

Salt Lake County Human Resources Policy 2-500: Background Check Requirements

Purpose

The purpose of this policy is to protect the safety, health, and security of County citizens, employees, and property by identifying positions which require a criminal background clearance.

I. Policy

Salt Lake County references the criminal history of applicants, employees, and volunteers when permitted by law and a review of the criminal history may minimize the County risk to the public safety, property, or health. The location, position duties or materials handled in designated County positions may require these added security precautions. Employees may be subject to additional background screening requirements based upon the position or other department requirements.

II. Procedures

A. Applicable Job Classification and Volunteer Functions

1. The Human Resources Division, in consultation with the relevant agencies and the District Attorney's office, will identify and maintain a current list of designated positions and volunteer functions that are subject to background checks.
2. The designated positions subject to a background check by the County and its agencies include positions as permitted by [Utah Code 53.10.108\(1\)\(g\)](#). However, if a position at the County does not qualify under statutory authority for a background investigation, the County may still require a background check for certain positions that deal with the following:
 - a. access to controlled substances
 - b. provision of drug and alcohol services
 - c. access to records that are classified as private, protected, or controlled under the [Government Records Access and Management Act](#)
 - d. access to records classified as confidential under another state or federal statute or regulation
 - e. access to records maintained in restricted state or federal databases
3. The Human Resources Division may add a position to the background check list after consulting with the relevant agency and the District Attorney's Office. An agency may initiate the process to add a position to the background check list.
 - a. Background records check activities will be coordinated with the Human Resources Division except for the Sheriff's Office and other criminal justice positions.
 - b. The Sheriff's Office and other criminal justice agencies performing background checks will maintain the records of each background check and ensure clearance prior to the employee or volunteer performing work.
 - c. Any fees charged to individuals for background checks will be reimbursed by the County.

B. Background Check Process

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1. The Human Resources Division will create and maintain a [Notification and Waiver Form](#) for use by all County agencies subject to this policy and procedure.
 - a. The Notification and Waiver Form will identify who will see the criminal history information and describe how the information will be used.
 - b. The County must obtain a signed or electronically acknowledged Notification and Waiver Form before initiating a background check on a candidate, employee, or volunteer.
 - c. The Human Resources Division may use a refusal to complete a background Notification and Waiver Form as an incomplete application which would disqualify the employee, applicant or volunteer from hire, rehire, volunteer work or promotion.
 2. The Human Resources Division or the criminal justice agency will provide any person subject to a background check an opportunity to:
 - a. review the information
 - b. respond to any information received
 - c. The right to review and respond to background check information by the Bureau of Criminal Identification (BCI) will be governed by state administrative rules. [Utah Administrative Code R722.900.1-5](#)
 3. The County may require that applicants, employees, and volunteers holding or applying for positions not designated under [Utah Code 53.10.108\(1\)\(g\)](#) to submit their own application for a background check as a condition of initial or continued employment. The applicant, employee, or volunteer will grant to the County a right of access to the results of that background check by completing the appropriate paperwork supplied by BCI.
- C. Record Retention
1. County agencies are required to maintain these records in accordance with the [County's record retention schedule](#).
 2. The Human Resources Division will maintain and classify all background check records in a separate file and retain said records consistent with County wide policies and procedures.
- D. Results of the Background Investigation
1. Employees in designated positions will be background checked annually but no less than every three years to ensure compliance with the County's criminal clearance standards. Supervisors who become aware of a disqualifying criminal violation may immediately take action.
 2. The County has adopted the following [standards for reviewing designated positions](#). If a background check on a candidate reveals relevant, job related criminal history, the Human Resources Division, agency, the District Attorney's Office will determine if the applicant is qualified.
 3. The agency will notify the applicant of any disqualification.
 4. The candidate may challenge the completeness and accuracy of criminal history record information by following the procedures established by BCI.
 5. If a background check on a current employee reveals relevant, job related criminal history, the Human Resources Division will notify the agency and the District Attorney's Office. The Human Resources Division, the agency, and the District Attorney's Office will then

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- determine whether the criminal conduct violates established criteria for the designated position. The County will grant the employee sufficient time to challenge the completeness and accuracy of the background check as provided by this policy and as provided by law.
6. If a background check on a volunteer reveals relevant, job related criminal history, the County will grant the volunteer sufficient time to challenge the completeness and accuracy of the background check as provided by this policy and as provided by law.
 7. If the criminal conduct affects a person's status as an employee; at the agency's discretion, the employee may be transferred to a vacant qualifying position or terminated consistent with County policies and procedures. For volunteers where the criminal conduct affects a person's assignment, the volunteer will be released from their volunteer position.

III. References

- A. Restrictions on access, use and contents of division records - Limited use of records for employment purposes -Challenging accuracy of records - Usage fees - Missing children records - Penalty for misuse of records – [Utah Code 53.10.108\(1\)\(g\)](#)
- B. GRAMA [63G.2.101-901](#)
- C. Review and Challenge of Criminal Record - [Utah Administrative Code R722.900.1-5](#)