



# CITY OF NEWPORT NEWS PERSONNEL ADMINISTRATIVE MANUAL

Effective Date: 9/1/99

SECTION <b>308</b>	SUBJECT <b>PRE-EMPLOYMENT BACKGROUND CHECKS</b>
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## I. GENERAL

Pre-employment background checks shall be conducted for candidates for certain positions of a sensitive nature which involve public safety activities, monetary or confidential matters, children's activities, therapeutic recreation programs, and mature adult programs. A criminal conviction will not necessarily preclude employment. The applicant's criminal record will be evaluated in terms of the position, the nature and number of offense(s), when the offense(s) occurred, seriousness of the offense(s) and how the offense(s) was disclosed.

This policy applies to full time, part time, and temporary positions, volunteer positions, and current employees applying for a transfer to covered positions.

## II. COVERAGE

### A. Criminal Record Checks

The following is a general listing of the types of positions which require criminal record checks.

1. Positions involving supply and material handling, such as Stock Clerk, Storekeeper, and similar positions.
2. Positions which involve monetary transactions on a regular basis.
3. Positions with responsibility for initiating and authorizing significant financial transactions.
4. Positions responsible for initiating, establishing and maintaining City computer systems.
5. Positions which are engaged in security, law enforcement, public safety and health, and similar functions.
6. Positions involving financial data systems design, programming, and operations.

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7. Positions which have unrestricted access to confidential and sensitive information.
8. Positions which require access to the Virginia Crime Information Network (VCIN).

All positions in the following departments require criminal history background checks.

1. Adult Corrections (City Farm)
2. Data Processing
3. Emergency Management
4. Finance
5. Fire
6. Internal Audit
7. Juvenile Services
8. Personnel
9. Planning & Development
10. Police
11. Purchasing
12. Real Estate Assessor's Office
13. Risk Management

B. Sex Offender Record Checks

Positions requiring frequent contact with and supervision of children's activities, therapeutic recreation programs, and mature adult programs will require a Virginia State Police sex offender record check.

C. Social Services Checks

A Virginia Department of Social Services Child Abuse and Neglect Central Registry check is required for employees working in a State licensed child care facility, all Juvenile Services employees, and Social Services employees assigned to the Child Welfare Division.

### III. SCOPE OF INVESTIGATION

A. Criminal History Name Checks

Name checks will be processed through the Newport News Police Department's central records section and the Virginia State Police computerized on line data bank of criminal records.

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## B. Criminal History Fingerprint Checks

In addition to a criminal history name check, applicants who have access to the Virginia Crime Information Network, require Conservator of the Peace designation or are in the following departments and positions will be required to be fingerprinted.

1. Adult Corrections (City Farm)
2. Juvenile Services
3. Police Department
4. Park Rangers
5. Fire Marshals

Fingerprint checks for other departments and positions may be required upon request from the department with concurrence by the Director of Personnel and approval of the City Manager.

## C. Sex Offender Record Checks

The Virginia State Police computerized data bank of sex offenders will be accessed to determine if the applicant has a sex offender crime against a minor record in the State of Virginia.

## D. Social Services Checks

The Virginia Department of Social Services child abuse and neglect central registry will be accessed to determine if the applicant has a founded child abuse and neglect charge in the State of Virginia.

## IV. PROCEDURE FOR RECORD CHECKS

- A. Only the finalist(s) will be processed for background record checks unless otherwise provided for in the selection procedure.
- B. When the department has identified the finalist(s) in any position requiring a criminal background record check, the department will arrange for the finalist(s) to complete an Authorization for Release of Information form before a notary public and forward it to the Personnel Department. A completed and notarized VCIN User Background form is also required for positions which require access to the Virginia Crime Information Network. Positions requiring a sex offender check will require completion of a Sex Offender and Crimes Against Minors Registry Search form. Department of Social Services checks will require completion of a Child Protective Services Release of Information form.

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- C. The Personnel Department or authorized requisitioning department will submit the necessary information to request a criminal record check from the Newport News Police Department and Virginia State Police. Separate requests for the following checks will be submitted by the Personnel Department:
1. Conservator of the Peace Status
  2. Eligibility for VCIN access
  3. Sex Offender Registry Record Request
- D. Additional checks, such as child abuse and neglect central registry checks for State licensed day care centers administered by the Department of Parks and Recreation, for Department of Juvenile Services employees, and for specific Department of Social Services positions are processed by the requisitioning department in accordance with established policy.
- All such requests will be handled in a strictly confidential manner.
- E. The Police Department and Virginia State Police will notify the Personnel Department when a Personnel initiated criminal and sex offender record check has been completed.
- F. The Personnel Department will review the findings of the criminal and sex offender record check. If a criminal or sex offender record is found, the Personnel Department will review the applicant's employment application and the record with the appropriate department head or designated representative. The Director of Personnel and requisitioning department head will determine whether the criminal or sex offender record will disqualify the applicant.
- G. Every effort shall be made to complete the criminal or sex offender check and any subsequent investigation prior to any job offer being made. If the requisitioning department cannot wait until the criminal or sex offender check or any further investigation has been completed, the Personnel Department will make a written job offer stating that the offer is conditioned upon an acceptable criminal or sex offender check. However, the employee will not be assigned any sensitive work or work involving juveniles until the results of the checks are final. Any subsequent findings that are incompatible with the position, or any findings of falsification of application information may be grounds for immediate termination.

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- H. If there is no conviction record, the criminal record check will be maintained with the candidate's application record or personnel file if employed. Sex offender record requests will be forwarded to the appropriate State licensed day care center administered by the Department of Parks and Recreation. Criminal history investigation information which reveals a conviction or sex offender record will be properly destroyed.

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