



**SAN JOAQUIN COUNTY  
PRE-EMPLOYMENT BACKGROUND INVESTIGATION POLICY**

Adopted: December 7, 2021  
Issued:

## **PURPOSE**

San Joaquin County employees are entrusted with the substantial responsibility of providing an array of services that promote the health and well-being of the public. A background investigation is a key component in determining an applicant's suitability for employment, and in safeguarding against negligent hiring by identifying history, which could adversely affect job performance and/or employee and public safety. Therefore, it is the purpose of this policy to establish a thorough background investigation process to verify the information provided by and confirm the qualifications of a prospective employee.

## **POLICY**

Unless otherwise prohibited by law, all potential new hires, who receive a conditional offer of employment, and employees considered for promotion to management or unrepresented positions, or employees being promoted to a position which requires additional background components to be reviewed, shall be required to successfully pass and complete a pre-employment background investigation and reference check prior to appointment.

This policy shall not apply to conditional offers of employment made to applicants for positions in law enforcement agency departments<sup>1</sup> who conduct their own background investigation as a condition of employment.

## **DEFINITIONS**

A. For purposes of this policy, new hires and promotional candidates are defined as:

1. Candidates new to County employment (have not been previously employed by the County).
2. Reinstatements and Rehires:
  - Candidates previously employed but returning to County employment after having been retired, resigned or separated six (6) months or more.
  - Candidates who have been laid off and re-employment rights have expired.
3. Current employees entering into unrepresented positions<sup>2</sup>, or employees being promoted to a position which requires additional background components to be reviewed.

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<sup>1</sup> Law enforcement departments include District Attorney, Sheriff's Office, and Probation

<sup>2</sup> Unrepresented positions are classifications in the following bargaining units: A (Executive), B (Senior Management), and D (Confidential)

## **PROCEDURE**

Departments and hiring authorities shall follow the procedural requirements as outlined in this policy in addition to the procedures specified in the Pre-Employment Background Investigation Policy Administrative Guidelines (Attachment A).

This policy and the procedures incorporated herein shall comply with all rules, ordinances, policies, and state and federal laws and regulations in effect at the time of investigation.

## **INVESTIGATION**

The County may use a contracted third-party vendor to conduct background investigations in accordance with all applicable state and federal statutes. Information obtained from the background investigation will be used to determine suitability for the position for which the candidate has been conditionally offered. The level and scope of investigation will depend upon the particular position for which the conditional offer of employment was made.

1. Candidates will be subject to a combination of the following background investigation components based on the Classification Elements Worksheet (CEW) and as appropriate for the position:
  - a. Criminal and or civil court records check
  - b. Department of Justice fingerprinting (*e.g.* LiveScan)
  - c. National Sex Offender Database search
  - d. Motor Vehicle Records check
  - e. Educational degree verification
  - f. Professional license and/or certification check
  - g. Employment verification
  - h. Social Security Number verification
  - i. Identity confirmation (address and phone number)
  - j. Sanctions search
  - k. Professional References
  
2. Positions meeting one or more of the conditions below may also be subject to credit history checks<sup>3</sup>:
  - a. A managerial position.
  - b. A position for which the information contained in the credit report is required by law to be disclosed or obtained.
  - c. A position in which the person has regular access to the all of the following information:
    - i. Bank or credit card account information
    - ii. Social security number
    - iii. Date of birth

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<sup>3</sup> These conditions for credit check are set by CA Labor Code Section 1024.5. If a position does not meet those conditions, a credit check cannot be requested.

- d. A position in which the person would be a named signatory on the bank or credit card account of the employer, authorized to transfer money on behalf of the employer, or authorized to enter into a financial contract on behalf of the employer.
- e. A position that involves access to confidential or proprietary information per existing statute.
- f. A position that involves regular access to cash totaling \$10,000 or more of the employer, a customer, or client, during the workday.

## **INVESTIGATION RESULT**

1. If a candidate successfully passes all required components of the background investigation as determined by the CEW and is considered suitable for employment, departments may proceed with the hiring process, which may include pre-placement medical examinations and/or pre-employment drug screening pursuant to existing County policy.
2. If the background investigation reveals convictions or discrepancies, candidates will undergo a pre-adverse individual assessment review. A pre-adverse individual assessment is the review of the negative information performed by HR to determine if the negative information will affect candidate's ability to perform the essential duties of the position for which the candidate has received a conditional job offer.
3. Background and reference checks revealing convictions or history discrepancies shall be reviewed by the Director of Human Resources or designee, including information received from the candidate during the pre-adverse individual assessment, to determine suitability for employment. Should the candidate be denied employment based on information contained in any of the background investigation reports, the candidate shall be notified of the adverse action pursuant to applicable state and federal laws and regulations<sup>4</sup>.
4. Information revealed during, or as a result of, the background investigation of a promotional candidate shall be subject to review for suitability for continued employment in the candidate's current position pursuant to County policy and applicable Civil Service Rules.
5. Candidates, including a promotional candidate, who fail the background investigation, will be ineligible for certification/employment for 12 consecutive months. Candidates may apply and participate in a recruitment and examination process, but their name will not be certified to a hiring department until 12 months from the date they failed the background check.
6. All background investigation results shall be maintained by the Human Resources Department in confidential files, separate from employee personnel files, in accordance with applicable state and federal law.

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<sup>4</sup> A criminal conviction will not necessarily disqualify an applicant from employment. The County will consider the nature, date, and job-relatedness of the position sought. The information obtained and requested through the pre-employment process will be limited to those essential for determining if a person is suitable for the position.

## **RESPONSIBILITIES**

### 1. Departmental Hiring Managers

- a) Complete and submit a Classification Elements Worksheet (CEW) at the time of requisition to Human Resources, which will document and determine the scope of the required background investigation and job nexus.
- b) Make an offer of employment to potential new hire/promotional candidate contingent upon successfully passing a pre-employment background investigation pursuant to this policy.
- c) Withdraw a conditional job offer of employment for disqualified candidate.

### 2. Human Resources

- a) Shall administer and oversee the Pre-Employment Background Investigation Program.
- b) Shall maintain background and reference check results in confidential files, separate from employee personnel files in accordance with applicable state and federal laws and regulations.
- c) Shall review position information submitted by departments on the Classification Elements Worksheet; select the appropriate background investigation components and facilitate the background investigation between candidate and selected vendor.
- d) Shall review background investigation reports and, if necessary, send Pre-Adverse notification to candidate, with an opportunity for the candidate to contest any findings.
- e) Shall conduct a pre-adverse impact review (Individual Assessment), where applicable, using the recency, relevancy and rehabilitation factors as codified in CA Government Code §12952 (c) (1) (A) (i-iii).
- f) Shall make a determination if candidate will pass/fail the background investigation and communicate the pass/fail results to Departments.
- g) Shall notify candidates of disqualification.
- h) Shall evaluate the reasons for failure and make recommendations to the current department whose promotional candidate has failed a background investigation, in the event the reason for failure impacts the candidate's ability to continue employment in their current position.
- i) Shall monitor the period of employment ineligibility for disqualified candidates.

## **COST**

San Joaquin County HR shall incur the initial costs and shall charge Departments for the necessary costs incurred for conducting background investigations.

## **DISQUALIFICATION AND APPEAL RIGHTS**

San Joaquin County relies upon the accuracy of information contained in the employment application, as well as information presented throughout the hiring process, including examinations, hiring interviews and background investigations. Any misrepresentation, falsifications, or material omissions may result in the exclusion of a candidate from further consideration or, if hired, termination of employment, pursuant to Civil Service Rules.

## **EQUAL OPPORTUNITY EMPLOYER**

San Joaquin County is an Equal Employment Opportunity Employer. All qualified individuals, regardless of race, age, color, sex, and other protected categories, have a full and fair opportunity to compete for hiring, promotion, and other terms and conditions of employment.

## **MODIFICATION OF POLICY**

The Director of Human Resources, or their designee, shall have the authority to modify, amend, supplement, add, or remove items on the Classification Elements Worksheet (CEW), background investigation components and/or procedures from the Pre-Employment Background Investigation Policy as necessary to meet the staffing needs of the County, and to conform to legal and/or regulatory changes/requirements.