undergo a "new" employee background check.
- DHRM receives the results of the background check, and shares any potentially adverse information with a member of the Superintendency, not the employee's supervisor or hiring manager.
- The decision to not extend an offer of employment, rescind an offer previously made, or terminate an employee because of adverse information on a background check will be

based on the judgment of the Superintendent and a Deputy Superintendent, in consultation with DHRM.

- These decisions will be made on a case-by-case basis, and the Superintendent may consider factors such as the severity and extent of the criminal activity, including the time that has passed since the offense, the relationship between and type of offense and the duties of the job positions, and conduct or completion of a punishment.

New Hires

- When hiring a new employee, USBE shall give the prospective employee an employment offer that is contingent on results of a background check.
 - The employment offer may be revoked, or the employee terminated, if the adverse results from a background check are serious enough to warrant termination.
- A hiring manager at USBE may not offer employment to a prospective employee if the prospective employee refuses to sign the authorization for a background check.
- DHRM shall review the results of the background check and shall:
 - take no action if there is no adverse information; or
 - If there is adverse information, bring the adverse information to the Superintendent, not the employee's supervisor.
- If a background check contains adverse information, the Superintendent shall meet with DHRM, and may also meet with the prospective employee, to allow the prospective employee to provide additional information or documentation that may change the report or provide context and explanation to the report.
- If the report is not changed and the conviction is related to the job duties, or it is determined by the Superintendent to warrant action, the hiring official may rescind the offer to the prospective employee.
- Administrative action may be taken, up to and including termination of employment, if the background check produces adverse information that should have been divulged at the time of hire and was not.

Existing USBE Employees

- If an existing USBE employee refuses to submit to a background check, the employee may be subject to administrative action.
- If an employee's background check is unable to be processed, including because of the existence of a warrant, USBE shall allow ten business days to allow the employee to satisfy the problem in order for the background check to be processed successfully. If the employee refuses to satisfy the problem preventing the background check from being performed, the employee may be subject to administrative action, up to and including termination of employment.

- If an existing employee's background check contains adverse information, the information will be reported to the Superintendency, not the employee's supervisor.
- An employee who is convicted of a misdemeanor or a felony while employed at the USBE shall disclose the conviction to the employee's supervisor or DHRM within 10 working days of the conviction.
 - Public Safety records will not be given to the USBE without the employee's written authorization.
- If a background check contains adverse information, the Superintendency shall meet with DHRM, and may also meet with the USBE employee, to allow the employee to provide additional information or documentation that may change the report or provide context and explanation to the report.
- If the report is not changed and the conviction is related to the employee's job duties or it is determined by the Superintendency to warrant action, administrative action may be taken, up to and including termination of employment, if adverse information should have been divulged by the employee and was not.