

Background Check Guidelines for Critical Positions



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UNIVERSITY OF CALIFORNIA, SANTA BARBARA

BACKGROUND CHECK GUIDELINES FOR CRITICAL POSITIONS

Background Checks

A check of a candidate's background is intended to serve as an important part of the selection process when hiring new employees, as well as when promoting or transferring current employees. The UCSB background check guidelines, as consistent with [UC PPSM 21](#) and [UC Systemwide Guidelines](#), apply to employees in positions that are designated as critical. These include career, limited appointment, contract, and casual-restricted (student assistant) employees.

A background check is conducted to promote a safe work environment; to protect key organizational assets such as people, property and information; and to enable hiring authorities to make prudent employment decisions based upon more comprehensive job-related information.

All applicants selected for, or reclassified into, "critical" positions are required to undergo a background check. A Department of Justice (DOJ) and/or Federal Bureau of Investigation (FBI) background check is a fingerprint check of criminal convictions through the Applicant Live Scan System (Note: DOJ background checks are California-only background checks, and FBI background checks are national background checks. Human Resources recommends that both DOJ and FBI background checks are conducted for applicants/employees who have resided out-of-state.). In accepting a critical position, it is understood that appointment to, or continued employment in, a critical position is contingent upon a satisfactory DOJ/FBI background check. A satisfactory DOJ/FBI background check is defined as the absence of a criminal history record which bears a demonstrable relationship to the applicant's or employee's suitability to perform the required duties and responsibilities of the position.

Critical Positions

Departments are delegated the authority to determine by review which staff positions should be designated as critical based on the responsibilities of those positions. These elements include, but are not limited to, the following:

- 1) Master key access to University-owned residence and/or other facilities
- 2) Direct responsibility for the care, safety and security of humans; or the safety and security of personal or University property
- 3) Direct access to, or responsibility for, cash or cash equivalents (as defined by [Business & Finance Bulletin, BUS-49](#)) or University property disbursements or receipts
- 4) Direct access to, or responsibility for, controlled substances or hazardous materials
- 5) Extensive authority for committing the financial resources of the University
- 6) Responsibility for operating commercial vehicles, machinery or toxic systems that could cause accidental death, injury or health problems
- 7) A requirement for a professional license, certification or degree, the absence of which would expose the University to legal liability and/or adverse public reaction
- 8) Direct access to, and/or responsibility for, information affecting national security
- 9) Direct access to, and/or responsibility for, protected, personal, or other sensitive data (as defined by [Business & Finance Bulletin, IS-3](#)).

Recordkeeping

Employment will maintain a log of all background checks completed for critical positions. The log will include the following: name; department; position title; date of background check; start/effective date for hire, promotion, transfer; or reclassification; and budget recharge information.

Job Postings/Recruitments

All recruitment information (job posting, flyers, external advertising) for positions that have been designated as critical MUST state that a fingerprint check of criminal convictions is required and that appointment to, or continued employment in, the position is contingent upon obtaining a satisfactory background check.

Job Applications

All applicants for positions designated as critical must complete a UCSB job application. Falsification of information submitted on UCSB application materials may be grounds for disqualification or separation.

Final Interviews

During the final interview process, all candidates will be notified that any job offer is contingent upon successful completion of a DOJ/FBI background check.

Job Offers

When a background check cannot be completed prior to the start date, it is recommended that a DOJ/FBI background check be initiated no later than five days after the employee's start date. When such a position is offered, it shall be reiterated to the final candidate that the offer of employment is conditional upon successful completion of the DOJ/FBI background check (e.g. "Successful completion of a DOJ/FBI background check is required for this critical position. If the results of the background check are not satisfactory, you may be released from University of California employment.")

Promotions/Transfers

The hiring authority is responsible for ensuring that the DOJ/FBI background check is conducted when an employee is promoted, transferred, or reclassified to a critical position. If an employee is promoted, transferred or reclassified from one critical position to another critical position with no break in service, a second background check is not required.

Criminal Convictions

- 1) Only criminal convictions will be considered in determining an applicant's suitability for employment. Detention and/or arrest without conviction do not constitute valid grounds for employment decisions and cannot play a part in the decision-making process.
- 2) In determining an applicant's suitability for employment where the applicant has criminal convictions on his/her record, consideration will be given to the specific duties of the position, the number of offenses and circumstances of each, the age of the conviction(s) and the accuracy of the explanation on the application.
- 3) In instances where information is obtained that may result in a release from employment, or if there has been falsification of information submitted on University application materials that may be grounds for disqualification or separation, Employment will provide guidance and a recommendation to the hiring department.
- 4) With regards to promotion, transfer or reclassification to a critical position, Employment will notify the department head that the background check process has been completed. If a completed background check regarding a current University employee reveals adverse information which may result in a denial

for a promotion, transfer or reclassification, or if there has been falsification of information submitted on University application materials that may be grounds for disqualification or separation, Employment, in consultation with Labor Relations, will provide guidance and a recommendation to the department.

5) Human Resources will serve as the “Office of Record” for background check results.

Dispute Information

If a candidate disputes the accuracy of any information obtained in a background check (including criminal records) he/she should be referred to the agency that provided the information and, if applicable, his/her collective bargaining agreement. Such dispute will not necessarily impact the hiring process.

Processing DOJ/FBI Background Checks through the Applicant Live Scan System

DOJ/FBI background checks are completed following these guidelines:

- 1) Department completes the [Fingerprint Authorization Form \(Attachment A\)](#).
- 2) Applicant/employee brings the Fingerprint Authorization Form to Human Resources, 3101 SAASB (to be fingerprinted [off-campus](#)) or the UC Police Department office, Building 300 (to be fingerprinted [on-campus](#)).
- 3) Applicant/employee completes the [Background Check Form \(Attachment B\)](#) and [Authorization to Release Information \(Attachment C\)](#). The Employment or UCPD representative verifies applicant identity and signs as a witness. Acceptable identification is either a California Driver’s License, California Identification Card or U.S. Passport; *UCSB Access cards will not be accepted*.
- 4) Applicant/employee fills out their personal information on the Live Scan form and brings to one of the following locations:
- 5)

On Campus:

UC Police Department
Building 300
University of California, Santa Barbara
Santa Barbara, CA 93106
(805) 893-5076
Cost: \$24.00 Cash, Check, or Recharge
Hours: Monday – Friday 8:30am – 4:30pm, closed noon-1pm for lunch

Off-Campus:

Bring cash payment (which may be reimbursed by the department) to either:

Santa Barbara Sheriff’s Department
4434 Calle Real
(805) 681-4357
www.sbsheriff.org
Cost: \$7.00 – Cash Only
Hours: Monday – Friday 8:30am-4:30pm
(By appointment only)

OR

Santa Barbara Police Department
213 E. Figueroa Street
(805) 897-2355
Cost: \$10.00 – Cash Only
Hours: Monday – Friday 8:00am-11:00am and 1:00pm-4:00pm
(By appointment only)

- 6) Live Scan provider fingerprints applicant/employee and completes information on the Live Scan form, including the ATI number.
- 7) Applicant/employee needs to bring the “Second Copy” of the Live Scan form back to Employment.
- 8) Employment generally receives the DOJ background check information within three to seven business days.
- 9) Employment will notify the hiring department of the job-related results.
- 10) The DOJ/FBI charges an additional processing fee. The hiring department will be recharged by Human Resources for the processing fee(s).

POLICY AND OTHER BACKGROUND CHECK REFERENCES:

UC Personnel Policies for Staff Members, 21.E - Appointment -Background Checks

http://atyourservice.ucop.edu/employees/policies/staff_policies/spp21.html

Business & Finance Bulletin, BUS-49 – Handling Cash and Cash Equivalents

<http://ucop.edu/ucophome/policies/bfb/bus49.html>

Business & Finance Bulletin, IS-3 – Electronic Information Security

<http://www.ucop.edu/ucophome/policies/bfb/is3.pdf>

SYSTEMWIDE GUIDELINES ON

DESIGNATING CRITICAL POSITIONS IN ACCORDANCE WITH PPSM 21.E

Critical Elements of Critical Positions	Examples of Occupations/Positions to guide determination of Individual Critical Positions*	Examples of Critical Position Functions or Tasks*	Required Background Checks**
1. Master key access to residence and other facilities.	<ul style="list-style-type: none"> • Building Engineers • Custodians • Facilities personnel • Locksmiths • Network/IT personnel • SMG positions (as appropriate) • Telecommunications Services Managers 	<ul style="list-style-type: none"> • Access to Master Keys • Access to offices for equipment repair • Access to residences and other facilities for ongoing maintenance • Maintain building security 	Criminal Conviction Record
2. Direct responsibility for the care, safety and security of humans or animals; or the safety and security of personal and University property.	<ul style="list-style-type: none"> • Animal care personnel • Camp counselors • Childcare services personnel • Coaches • Counseling services personnel • Dispatchers • Health and Safety personnel • Recreation instructors • Resident hall managers • SMG positions (as appropriate) • Student Affairs Officers 	<ul style="list-style-type: none"> • Access to laboratories • Access to computers and other valuable equipment • Oversee 4-H Activities • Provide employee or student counseling and advice services • Provide services for children and minors • Provide emergency care services • Work with research animals 	Criminal Conviction Record
3. Direct access to or responsibility for cash and cash equivalents (as defined by Business & Finance Bulletin, BUS-49) (http://ucop.edu/ucophome/policies/bfb/bus49.html) or University property disbursements or receipt.	<ul style="list-style-type: none"> • Business and Accounting Managers • Cashiers • Collection Managers • Mail Services • Management Services Officers • SMG positions (as appropriate) • Storekeepers 	<ul style="list-style-type: none"> • Cashiering • Check printing • Check writing • Distribution of employee salary or reimbursement checks • Handling/receipt of development funds • Invoice approval and payment • Petty cash disbursement • Postage meter use 	Criminal Conviction Record

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4. Direct access to or responsibility for controlled substances or hazardous materials.	<ul style="list-style-type: none"> • Custodians • Dentists • Lab personnel • Nurses • Pharmaceutical services staff • Physicians • Staff research associates 	<ul style="list-style-type: none"> • Access to drugs in clinical or research environments • Access to potentially hazardous chemicals • Access to radioactive and nuclear materials • Dispense prescription medication • Maintain drug formulary 	Criminal Conviction Record
5. Extensive authority for committing the financial resources of the University.	<ul style="list-style-type: none"> • Architects • Buyers • Controllers or Financial Managers • Deans of Administration • Directors/Managers of Purchasing, Computing & Contracts • Engineers • Other SMG positions (as appropriate) • Senior Managers (UCOP) • Vice Chancellor of Admin/budget 	<ul style="list-style-type: none"> • Approve insurance payments • Approval of contracts • Bid and RFP approvals • Commit funds for programs and projects • Vendor or product approval 	Criminal Conviction Record
6. Responsibility for operating commercial vehicles, machinery or toxic systems that could cause accidental death, injury, or health problems	<ul style="list-style-type: none"> • Automotive technicians • Equipment Operators • Environmental Health and Safety Officers • Groundskeepers • Transit drivers 	<ul style="list-style-type: none"> • Operation of heavy duty equipment or machinery • Operation of commercial vehicles • Responders to emergencies involving potentially hazardous substances 	Criminal Conviction Record

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Critical Elements of Critical Positions	Examples of Occupations/Positions to guide determination of Individual Critical Positions*	Examples of Critical Position Functions or Tasks*	Required Background Checks**
7. A requirement for a professional license, certificate, or degree, the absence of which would expose the University to legal liability and/or adverse public reaction.	<ul style="list-style-type: none"> • Architects • Attorneys • Dentists • Employee Assistance Counselors • Engineers • Nurses • Firefighters • Police Officers • Pharmacists • Physicians • Psychologists • SMG positions (as appropriate) 	<ul style="list-style-type: none"> • Counsel employees or students • Design or build facilities and offices • Patent licensing • Provide legal advice • Real estate transactions • Render medical services 	Verification of the credential, license, certificate, and/or degree
8. Direct access to and/or responsibility for information affecting national security	<ul style="list-style-type: none"> • Department of Energy Lab positions • Employees whose position requires a government security clearance • SMG positions (as appropriate) 	<ul style="list-style-type: none"> • As defined by agency granting clearance 	Government Security Clearance
9. Direct access to and/or responsibility for protected, personal, or other sensitive data (http://www.ucop.edu/ucophome/policies/bfb/is3.pdf).	<ul style="list-style-type: none"> • Auditors • Development Officers and Staff • Information Systems personnel • HR and payroll staff • Nurses • Patient intake and billing staff • PC Coordinators • Physicians • Programmers • Registrars • Staff research associates • Student Affairs Officers • Voc Rehab Counselors 	<ul style="list-style-type: none"> • Access to donor info • Access to employee or student records • Access to personal or other restricted sensitive or confidential data • Access to protected health information • Access to restricted data (as defined in IS-3 Electronic Information Resources) • Maintain inventories of restricted data • Systems maintenance 	Criminal Conviction Record

- * The tasks and positions listed on the chart do not include all positions, functions, or tasks which may require a background check. All Medical Center positions are considered critical and subject to background checks. PPSM 21.E applies to all employees and applicants for staff positions. Many Senior Management Group positions will be designated as critical in accordance with the position elements, functions, or tasks identified above.

- ** A criminal conviction background check will document any felony or misdemeanor convictions. Locations utilize either: a campus or local police department or human resources department to conduct. Live Scan fingerprinting and initiate a Department of Justice (California) and/or FBI (national) criminal conviction background check; or a Consumer Reporting Agency (e.g. ChoicePoint, Kroll Inc.) to conduct a criminal conviction background check. In addition to the background checks listed within the systemwide guidelines, other types of background checks may be required (in line with operational needs, legal requirements and other relevant considerations). For example, a location elects to conduct a credit report on an employee in a critical position who has direct access to cash and cash equivalents. The types of background checks that a location may utilize include, but are not limited to: employment and reference checks; credit reports; Department of Motor Vehicles pull notice program; and required health screenings (e.g. TB test or other tests pursuant to DOT regulations).