

**PORTION OF ND DEPARTMENT OF HUMAN RESOURCE POLICIES AND
PROCEDURES copied 9/30/11**

01-35. Applicant/Employee Background Checks (Revised 1/11 ML#3208)

Criminal Background Check

The Department of Human Services requires that all employing units exercise reasonable care in hiring employees by conducting a criminal background check on all new employees. The basic purpose for such a policy is to enhance the quality of employees hired, and to protect other employees, clients, and visitors.

For situations involving promotions, position changes, rehires, etc. a check may or may not be done, depending upon the employee's former duties and supervisor's consultation with DHS HR.

The Department has statutory authority to complete FBI fingerprint criminal background checks on employees (NDCC §50-06-01.9)

The criminal background check is initiated by the employing unit using SFN 979. A sex offender record check is also completed by the DHS HR Division.

When results of the check are received in DHS HR, they will be communicated to the employing unit HR contact. Charges/offenses that appear on reports will be considered on an individual basis and considered in the context of the duties of the job, the type of offense, and other relevant information. It is the policy of the Department that applicants may start work prior to the results being received; however, must be made aware that they are on probation and employment is contingent on successful completion of the criminal background check process. Employing units are further cautioned that until the results are received, employees should not have unsupervised contact with clients or access to client medications or funds.

Due to recordkeeping requirements, **the result information received from the FBI may not be retained for any length of time by the employing unit.** Reports of "clear" background checks are shredded immediately upon notification of the employing unit HR contact, and reports of background checks with hits are kept **ONLY** by the DHS HR Division based on the State of ND retention schedule.

Criminal History Record Review or Challenge

The subject of a State of ND or FBI criminal background check has the right to see and challenge any of the information on the Criminal History Record. If the individual would like to review the Criminal History Record they may contact Peggy Backman from the Bismarck Department of Human Services (DHS) Human Resource Division (HR) for a copy. A copy of the Criminal History Record may only be given to the subject of the criminal history check. A copy of the Criminal History Record may not be given to anyone representing the subject such as their

attorney or parent. (Title 28 CFR 16.34)

To challenge the information found in a criminal history record the individual may contact the ND Bureau of Criminal Investigation at 701-328-5500 for more information on the process.

Abuse/Neglect Check

Because of the vulnerability of clients served by DHS, employing units must check with their Regional Representative of Social Services to complete an abuse/neglect check.

Drivers License Check

When an employee checks out a State Fleet vehicle, policy requires that their drivers license be checked to assure it is current.