



OFFICE OF ADMINISTRATION ADMINISTRATIVE POLICY

POLICY TITLE: Background Checks, Arrests, Convictions, Pleas of Guilty, and Payment of Taxes – Applicants and Current Employees	AUTHORIZED BY: Sarah H. Steelman Commissioner
POLICY : B-38	PAGE: 1 of 4
ISSUED: July 2011	REVISED: September 2017

I. GENERAL

This policy is established to ensure the integrity of the operations of the Office of Administration (OA) by providing procedures for background checks for prospective/current employees and contractors. All background checks for OA applicants and employees shall be applied and administered uniformly, fairly and without prejudice.

II. PROCEDURE

A. Applicants

1. Divisions shall obtain a Name Search Criminal Record Check (check) on every person under final consideration for employment (applicant).
2. Divisions shall make only a conditional offer of employment before obtaining a check.
3. Divisions shall obtain a Fingerprint Search National Criminal Record Check (fingerprint check) on every person under final consideration for all director and deputy director positions.
4. The OA Human Resources Service Center shall request checks and fingerprint checks using the Missouri Automated Criminal History Site at <https://www.machs.mshp.dps.mo.gov/MocchWebInterface/home.html> or the Request for Criminal Record Check form on the Missouri State Highway Patrol's website at <http://www.mshp.dps.missouri.gov/MSHPWeb/Publications/Forms/documents/SHHP-158.pdf>. The OA Human Resources Service Center shall forward the completed form to the Criminal Justice Information Services Division as stated on the form.
5. The Patrol does not charge state agencies for checks; however, there is a fee for fingerprint checks.
6. Divisions shall conduct a professional reference check on all external applicants.
7. Initial employment applications may not include questions relating to the applicant's criminal history unless a criminal history would render an applicant ineligible for the position.



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B. Current Employees

1. Divisions may request a check from the OA Human Resources Service Center for each current employee who does not have a check on file and who performs sensitive duties or is in a management position.
2. Divisions may request a check from the OA Human Resources Service Center for each current employee who does not have a check on file and whose duties are changed to include sensitive duties or who moves into a management position.
3. Divisions shall obtain these checks using the procedure in section II. A. of this policy.

C. Results and Records

1. If the check or fingerprint check does not show a criminal record, the division may proceed with the hiring process.
2. If the check or fingerprint check shows a criminal record, the division may consult with the OA Human Resources Service Center and/or the OA Deputy Commissioner/General Counsel or designee. In determining how to proceed, at least the following must be considered: the nature of the position, the seriousness of the offense, and how long ago the offense was committed.
3. The HRSC shall provide notification of the suitability determination and the appeal process to the employee/applicant.
4. OA Human Resources Service Center shall maintain checks and fingerprint checks in files separate from other types of records in accordance with the General Retention Schedule.

D. Additional Background Checks

1. Each division may establish a policy that requires more extensive background checks for applicants. The policies should comply with all laws and regulations and should be relevant to the duties of the position being filled. The policies may include, but are not limited to, checks of credit or financial history; driver's license history; and educational history. The division must obtain from the applicant a waiver for release of information.
2. Background checks for employees who are granted after-hours access to any state facility shall be conducted in accordance with the procedures of the Division of Facilities Management, Design and Construction.



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3. Background checks for employees who are granted access to the SAM II Financial and Human Resources Systems shall be conducted in accordance with SAM II policies.
4. Background investigations for applicants/new contractors and for existing employees/contractors to be granted access to Federal Tax information must include the following:
 - a. A fingerprint check conducted to determine suitability to access Federal Tax Information. Suitability determinations are required to be based on the following specific factors.
 1. Misconduct or negligence in employment;
 2. Criminal or dishonest conduct;
 3. Material or intentional false statement, or deception or fraud on the candidate's application;
 4. Alcohol abuse, without evidence of substantial rehabilitation, of a nature and duration that suggests that the applicant would be prevented from performing the duties of the position in question, or would constitute a direct threat to the property or safety of the applicant or others;
 5. Illegal use of narcotics, drugs, or other controlled substances without evidence of substantial rehabilitation;
 6. Knowingly and willful engagement in acts or activities designed to overthrow the U.S. Government by force;
 7. Any other statutory or regulatory bar, which prevents the lawful employment of the person, involved in the position in question.
 - b. A background check of local law enforcement agencies where the applicant has lived, worked, or attended school within the last 5 years, including a check for any identified arrests.
 - c. To validate the applicant's eligibility to legally work in the United States, a Form I-9 must be completed to verify the identity and employment authorization. Within 3 days of completion of the I-9, the applicant must also be processed through E-Verify to assist with verification of his/her status.
5. Each employee with access to Federal Tax Information must undergo a background investigation within 10 years from the date of the previous background investigation.



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III. ARRESTS, CONVICTIONS, AND PLEAS OF GUILTY OF CURRENT EMPLOYEES

- A. Current employees shall notify the OA Human Resources Service Center and/or their Division Director within five calendar days if they are arrested, convicted or plead guilty to a crime. Failure to do so may result in disciplinary action up to and including dismissal.
- B. If a division learns that a current employee has been arrested, convicted, or has plead guilty to a crime while employed by OA, the division shall consult with the OA Human Resources Service Center and/or the OA Deputy Commissioner/General Counsel or designee to determine whether action is necessary.

IV. TAXES

As a condition of continued employment, all employees must file state income tax returns and pay all state income taxes. As required by Section 105.262, RSMo, OA will conduct annual tax compliance checks of all OA employees. Employees who are in violation of Section 105.262, RSMo, will be notified and will have 45 days to provide the OA Human Resources Service Center with a tax compliance letter from the Department of Revenue. Failure to timely provide the letter will result in dismissal.