

City of Lawrence, KS  
Administrative Policy

Subject Background Checks	Applies To All Departments	Effective Date September 1, 2009
Approved By City Manager City of Lawrence	Total Pages 9	Policy Number 106

1.0 **Policy/Purpose** <sup>I</sup>

In order to protect the City of Lawrence, its employees, volunteers, and the public, the City of Lawrence conducts third-party employment background checks on potential employees, interns and volunteers, except for those of the Lawrence Kansas Police Department. The City of Lawrence also conducts background checks to verify that potential employees, interns and volunteers have accurately presented their qualifications during the hiring process.

2.0 **Types of Screening**

The City of Lawrence conducts various types of background checks on initial hires, and rehired employees, whether part-time, full-time, regular, temporary, or extra-boards. Background checks will also be conducted on interns and volunteers that:

- Have access to confidential information.
- Work or interact with minors.
- Have access to money.
- Are required to operate a motor vehicle in order to conduct City business.
- Will work over 20 hours per week for more than 120 days.

Background checks may consist of, but are not limited to the following:

- Social Security Number Validation
- Criminal History Check
- Employment Verification Check
- Driving Record Check
- Personal/Professional Reference Check
- Professional License/Certification Verification
- Education Verification

When applying for a position, it is the applicant's responsibility to accurately complete the employment application and the background check authorization form. Applicants who do not disclose requested information may, at the discretion of the City, be denied employment, or may be involuntarily separated from City employment if the City becomes aware that the information is false.

### 3.0 Background Check Procedure

#### **A. Determining What Level of Background Check Is Required**

The City of Lawrence will consider the following when determining what type of background check is required for each position:

- Will the position require direct responsibility for the care, safety, and security of people, including minors;
- Will the position require direct access to, or control over, cash, checks, credit cards, and/or credit card account information;
- Will the position require responsibility for operating a vehicle;
- Will the position require a CDL;
- Will the position require access to personal identifying information about employees and the public, or access to confidential material?

The position job bulletin will notify applicants that background checks will be performed. Generally, City of Lawrence background checks consist of one of the following types of screenings, but any other third-party background check services selected by the City of Lawrence are also subject to this policy:

- Comprehensive Screening (All full-time regular, part-time regular, and extra-board positions)
  - Screening includes criminal check, social security number validation, and sex offender registry check.
  - Screening may have driving record check added on depending on the requirements of the position.
  - Screening may have employment verification check

added on depending on the requirements of the position.

- Basic Screening (All part-time temporary, interns and volunteer positions).
  - Screening includes criminal check, social security number validation, and sex offender registry check.
  - Screening may have driving record check added on depending on the requirements of the position.

#### **B. Responsibility**

All employment offers will be contingent upon a satisfactory background check including verification of credentials, drug screens, physicals, etc. and other information required by federal and state law.

Background checks conducted by the City of Lawrence will be outsourced to a background check agency, and consistent with the guidelines stated in the Fair Credit Reporting Act (FCRA). FCRA requires an employer that uses a third party to conduct background checks to provide a copy of the consumer report to the applicant or employee and provide the applicant or employee with a copy of his/her rights under the FCRA (the "Summary of Rights Under the FCRA") before taking adverse action based upon information contained in the consumer report.

### **4.0 Approval Process**

#### **A. Level I Approval**

For all potential employees, interns, and volunteers that have background check results that do not include any of the items listed on the Background Check Approval Process List may have the contingent offers of employment confirmed by the hiring official, once all other screening information (such as results of physical and drug screening) has also been successfully completed.

#### **B. Level II Approval**

For all potential employees, interns, and volunteers that have background check results that do include any of the items listed on the Background Check Approval Process List the hiring officials will contact the Human Resources Manager or designee to discuss the background check results

to obtain approval to ensure that the person is eligible for employment before confirming any offers of employment or taking any other action.

### **C. Level III Approval**

If an employment decision cannot be made following the completion of the discussions between the hiring official and the Human Resources Manager or designee, then the Human Resources Manager or designee will proceed by submitting the background check results to the City Manager for review. No further action will be taken until the Human Resources Manager or designee receives final approval regarding the contingent offer of employment from the City Manager.

## **5.0 Definitions**

5.1 **"Background Check"** is the process of authenticating the information supplied to the City of Lawrence by a job applicant in his or her resume, application, and interviews.

5.2 **"CDL Drivers"** means individuals who are required to possess a commercial driver's license for the purpose of transporting children, employees, or while performing work responsibilities on City-owned vehicles that require a commercial driver's license.

5.3 **"Crime"** means an action or an instance of negligence that is deemed injurious to the public welfare or morals or to the interests of the state and that is legally prohibited.

5.4 **"Criminal history check"** means verifying that an individual does not have any criminal history in every jurisdiction where the potential employee currently resides, has resided, or has been employed within the past 7 years.

5.5 **"Driver's License Check"** means verifying that an individual does have a valid driver's license, and meets the driving requirements for the position.

5.6 **"Educational verification"** means confirming that an individual possesses all educational credentials that are required for the position and/or listed on the employment application.

5.7 **"Employment verification"** means confirming that an individual actually worked in the positions listed on the application. This verification should include dates of employment and verification of position(s) held for each employer.

5.8 **"Fair Credit Reporting Act (FCRA)"** applies to "consumer reports" issued for multiple purposes, including employment background checks performed by third parties for the purposes of hiring, promotion, retention or reassignment.

5.9 **"Felony"** is a crime of graver or more serious nature than those designated as misdemeanors.

5.10 **"Initial Hire"** means any new employee who has never been employed at the City of Lawrence, or any former employee that is re-hired by the City of Lawrence.

5.11 **"License and driving record verification"** means confirming that an individual possesses all the driver's licenses listed on the job description and application that qualify the individual for the position sought. It also includes verification of the status of such licenses.

5.12 **"Misdemeanor"** is a criminal offense defined as less serious than a felony.

5.13 **"Operates a vehicle"** means an individual who is regularly or occasionally required to drive a vehicle as part of his or her job duties.

5.14 **"Personal/Professional Reference Check"** means contacting the additional references that are listed on the application form by the applicant who would be able to give an accurate character description, and answer questions as to integrity, responsibility, and personal information.

5.15 **"Professional license and certification verification"** means verifying the validity and accuracy of an individual's professional license or certification date of issue, and renewal and expiration dates.

5.16 **"Rehired Employee"** means any individual who previously was employed at the City of Lawrence, but has separated their employment, or have not actively been working for the City of

Lawrence for a period of 6 or more months. The Parks & Recreation Department will repeat background checks for all part-time temporary staff, interns and volunteers on their third anniversary of employment.

5.17 **"Sex offender registry check"** means verifying that an individual does not appear in one of the 50 independent registries of sex offenders.

## Background Check Approval Process List

This list should be used as a reference when reviewing background check results. Any conviction identified, whether by verdict or plea (including plea of no contender), for any of the following offenses or category of offenses shall initiate the Level II Approval process as outlined in the Background Check Policy. **Other questions regarding how to handle convictions or offenses that show up on a background check that are not listed below should be directed to Human Resources, so that further direction may be provided.**

**A. Sexual Offenses** - Sex offenses regardless of the amount of time since offense, including without limitation:

1. Child molestation
2. Rape
3. Sexual assault
4. Sexual battery
5. Sodomy
6. Prostitution
7. Solicitation
8. Indecent exposure

**B. Felony Violence Offenses** -Felony violence regardless of the amount of time since offense, including without limitation:

1. Murder
2. Manslaughter
3. Aggravated assault
4. Kidnapping
5. Robbery
6. Aggravated burglary

**C. Felony Involving a Child** - Felony offenses involving a child regardless of the amount of time since offense, including without limitation:

1. Child abuse
2. Contributing to the delinquency of a minor
3. Internet luring of a child
4. Child trafficking

**D. Felony (Other)** - Other felony offenses other than violence or sex within past 7 years.

**E. Misdemeanors Violence Offenses** - Misdemeanor Violence offenses within the past 7 years including without limitation:

- 1) Simple assault
- 2) Battery
- 3) Domestic violence
- 4) Hit & run

**F. Misdemeanors Drug and Alcohol Offenses** - Misdemeanor Drug & Alcohol offenses within the past 5 years or multiple offenses in the past 10 years, including without limitation:

1. DUI or DWAI
2. Simple drug possession
3. Drunk & disorderly
4. Public intoxication
5. Possession of drug paraphernalia

**G. Misdemeanors (Other)**-Any other Misdemeanor offenses within the past 7 years that would be considered a potential danger to children or is directly related to the functions of the applicant.

**H. Any other combination of FELONY and/or MISDEMEANOR** offenses that the City deems unacceptable.

**I. Driving Record-** Most of the position at the City of Lawrence require a valid driver's license. If a valid driver's license is required, then that information will be listed on the job bulletin, and the driver's license background check should be selected. Certain positions also require that applicants have a limited number of citations during a specified time period in order to be considered for job openings with the City of Lawrence. Applicants that do not meet these standards may be excluded from consideration for the job opportunity in which they are applying. However, they may apply for future job opportunities with the City of Lawrence, once they meet the established driving requirements.

**J. Pending Charges-** Should the background check indicate that an applicant has criminal charges of any nature pending, including a deferred judgment, deferred prosecution, or pending diversions the applicants'



eligibility for employment will be considered on a case by case basis and may be rejected until there is a resolution of the charges or successful completion of the deferred period.

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<sup>1</sup>Background checks will be primarily initiated by the designated department personnel. The Lawrence Kansas Police Department will conduct background checks on those final candidates for any position(s) in the Lawrence Kansas Police Department (including civilian positions).