



# STATE OF MISSOURI ADMINISTRATIVE POLICY

<b>POLICY TITLE:</b> <b>Background Check</b>	<b>AUTHORIZED BY:</b>  <b>Douglas E. Nelson</b> <b>Commissioner</b>
<b>POLICY : SP-10</b>	<b>PAGE: 1 of 2</b>
<b>ISSUED: December 2004</b>	<b>REVISED: June 2016</b>

## I. PURPOSE

To ensure the integrity of state government, each department shall establish a background check policy for prospective and current employees. The goal of this policy is to provide a consistent approach to conducting background checks on all new and current employees, while allowing agencies to adopt more stringent background check approaches as warranted.

All background checks by any agency of the State of Missouri shall be applied and administered uniformly, fairly, and without prejudice.

## II. SCOPE

This policy applies to all state departments under the jurisdiction of the Governor of Missouri. Other state agencies, commissions, boards, and entities may adopt this policy. This policy is for prospective employees before there is a final determination for employment and for current state employees who may assume duties in sensitive job areas and/or managerial positions.

This background check policy does not affect or supercede other background checks required by law or as a condition of funding from any federal or state agency.

## III. PRE-EMPLOYMENT

- A. Each department shall establish a policy for background checks. The policy must cover all positions. The agency policy shall include the mandatory provisions of this statewide policy and other elements specific to each department. Policy, as used in this policy, includes the procedures that will be used to implement the policy.
- B. The human resources section (HRS), or applicable section, of each department shall be responsible for all pre-employment and current employee background checks.
- C. In furtherance of Executive Order 16-04, 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.
- D. Each department shall conduct a pre-employment criminal history record check on person(s) under final job consideration (applicant). The criminal history record check may include a fingerprint check administered by the Missouri State Highway Patrol. Only a conditional offer of employment is appropriate until the results of the record check are known.
- E. Additional criminal history record checks may be obtained by other states or federal law enforcement agencies as determined by the approved policy of each department.
- F. Each department, at a minimum, shall conduct a professional reference check on final applicants.



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- G. Each department's pre-employment policy must address based upon the findings of the background check the suitability or denial of the applicant for the position. The department policy must address the applicability of background check finding to the job requirements.
- H. Each department's human resources section (HRS) shall maintain in a separate file the background checks for applicants in accordance with Chapter 610, RSMo and all other applicable laws. All other personnel records shall be maintained separately.
- I. Each department shall establish a policy for the retention of all records pursuant to this policy. The records retention policy of each agency shall be in compliance with existing laws regarding records retention.
- J. Each department may establish a policy that requires more extensive background checks for pre-employment. These policies may include but are not limited to background checks of credit/financial history; driver's license history and educational history. The department must obtain a waiver for release of information.

#### **IV. CURRENT EMPLOYEES**

- A. Departments should adopt policies on background checks for employees performing sensitive job duties and employees in management positions when no previous background check has been performed.
- B. Department policies shall follow the mandates stipulated for pre-employment.

#### **V. ARRESTS, CONVICTIONS, AND PLEAS OF GUILTY**

Departments should adopt policies for current employees pertaining to arrests, convictions, and pleas-of guilty. Employees must be required to notify the human resource section (HRS) of the respective department of any arrests, convictions, or pleas of guilty. Employees must be required to provide this notice within five (5) calendar days of the date of arrest, conviction or plea. Each agency shall establish a policy for the fair determination of appropriate action of these reported violations.