COLORADO COMMUNITY COLLEGE SYSTEM

SYSTEM PRESIDENT’S PROCEDURE

EMPLOYMENT BACKGROUND CHECKS

SP 3-10a

APPROVED: February 8, 2006
EFFECTIVE: February 8, 2006
REVISED: May 23, 2007
REVISED: March 20, 2013
REVISED: January 2, 2014

REFERENCES: State Board Policy BP 3-10 Administration of Personnel
Titles VI and VII of the Civil Rights Act of 1964, as amended
Fair Credit Reporting Act of 1996 (7)
The Americans with Disability Act of 1990, as amended
Colorado Open Records Act, C.R.S. 24-72-201
Title 5, U.S. Code Section 552a; Privacy Act
Employment Opportunity Act, C.R.S. 8-2-136

ISSUED BY:

Nancy J. McCallin, System President

Application
This procedure applies to all employees, as defined in BP 3-10, finalists for employment and volunteers in the Colorado Community College System.

Basis
Board Policy 3-10 requires the System President to establish procedures for evaluating the qualifications and suitability for employment of all Colorado Community College System employees, volunteers and employment finalists to include a review of qualifications, previous employment, criminal history, and, when applicable, credit and driving history.

Current Employees
The Colorado Community College System reserves the right to conduct a criminal, credit and/or driving background check on a current employee. For employees hired prior to February 1, 2006, written authorization from the employee is obtained prior to conducting a background check. Human Resources annually checks driving records of employees whose position responsibilities include operating a state vehicle. Employees and volunteers are required to notify their immediate supervisor if they are charged of a
felony or other offense of moral turpitude that adversely affects the employee’s ability to perform the job or has an adverse effect on the Colorado Community College System no later than five (5) days after the date of such a charge. Employees whose position responsibilities include operating a state vehicle are required to notify their immediate supervisor if their driver’s license is suspended, revoked or canceled no later than five (5) days after the date of such action.

Current employees who are finalists for positions within the Colorado Community College System are to have a current background check on file. A background check is considered current if it was conducted within the last 12 months. The background check, and credit and driving history if applicable, shall be reviewed according to the position requirements.

Prospective Employees and Volunteers
In order to evaluate qualifications and suitability for employment or volunteering, the Colorado Community College System requires employment finalists and volunteers to provide information on qualifications, previous employment, criminal history, and, when applicable, credit and driving history. After an employment finalist has been identified an offer of employment can be made, but must be contingent upon a successful background check. Background checks shall not be performed until the applicant has been identified as a finalist or a conditional offer of employment has been made to the applicant.

The Office of Human Resources requests a background check from the Colorado Community College System contracted consumer reporting agency as follows:

1. Criminal history in the states where the individual resides or resided in the past seven years for all employment.
2. Credit history for positions where credit information is substantially related to the job.
3. Driving history for employment that includes driving a State of Colorado vehicle or transporting students.

Credit History
The Colorado Community College System will adhere to the Colorado Employment Opportunity Act with regard to obtaining credit information for positions where credit information is substantially related to the job.

Substantially related means the information contained in a credit report is related to the position for which the applicant is being evaluated because the position constitutes executive or management personnel or officers or employees who constitute professional staff to executive and management personnel, and the position involves one or more of the following:

- Setting the direction or control of a business, division, unit, or an agency of the business;
- A fiduciary responsibility to the employer;
Access to customers’, employees’, or the employer’s personal or financial information other than information customarily provided in a retail transaction;

The authority to issue payments, collect debts, or enter into contracts; or

Involves contracts with defense, intelligence, national security, or space agencies of the federal government

To assure confidentiality of all applicant information, each Office of Human Resources centrally coordinates the criminal/credit/driving history check process. Results of background checks with criminal/credit/driving history that make a finalist’s suitability for employment questionable are reviewed by the Human Resources Director or designee. The Human Resources Director or designee consults with the appropriate executive staff member and the hiring supervisor to render a determination in accordance with applicable federal and state statutes on the use of criminal/credit/driving records in selection and employment. Results that indicate any criminal convictions, guilty or nolo contendere pleas, deferred adjudications, deferred judgments, questionable credit history or driving offenses from the age of 18 are considered based on the nature, seriousness, number of and recency of the actions as they relate to the employment involved and their implications for the general safety and security of the campus community. Consideration is also given to the accuracy of the individual’s disclosure of offenses, as well as whether the offenses arose out of employment situations.

Authorizations
In accordance with this procedure, all employment finalists and volunteers are required to sign a Criminal Record Disclosure (Attachment A), a Release Authorization for conducting a background check (Attachment B) and a General Release and Authorization (Attachment C). A refusal to sign these forms will result in the offer of employment being null and void. The Human Resources Office will be responsible for providing finalists and volunteers with the required forms including a summary of their rights under the Fair Credit Reporting Act.

Notification
In the event that a determination regarding an employee’s, volunteer’s or finalist’s criminal/credit/driving record may result in an adverse personnel decision, the Human Resources Office is responsible for notifying the individual, in writing utilizing the format shown on Attachment D, of the disposition of his/her history check. Individuals may contact the Human Resources Office within ten (10) days of the date of written notification to challenge the results of a history check. Criminal history checks may be challenged by requesting a fingerprint-based verification check, of which the cost is the responsibility of the employee, volunteer or finalist. This waiting period may delay the start date on the offer of employment for up to ten (10) days. In the event a history check is not challenged or if a challenge is unsuccessful, the Human Resources Office is responsible for notifying the individual, in writing utilizing the format shown on Attachment E, of the final decision disposition.
Departmental Responsibility
Hiring supervisors are responsible for reviewing credentials (e.g. degrees and certifications), confirming employment history and checking references.

The Human Resources Director or designee is responsible for contacting any prior State of Colorado employers. For applicants previously employed by CCCS, Human Resources shall contact all CCCS colleges disclosed on the Prior Addresses and Prior State Employment Form and the System Human Resources office.

Disqualification
An applicant or employee who provides misleading, erroneous, or deceptive information on an application form, resume, credential documents, disclosure form, or in an interview is immediately eliminated from further consideration for employment or subject to immediate termination.

Revising this Procedure
CCCS reserves the right to change any provision or requirement of this procedure at any time and the change shall become effective immediately.