

**SANTA CRUZ COUNTY
PERSONNEL ADMINISTRATIVE MANUAL**

Topic: BACKGROUND INVESTIGATIONS	Date Issued: Dec. 21, 1990
Section: RECRUITMENT AND EXAMINATIONS	Date Revised: June 16, 1995 April 25, 2019
Number: IV.8.	

PURPOSE:

To obtain information to determine the qualifications of an applicant as they relate to State laws and regulations, County Code, and Civil Service Rules.

LEGAL BASIS:

Government Code Section 130 et seq.
Penal Code, Sections 830 et seq., 111105 13101,13300
California Administrative Code, Title II, Section 700 et seq.
California Health and Safety Code Section 10911.5
County Code Section 3.28.010 (D), Appointment Procedures
Civil Service Rule IV, Standards and Qualifications
Internal Revenue Code Section 6103(p)(4)

POLICY:

- I. The County of Santa Cruz will conduct background investigations for certain classifications/positions as required by law or authorized by County Code.
- II. Three types of background investigations are conducted:
 - A. Fingerprint record checks through DOJ (State Department of Justice) and/or FBI (Federal Bureau of Investigation).
 - B. Partial background investigations, including DOJ and FBI checks.
 - C. Full background investigations, including DOJ and FBI checks.

NOTE: Fingerprint checks apply to candidates 18 years of age and older.

NOTE: FBI fingerprint record checks and partial/full background investigations

are conducted as required by law.

III. Fingerprint record checks are done if a position meets any of the following criteria, either by law or by determination by the Personnel Director (this includes both regular and extra-help):

A. All positions that meet any of the following criteria:

1. Peace officer status.
2. Access to criminal justice information.
3. Access to Federal Tax Information (FTI). Federal Tax Information includes tax returns or return information received from the IRS or a secondary source.
4. Significant fiscal risk due to level of responsibility and/ or access to large funds.
5. Personal risk to clients/the public brought about by employee contacts with clients/the public occurring outside County office sites and without supervision.
6. Supervisory or disciplinary authority over minors.
7. Access to controlled substances.

B. All positions in the following departments due to their access to criminal justice information:

1. Departments defined as criminal justice departments:

- a. Sheriff-Coroner
- b. District Attorney
- c. Probation

2. Departments with access to criminal justice information:

- a. Information Services
- b. Animal Services Authority

IV. FBI fingerprint checks are required by DOJ regulations for all employees with access to criminal justice information (as defined in Policy III above).

- V. DOJ fingerprints checks are required by the California Health and Safety Code for employees of public recreation programs who have direct contact with minors as defined by Health and Safety Code Sections 1596.60-1596.608.
- VI. Partial background investigations are conducted by departments for general job classes in certain criminal justice departments.
- VII. Full background investigations are conducted by departments for: 1) peace officers as defined in Penal Code 380, et seq. (that is, for the Deputy Sheriff, Probation Officer, Group Supervisor, District Attorney Inspector, and Welfare Fraud Investigator series); 2) for the Correctional Officer series.
- VIII. Candidates for positions with peace officer status and correctional officer positions shall be disqualified for employment for failure of the background investigation. Failure of the background investigation will include, but is not limited to, the following as applicable to the position:
 - A. The commission of any felony involving any federal or state statute.
 - B. The commission of a misdemeanor amounting to conduct which would reflect adversely on the candidate's ability to perform as a peace officer or detention officer, e.g., fighting, assault, battery, malicious mischief, moral turpitude, or general behavior that tends to indicate a lack of maturity, common sense or self-control (within the last three years).
 - C. Classification as a negligent operator under the Department of Motor Vehicle's "point count."
 - D. Any termination from a sworn position at a law enforcement agency.
 - E. Failing a law enforcement academy within the last three years.
 - F. Termination from any employment in the past three years for reasons which are directly related to the abilities and attributes necessary for law enforcement.
 - G. Any pattern within the past two years of non-payment of debts which resulted in collection action against the candidate.
 - H. Any incorrect representation or deletion of a material fact on a County application, questionnaire, or form.
 - I. Any verbal misrepresentation or deletion of a fact material to the background investigation.

- J. Failure of the psychological test as indicated by an "F" rating. (Candidates who receive a "D" should be considered for removal of their names from the eligible list.)
 - K. Any exceptions to the above may be considered on a case-by-case basis.
- IX. Departments with personnel accessing Federal Tax Information (FTI) such as the Child Support Department and Human Services Department will be required to complete a Background Investigation which includes a criminal history screening. Each respective department will be responsible for conducting the background investigation.
- A. Background for designated positions (All positions at Child Support and some positions at Human Services Department) will include the following:
 - 1. Candidates must complete a personal history statement;
 - 2. Candidates will be fingerprinted, and the California Department of Justice (DOJ) and the FBI will provide the County with a conviction report. This report will be sent to the Custodian of Record in the Personnel Department for review.
 - 3. If a person indicates on their personal history statement that they have lived, worked or attended school outside of California within the past five years, the County will attempt to contact the local law enforcement agencies in the employee's former state to find out if the employee had a criminal history while in that state;
 - 4. A new Background Investigation must be conducted every ten years;
 - 5. For new Child Support employees only, the County must use the E-Verify system to cross-check the information new employees provide on the I-9 form within three days of the employee's completion of that form. The Records Unit of the Personnel Department will complete this as part of the In-Processing procedures.
 - B. Each operating department will be responsible for maintaining the records to show compliance for this requirement and will be responsible for tracking the time for conducting the background investigation every ten years.
 - 1. More detailed information is available with each operating department in their respective departmental policies.
- X. Departments may not seek information about a candidate's arrest or detention which did not result in a conviction, or from using such information as a factor in determining any condition of employment. The two exceptions to this are for: 1) peace officers, and 2) those responsible for the incarceration or correction of

inmates/wards.

- XI. All information related to background information results will be treated in a confidential manner as specified in the Procedures below.
- XII. Background investigations shall be valid for up to one year. (This guideline, established by the Commission of Peace Officers Standards and Training and which applies to POST positions, shall serve as the guideline for County background investigations.)
- XIII. The Personnel Director may delegate background investigation activities to operating departments, as appropriate.
- XIV. The Personnel Department may periodically review the following: 1) background-related forms to ensure compliance with current laws and regulations; 2) background investigation methods, findings, and results to ensure fairness and consistency in evaluation of candidates; and 3) maintenance of confidential records.
- XV. Fees and expenses related to background investigations may be covered by Personnel or the operating department, depending on criteria, need, and budget considerations.

PROCEDURE:

- I. The need for a background investigation is determined through any of the following:
 - A. The passage of a State law requiring the investigation.
 - B. A job analysis conducted for classification purposes.
 - C. A written request by the employing department for positions in a broad job class where duties are determined to be found as listed under Policy III above.
- II. The Deputy Director of Personnel Services determines the classifications/positions on which background investigations will be conducted, and ensures the following:
 - A. Inclusion of the background investigation requirement in the class specification and corresponding job bulletins.
 - B. Notification of fingerprinting requirements to the Personnel Records Unit and operating departments, as applicable.
- III. Personnel Records Unit or designated operating department staff will prepare fingerprinting request forms for candidates and direct the candidates to a designated location for fingerprinting.

The designated office for fingerprinting (such as Santa Cruz Live Scan) will send fingerprints to the DOJ, and if applicable, to the FBI.

IV. DOJ will run a record check on the candidate.

NOTE: If FBI applies, the designated office for fingerprinting will also forward the fingerprints to FBI. These prints are handled entirely independently of DOJ and are likely to be returned at different dates.

V. Any information returned from DOJ or FBI will be reviewed by the Employment Services Manager or their designee, or a designee in the operating department, to do the following:

- A. Check the information against the information submitted by the applicant during the application process.
- B. Determine the job relatedness of the information received.
- C. Discuss any relevant information resulting from the record check with the hiring department.
- D. Destroy results upon completion of review otherwise maintain in a secure area.

VI. Partial or full background investigations will be conducted by the hiring department.

- A. The Personnel Director will review and approve background investigation questionnaire forms.
- B. The hiring department will distribute questionnaires to candidates, obtain completed questionnaires, and review and assess the results. Any problems or questions should be referred to the Employment Services Manager.

VII. When a department wishes to request removal of a candidate from the eligible list based on the results of a background investigation:

- A. All requests should be put in writing on a PER3151 form to the Personnel Director or their designee. (See PER3151 at end of this PAM.)
 - 1. The request will indicate the basis for removal, either from Section VIII of the policy above, or Section IV.B or VI.C of the County Civil Service Rules.
 - 2. The request will contain sufficient facts to justify the removal of the candidate.
- B. The Employment Services Manager will review all requests and approve or not approve them based on the information provided. All requests that are not approved will be discussed with the department and, when appropriate, recommendations will be made to the department on additional

research/information that may provide facts to justify the removal.

- C. If the Personnel Director approves a request for removal, the candidate will be notified in writing and given seven (7) calendar days to appeal the removal.
- D. If the candidate appeals the removal, attempts will be made to resolve the matter informally. If resolution cannot be achieved, the removal may be appealed to the Civil Service Commission. This appeal must be filed within seven (7) calendar days of the date the parties agree resolution cannot be met.

VIII. Coding System for Fingerprinting

- IX. Fingerprint requirements are fully defined in the Policy section above. Fingerprints will be coded by position in the personnel/payroll system by a 2-digit code to include type of fingerprint and primary reason for fingerprint as noted below:

Primary reason for fingerprinting (first digit):

A = Peace officer (required by law)

B = Criminal justice employee in a criminal justice department (required by law)

C = Criminal justice employee* not in a criminal justice department but with access to criminal justice information (required by law)

D = Fiscal risk due to level of responsibility and/ or access to large funds. (determined by Personnel Director)

E = Personal risk to clients/the public brought about by employee contacts with clients/the public which may occur outside County office sites and without supervision. (determined by Personnel Director)

F = Supervisory or disciplinary authority over minors (required by law)

G = Supervisory or disciplinary authority over minors (determined by Personnel Director)

H = Access to controlled substances (determined by law or by Personnel Director)

R = Certified Fingerprint Roller for In-Home Supportive Care Providers in HSD

S = General employee not in a criminal justice department with access to criminal justice information (required by law)

T = Access to FTI (required by law)

* The term "criminal justice employee" is used here in conformance with DOJ

definitions and their requirements for identification on fingerprint cards.

Type of fingerprint (second digit):

1 = DOJ only

2 = DOJ and FBI

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[PER3151 REMOVE CANDIDATE FROM LIST REQUEST - FORM](#)