



**Administrative Regulations
Office of the Mayor**

Title: BACKGROUND INVESTIGATIONS

A.R. Number: 4.14 **Effective Date:** 2/1/2007 **Page:** 1 of 4

Supersedes: Background Investigations **A.R.:** 4.15 **DATED:** 9/1/2004

I. PURPOSE

The purpose of this policy is to ensure that individuals seeking employment with the City of Richmond do not pose a threat to themselves, other workers or the safety of the public. Therefore, this policy sets forth guidelines for conducting background investigations on candidates for employment. Criminal conviction records and consumer credit reports shall be considered only as one aspect of the total assessment process except when the position, because of the nature of the work to be performed, must be limited to persons who have no past criminal records or have not been convicted of any related crime.

II. POLICY

It is the policy of the City of Richmond to comply with all State and Federal laws and provide specific guidelines that comply with any and all regulations relating to background investigations including, but not limited to: Employment verification, driving records, character references, social security number verification, state licensing records, education records, credit history, immigration status, child abuse registry, sex offender registry and criminal records.

Mandatory Background Investigation

The following is a set of job related criteria/parameters and specific background investigations that are deemed mandatory by the City of Richmond.

1. Any position that requires the provision to children, the elderly, or disabled and/or unsupervised access to a child or to an elderly or disabled person
 - Employee fingerprints obtained by a law enforcement officer
 - National criminal background check
 - Child abuse and neglect registry
 - Sex Offender Registry
2. Any position that requires an individual to handle currency
 - Consumer credit report and/or investigative consumer report
3. Law enforcement agency; an agency duly authorized to perform law-enforcement duties
 - Applicant's fingerprints and personal descriptive information to the Central Criminal Records Exchange to be forwarded to the Federal Bureau of Investigation (FBI) for the purpose of obtaining national criminal history record information
 - Consumer credit report and/or investigative consumer report (Individual Departments/Agencies that obtain background investigation reports through a consumer reporting agency must comply with the Fair Credit Reporting Act (FCRA) of 1996.)



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4. Criminal justice agencies
 - State and national criminal history record
5. Agencies that issue permits or licenses and positions that involves personal contact with the public that affect the interest of public welfare or safety
 - Criminal history record
6. Applicants for employment in licensed nursing homes, hospitals and home care organizations
 - Employee fingerprints obtained by a law enforcement officer
 - National criminal background check
 - Child abuse and neglect registry
 - Sex Offender Registry
7. Applicants for employment in homes for adults, licensed district homes for adults, and licensed adult day-care centers
 - Employee fingerprints obtained by a law enforcement officer
 - National criminal background check
8. Residential facilities for juveniles regulated or operated by the Department of Social Services, the Department of Education, or the Department of Mental Health, Mental Retardation and Substance Abuse Services
 - Employee fingerprints obtained by a law enforcement officer
 - National criminal background check
 - Child abuse and neglect registry
 - Sex Offender Registry

In addition to the mandatory background investigations listed above, each Department/Agency has the discretion to conduct additional background investigations that are deemed job related.

III. PROCEDURE

1. Criminal record checking and substance abuse testing occur once the applicant has been selected as the candidate for the position. All other investigations may occur prior to the final selection, and in most instances should occur prior to the final selection.
2. A notarized request for a criminal background investigation shall be submitted to the State Police along with the appropriate fee.



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3. National criminal background check requires that the individual has:
 - a. Been fingerprinted by any local or state law-enforcement agency; and
 - b. Completed and signed a statement, that includes
 - Name, address, social security number, and date of birth as it appears on a valid identification document,
 - A disclosure of whether or not the individual has ever been convicted of or is the subject of pending charges for a criminal offense within or outside the Commonwealth, and if the individual has been convicted of a crime, a description of the crime and the particulars of the conviction,
 - A notice to the individual that the department/agency may request a background check,
 - A notice to the individual that he is entitled to obtain a copy of any background check report, to challenge the accuracy and completeness of any information contained in any such report, and to obtain a prompt determination as to the validity of such challenge before a final determination is made by the Department of State Police, and
 - A notice to the individual that prior to the completion of the background check the qualified department/agency may choose to deny the individual unsupervised access to children, the elderly or disabled for whom the qualified department/agency provides care.
4. Investigative consumer reports require the Employer to inform the applicant or employee in writing within three days from the time the City requests the report that such a report may be made and that he or she has the right to receive a complete and accurate written disclosure of the nature and the scope of the investigation.
5. The applicant must submit with his or her employment application a separate written consent form authorizing the City of Richmond to obtain background investigation reports for employment purposes.
6. The Human Resource Department/Agency Manager shall receive all background investigation reports. It is the Human Resource Department/Agency Manager's duty to determine the eligibility for hire based on all the information obtained in the application process. The hiring manager is notified of the hiring determination.
7. The hiring manager is responsible for notifying the applicant, in writing, of the decision. If employment is not granted, the hiring manager must notify the applicant of his/her rights to obtain a copy of the records.
8. Within five (5) days of his or her receipt of the report, the applicant may submit a challenge to any finding that prevents his or her employment. The challenge may consist of a correction of errors from the Virginia State Police and/or a letter of explanation with appropriate documentation from the applicant to the Department/Agency Human Resource Manager.

IV. RESPONSIBILITY

- A. Responsibility of Department/Agency Human Resource Manager
 1. Ensure that the appropriate background investigations are performed when deemed mandatory by State or Federal Law.
 2. Review all information received from the State Police and other investigation sources.
 3. Inform the hiring manager of the investigation findings and hiring determination.
 4. Discuss with the Appointing Authority any challenge to the investigation findings.



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B. Responsibility of Hiring Manager

1. Verify that all applicants sign the certification on the City application authorizing the background investigation including the substance abuse testing and separate written authorization for background investigations.
2. Request the criminal background investigations and pre-employment physical examination.
3. Inform the selected applicant, in writing, of the investigation findings and, if necessary, the process to challenge those findings.

C. Responsibility of applicant

1. Provide fingerprints to the proper law enforcement authorities, as necessary.
2. Provide any verification needed for the background investigation.
3. Request from State Police in writing any disqualifying information found in a background investigation (when necessary).
4. Challenge any incorrect or misleading information found as a result of the background investigation.

V. DEFINITIONS

Appointing Authority – Any person or group of persons having power by law, or by lawfully delegated authority, to appoint a person to a position in the City's service.

Child Care Services – child protective services (including the investigation of child abuse and neglect reports), social services, health and mental health care, child (day) care, education (whether or not directly involved in teaching), foster care, residential care, recreational or rehabilitative programs, and detention, correctional, or treatment services. (42 U.S.C.S. §13041 (a)(2))

Consumer Reporting Agency – any person or entity, which for fees, dues, or on a cooperative nonprofit basis, regularly assembles or evaluates consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties. (15 U.S.C. §1681 a(f))

Hiring Manager – Any person or group of persons responsibly for conducting the applicant interview within the department/agency in which a vacancy exists.

Investigative Consumer Report – information obtained through personal interviews with neighbors, friends, associates, or other acquaintances of the consumer.

VI. REGULATION UPDATE

The Office of the Mayor and the Department of Human Resources shall be responsible for modification to this Policy.

APPROVED:

MAYOR