

# Leon County Research and Development Authority

## Policy No. 10 -2

Title: Background Investigations

Date Adopted: July 20, 2010

Effective Date: July 20, 2010

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**1. PURPOSE** - It shall be the policy of the Leon County Research and Development Authority (LCRDA) that a new policy, Policy No 10-2, "Background Investigations," is hereby adopted, to wit:

**2. POLICY** - Offers of employment and job promotion shall be conditioned upon obtaining a signed authorization for the procurement of a consumer report for employment purposes and a satisfactory background investigation. Authorization to obtain such report shall be obtained through the Authorization to Obtain a Consumer Report and Release of Information for Employment Purposes form. Both the authorization and the report are to be filed in the employee's personnel file if hired or in a recruitment file for applicants not employed; both will be maintained by the LCRDA administrative office in accordance with record retention schedules. Candidates for employment by job promotion, including those previously employed by the LCRDA, shall be evaluated for employment based on, among other things, a background investigation that includes, at a minimum, the information described below.

### **3. PROCEDURE –**

- a. Employment Purposes - As used in this policy, the phrase "employment purposes" shall include but is not limited to hiring, promoting, reassigning, and retaining an employee.
- b. Notice of Investigation - Applicants shall be provided with notice of the LCRDA's policy and practice of conducting background investigations during the application process and will be required to complete a Notice of Intent to Obtain a Consumer Report form. Applicants must sign the form in order for the application to be valid for consideration.
- c. Contingent Job Offer
  - i. **New Hires and Promotions** - A qualified individual deemed to be the best candidate for a position may be extended an offer of employment (in compliance with policies and procedures for recruitment, selection, and appointment) contingent upon, at a minimum, the completion of a signed authorization for the procurement of a consumer report for employment purposes and a background report that is within acceptable parameters.
  - ii. **Rehires** - If eligible for rehire, a background investigation report will be obtained as stated under Section 3(a) New Hires and Promotions.
- d. Background Investigation - The LCRDA administrative office shall initiate a background investigation after a contingent job offer has been made. **All** applicants for whom a contingent job offer has been made shall have a background investigation report completed. The background

investigation shall include but is not limited to the following:

- i. Social Security Number Verification;
  - ii. Address Verification – prior seven years;
  - iii. Criminal Background Check – Florida Department of Law Enforcement and jurisdictions relevant to applicant’s addresses for the prior seven years;
  - iv. National Sex Offender Check; and
  - v. National Wants & Warrants - FBI/U.S. Marshall's Office.
- e. Analysis of Background Investigation - The LCRDA administrative office shall determine if a discrepancy arises between the applicant’s disclosed credentials and the verified information or if the applicant is disqualified for the position based upon the results of the background investigation.
- i. Protocol and Criteria for Evaluating Background Investigations –
    1. The LCRDA administrative office will review all background investigation reports received.
    2. The following factors shall be considered on a case by case basis in determining each candidate’s eligibility for employment with the LCRDA:
      - a. The accuracy of the candidate’s application. Any discrepancy in the information provided by the candidate and the report provided is grounds for immediate withdrawal of the offer of employment.
      - b. Specific nature of the offense(s), for which they were found guilty or plead no contest, and its applicability to the job for which the candidate is being considered.
      - c. How long ago the offense occurred.
    3. Candidates whose background investigation report leads to an adverse decision will be contacted and informed of the results of the report. The individual will be provided the toll free telephone number of the agency that conducted the background check and given the opportunity to review and respond to the findings. Per requirements set forth in the Fair Credit Reporting Act (FCRA), this information will be communicated through the Notice of Adverse Action form.
    4. Section 3(e)(i), Protocol and Criteria for Evaluating Background Investigations, listed above, is not exclusive or exhaustive. Good judgment and honest exercise of discretion will be used when evaluating information obtained through a background investigation report and the LCRDA’s administrative office will consult with the LCRDA’s legal counsel.
      - a. Unless the position under consideration is the Executive Director position, the LCRDA’s Executive Director, with the written concurrence of the LCRDA’s legal counsel, will make the final decision as to whether the candidate’s prior civil/criminal history make them

ineligible for hire into a particular position(s). Information regarding the final decision will be provided to the Board of Governors.

- b. If the position under consideration is the Executive Director position, the Chairman of the LCRDA Board, with the written concurrence of the LCRDA's legal counsel, will make the final decision as to whether the candidate's prior civil/criminal history make them ineligible for hire into a particular position(s). Information regarding the final decision will be provided to the Board of Governors.
5. Candidates who challenge the accuracy of the content of the report will be informed that it is their responsibility to correct the information and that the LCRDA will not hold the position open under those conditions. Candidates will be encouraged to apply for any position they feel they qualify for in the future.
6. Use of information obtained from a background investigation report shall be utilized in context with the job for which the applicant has applied. Any information learned from a background investigation report should be considered with all other information known about an applicant, and a case-by-case determination should be made as to the applicant's suitability for employment. The LCRDA's administrative office may seek clarification from the applicant regarding the information obtained. Information obtained from a background investigation report should remain confidential to the extent allowed by law and not be shared with anyone except where reasonably necessary.