

PPM #48

Policy Name: *Criminal Background Checks*

Effective Date: *January 8, 2016*

Revision Date:

Authorization:



Charles R. Davis, Deputy Secretary

I. POLICY

It is the policy of the Office of the Lieutenant Governor (OLG) and Department of Culture, Recreation and Tourism (DCRT) to require criminal background checks relative to employees and volunteers that:

- Perform law enforcement duties; or,
- Provide primary care and supervision of individuals up to age 18, in the absence of parental or other appropriate guardians, while engaged in interpretive duties (i.e., overnight camping trips, etc.).

II. APPLICABILITY

This policy is applicable to all OLG/DCRT employees and volunteers who meet the criteria set forth herein.

III. PROCEDURES

A. Timeframe for Conducting Background Checks

1. For Prospective Employees: Criminal background checks, when required as noted above, must be conducted after a prospective employee has signed a Conditional Offer of Employment, but prior to his/her first day of work.
2. For Current Employees: If a current employee is newly assigned to perform law enforcement or interpretive duties warranting a background check, it must be conducted prior to his/her having performed the newly assigned duties.
3. For Volunteers: Criminal background checks, when required as noted above, must be conducted after the volunteer has signed a Volunteer Registration Form (in association with PPM #22, Volunteers Services Policy), but prior to his/her having performed any volunteer services for OLG/DCRT.

B. Request for Background Check

1. The supervisor is responsible for providing the Authorization for Criminal Background Check form for completion and signature by the employee/volunteer. If he/she will be performing law enforcement duties, the box should be checked next to "Criminal Justice Employee." If he/she will be providing care for individuals up to age 18 while performing interpretive duties, the box should be checked next to "Working with Children."
 - a. For prospective employees, the completion of this form should occur during the same time the prospective employee is at the work site to sign the Conditional Offer of Employment and other necessary paperwork (i.e., I-9 form, drug screen; see PPM #23, Conditional Offer of Employment policy for details).
 - b. For current employees, the completion of this form must occur prior to the employee beginning to perform the law enforcement or interpretive duties warranting the background check.
 - c. For volunteers, the completion of this form should occur during the same time the volunteer is at the work site to sign the Volunteer Registration Form.
2. Once completed, the supervisor is responsible for submitting the signed Authorization for Criminal Background Check to the Human Resources Division.
 - a. For prospective employees, this should be sent in conjunction with the 48-Hour Notification of Drug Testing Period form and signed job offer.
 - b. For current employees and volunteers, this may be sent to the Human Resources Division independent of any other paperwork.
3. Upon receipt of the signed authorization form, the Human Resources Division will initiate a criminal background check through the Louisiana State Police website, which includes a name check search against existing criminal records. The report will indicate if no record is found or if a record of felony conviction is found. If further clarification of identity is needed in order to properly execute the criminal background check, the individual may be required to be fingerprinted.

4. If a positive criminal history record is found, the Human Resources Division will notify the Appointing Authority accordingly. In consultation with the Human Resources Director, the Appointing Authority shall consider the nature and gravity of the offense(s), the time that has lapsed since the conviction and/or completion of the sentence, and the nature of the duties to be performed.
5. The affected individual shall receive a written notice if any adverse action is proposed as a result of the criminal background check (such as rescission of the conditional job offer, denial of the promotion which included the law enforcement/interpretive duties, or revocation of volunteer services). Additionally, the affected individual shall be provided a copy of the background check, a summary of his/her rights under the Fair Credit Reporting Act (FCRA), and provided an opportunity to respond. If the Appointing Authority determines the proposed action shall be given effect, the individual shall receive a final notice no earlier than five (5) days after the initial notice.
6. Provided no disqualifying information is found, or the Appointing Authority has determined the positive background check does not prevent him/her from providing services to OLG/DCRT, the supervisor will be notified by the Human Resources Division that the employee or volunteer is clear to begin working.

C. Recordkeeping

All criminal background checks shall be filed in a secure area in the Human Resources Division. Access to the reports of an applicable employee shall be limited to the applicable Appointing Authority and the Human Resources and Legal offices. Records shall be maintained consistent with the Human Resources Division's records retention schedule and properly disposed of thereafter.

IV. QUESTIONS

Questions regarding this policy should be directed to the Human Resources Division.

Summary of Changes: New policy (January 8, 2016).