

POLICY & PROCEDURES MEMORANDUM

TITLE:	RECORD SEARCHES FOR EMPLOYMENT PURPOSES
EFFECTIVE DATE:	*July 1, 2013 <i>(*Procedural Update 8/13/13)</i>
CANCELLATION:	none
CATEGORY:	Human Resources (HR)

POLICY STATEMENT

In accordance with the [Louisiana Community and Technical College System \(LCTCS\) Policy #6.036, Background Checks](#), to ensure the safety of students, employees, visitors and institutional resources, Delgado Community College utilizes certain records information, including records of criminal activity, prior employment, professional certifications, professional disciplinary actions, motor vehicle records, and other records for employment purposes.

As a condition of employment, all candidates recommended for new hire or re-hire following a break in LCTCS employment for a twelve month period must provide their documented consent to submit to pre-employment background record searches through the appropriate reporting agency or third party vendor at the College's expense. The results of the pre-employment search must meet a predetermined set of criteria, consistent with [Equal Employment Opportunity Commission Enforcement Guidance #915.002](#), for the candidate to be hired.

Current employees in designated positions, due to risk factors associated with their positions, may also be required to submit to record searches conducted by the appropriate reporting agency or third party vendor at the College's expense throughout their employment when deemed necessary. Furthermore, when authorized by the Chancellor, background record searches may be conducted by the appropriate authorities including the Delgado Police Department in accordance with Louisiana Revised Statutes 17:1805 and 15:587.2 when an employee is arrested for a crime that reflects on his or her suitability for continued employment or as a result of an administrative investigation requiring a background search.

When conducting background record searches, the accuracy and completeness of prior law violations and other information will be verified. The information obtained as a result of an applicant's or employee's background records search will be confidential and used only for the purpose for which the records search was intended. Convictions and other information disclosed that reflect on a current employee's suitability for employment consistent with [Equal Employment Opportunity Commission Enforcement Guidance #915.002](#) may result in job transfer or termination as applicable. The procedures and guidelines for conducting background record searches are outlined in detail in this memorandum.

SPECIFIC INFORMATION

1. **Purpose**

To establish procedures for conducting background record searches for employment purposes at Delgado Community College.

2. **Scope and Applicability**

This policy and procedures memorandum applies to all prospective and current employees of the College.

3. **General Guidelines**

- A. As a condition of employment, all candidates recommended for new hire or re-hire following a break in LCTCS employment for a twelve month period, regardless of position or full-time, part-time or temporary status, will be required to provide their documented consent to submit to a background record search through the appropriate reporting agency or third party vendor at the College's expense. Background record searches may include all locations in which an individual has resided and/or worked. The results of the pre-employment search must meet a predetermined set of criteria, consistent with [Equal Employment Opportunity Commission Enforcement Guidance #915.002](#), for the candidate to be hired.
- B. Current employees in designated positions, due to risk factors associated with their positions, may also be required to submit to background record searches at the College's expense as a condition of their continued employment as deemed necessary.
- C. Convictions and other matters revealed through a record search on a current employee will be reviewed by an internal review committee and may be considered cause for a job transfer or termination based upon the following and consistent with [Equal Employment Opportunity Commission Enforcement Guidance #915.002](#):
 - (1) length of time since the conviction(s) or other matters;
 - (2) circumstances of the event(s);
 - (3) employment or educational record since the event(s)
 - (4) number of matters that cause concern;
 - (5) rehabilitation; and
 - (6) nature of the job/clinical site and relatedness to event(s).
- D. Failure to disclose a conviction(s) or any other matter(s) that relate to the suitability of the individual for employment or continued employment or misrepresentations are deemed falsification of a job application and may result in termination of a job or rescission of a job offer.

- E. When approved by the Chancellor, the College reserves the right to conduct background record searches when a current employee is arrested for any crime that reflects on his or her suitability for continued employment at the College or as a result of an administrative investigation requiring a records search.
- F. When the results of a background record search may negatively impact an individual's prospective employment or current employment status, he/she is provided the opportunity to dispute or verify the information directly with the appropriate reporting agency or third party vendor.
- G. The information obtained as a result of an applicant's or employee's background records search will be confidential and used only for the purpose for which the records search was intended.

4. **Background Record Search Procedures**

A. **Pre-Employment**

- (1) During the employment process, the Office of Human Resources will obtain the documented consent of each candidate recommended for new hire or re-hire following a break in LCTCS employment for a twelve month period to submit to a pre-employment background record search through the appropriate reporting agency or third party vendor at the College's expense.
- (2) Meeting a predetermined set of criteria during a pre-employment background record search is a condition of employment. If the appropriate reporting agency or third party vendor determines that the results of the record search do not meet the College's predetermined set of criteria, the candidate selected for employment may choose to dispute or verify the information directly with the reporting agency or third party vendor. If the predetermined set of criteria is not met according to the appropriate reporting agency or third party vendor, the College rescinds the candidate's job offer.

B. **Current Employees**

- (1) Due to risk factors associated with some positions, including but not limited to safety and security-related positions, background record searches for current employees may be required as a condition of continued employment. Upon written request and justification by the respective vice chancellor, the Office of Human Resources will inform the current employee regarding the need and rationale for a background search as a condition of continued employment. The Office of Human Resources will obtain the current employee's documented consent to submit to a background record search through the appropriate reporting agency or third party vendor at the College's expense. The results of the record search are submitted to the Office of Human Resources and reviewed in accordance with Section 4C, *Review of Results*.

- (2) When required by a clinical education or external practicum site, current employees participating in the clinical/practical experience must submit to background record searches at the College's expense. Clinical/practicum employees must also meet the record search requirements of any applicable professional licensing or certification boards or agencies.
- (3) When authorized by the Chancellor, the Delgado Police Department or any other law enforcement authority or third party designated by the College may perform background record searches on current employees when an employee is arrested for any crime that reflects on his or her suitability for continued employment or as a result of an administrative investigation requiring a records search.

C. **Review of Results**

- (1) Convictions or other information revealed in the record search that may reflect on a current employee's suitability for continued employment will be reviewed by an internal committee, whose membership will consist of the appropriate director/department head, the appropriate vice chancellor, and the Assistant Vice Chancellor for Human Resources. The Delgado Police Chief or his/her designee will be included on the internal committee for searches conducted when an employee is arrested for any crime that reflects on his or her suitability for continued employment or as a result of an administrative investigation.
- (2) If the committee agrees that the conviction or other information that may reflect on an employee's suitability for continued employment is considered cause for job termination or job transfer consistent with [Equal Employment Opportunity Commission Enforcement Guidance #915.002](#), appropriate action will be taken.

Reference:

[Equal Employment Opportunity Commission Enforcement Guidance # 915.002](#),
"[Enforcement Guidance on the Consideration of Arrest and Conviction Record in Employment Decisions](#)," under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq.

Louisiana Community and Technical College System [Policy #6.036, Background Checks](#)
Louisiana Revised Statute 17:1805, *Authority of University or College Police Officers*;
Louisiana Revised Statute 15:587.2, *Institutions of Postsecondary Education; Criminal History information*

Review Process:

Ad Hoc Committee on Record Searches Policy 6/5/13
Business and Administrative Affairs Council 6/10/13
College Council 6/18/13