



**COUNTY OF SAN BERNARDINO  
POLICY MANUAL**

**No. 07-18**

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**EFFECTIVE DATE** December 18, 2018

**POLICY: BACKGROUND and REFERENCE CHECKS**

**APPROVED**

**ROBERT LOVINGOOD**  
Chair, Board of Supervisors

**POLICY STATEMENT AND PURPOSE**

It is the policy of the County of San Bernardino (County) to select and hire, in its judgment, those individuals who possess the skills, knowledge, and abilities to best perform the duties and responsibilities of the position. The County conducts Background and Reference Checks to promote a safe work environment, protect key organizational assets such as people, property and information, and enable the Appointing Authority to make prudent hiring decisions based on more comprehensive job-related information.

The purpose of this Background and Reference Check policy (Policy) is to promote consistency in the County's hiring practices and conduct appropriate, job-related screening of all Candidates for County positions.

**DEPARTMENTS AFFECTED**

Board of Supervisors, Elected Officials, all County Agencies and Departments, Board-Governed Special Districts, and Board-Governed Entities.

**EXCEPTIONS**

Background and Reference Check requirements may vary by Department and this Policy does not supersede more specific Department screening policies that may exist. Any such Department policies shall not conflict with this County Policy 07-18.

**DEFINITIONS**

**Appointing Authority** means the Board of Supervisors, Elected Officials and the head of each Agency, Department, Board-Governed Special District and Board-Governed Entity.

**Federal Tax Information (FTI)** means federal tax returns and return information (and information derived from it) that is in the County's possession or control that is covered by the confidentiality protections of the Internal Revenue Code and subject to its safeguarding requirements.

**Candidate** means Contractors, Former Employees, New Hire Candidates and Transitional Candidates.

**Contractor** means all temporary agency employees and independent contractors but excludes service contractors hired through a procurement process.

**Former Employees** means Classified and Unclassified employees, including retirees, contract and extra help employees, who have separated from the County and are being rehired.

**New Hire Candidates** means initial hire of Classified and Unclassified employees, including contract and extra help employees, interns and volunteers.

**Transitional Candidates** means current employees who are being considered for a promotion, demotion, transfer, reassignment to a new work location or who are assigned new or expanded responsibilities or job functions. For purposes of this Policy, Transitional Candidates also include contract or extra-help employees being considered for a regular position.

**POLICY**

**Reference Checks:** A Reference Check may be conducted at anytime on all Candidates, including prior to a job offer. Reference Checks provide an opportunity to obtain information about the Candidate's skills, qualification and behavior. Only individuals with knowledge of the Candidate's employment performance, qualifications, and behavior should be contacted.

**Background Checks:** Background Checks may only be initiated after a conditional job offer has been extended to the Candidate. Background Checks may be conducted on Candidates by either a third party vendor or the County itself and in accordance with the Standard Practice, may include:

- Fingerprint Scan
- Criminal Conviction History
- Address Verification
- Educational Verification
- Current and Prior Employment Verification
- Professional License/Certification/Credential Verification
- Social Security Number Verification
- Employment Eligibility (E-verify)

The following additional searches may be conducted if required by the position or statute:

- Motor Vehicle Record
- Credit Report
- Public Records Search
- Any other background check as determined by the Appointing Authority not prohibited by law

Additionally, all persons who have access to Federal Tax Information shall, at a minimum, be subject to the following FTI Background Check:

- Fingerprinting through the Federal Bureau of Investigation
- Check of local law enforcement agencies where the Candidate has lived, worked, and/or attended school within the last 5 years, and if applicable, of the appropriate agency for any identified arrests
- Validation of the Candidate's eligibility to legally work in the United States utilizing the United States Citizenship and Immigration Services (USCIS) Form I-9 and the USCIS E-Verify system.
- A reinvestigation within 10 years from the date of the previous background investigation

### **RESPONSIBILITIES**

1. The Human Resources Department is responsible for the competitive selection of vendors to conduct Background Checks. The Human Resources Department is also responsible for providing oversight of and training and support to Appointing Authorities about the Background and Reference Check policies and procedures.
2. The Human Resources Department is generally responsible for conducting and administering the Background and Reference Checks. All Reference and Background Checks reflecting any convictions or history discrepancies received by the assigned Human Resources Officer will be shared with the Appointing Authority to determine suitability for hire or promotion. If the Human Resources Officer and Appointing Authority do not agree on the suitability of the Candidate for the position, the Reference and/or Background Check(s) shall be reviewed by the Human Resources Director to make the final determination. However, if the Appointing Authority is the Human Resources Director, the Reference and/or Background Check reflecting any convictions or history discrepancies will be reviewed by the County Executive Officer or designee. The Reference and Background Check must only be used for evaluating the Candidate for employment and cannot be used for discriminatory or retaliatory reasons as prohibited by state and federal law and County policy.
3. Appointing Authorities are responsible for ensuring compliance with all rules, laws, standards, and policies applicable to their Department. A Department with its own Background Check policy is responsible for ensuring compliance with applicable state and federal law and County policies. In addition, Appointing Authorities are responsible for enrolling all employees in the Department of Justice Subsequent Arrest program.

4. If a Background Check is conducted pursuant to the Standard Practice, the hiring department is responsible for informing Candidates that a conditional job offer is subject to the successful completion of a Background Check. Once a conditional job offer has been made, but prior to any medical examination, the hiring department is responsible for distributing the County's criminal conviction questionnaire and the requisite disclosure and authorization forms to the Candidate, except as otherwise permitted by law.
5. All Candidates have an ongoing responsibility/obligation to inform Human Resources of any arrests, misdemeanor or felony convictions.
6. All Candidates will be required to sign releases authorizing the background investigations. Refusal to sign a release form will constitute a rejection of the conditional job offer and will eliminate the Candidate from further consideration.
7. Background Checks are conducted with the full knowledge and consent of the Candidate. Candidates will be provided with all rights afforded by, and all notifications required under applicable state and federal law, including the Fair Credit Reporting Act, the California Investigative Consumer Reporting Agencies Act and the California Consumer Credit Reporting Agencies Act.
8. All Background and Reference Check results shall be maintained by the Appointing Authority in confidential files, separate and apart from personnel files and consistent with the County records retention policy.
9. If a Candidate is found to have provided false or misleading information or omitted information, the conditional job offer may be rescinded, and if the Candidate is a current County employee, the individual may be subject to corrective action, up to and including termination of employment.
10. The County shall bear the cost of all Background and Reference Checks.

**LEAD DEPARTMENT**

Human Resources

**APPROVAL HISTORY**

**Adopted** September 11, 2007; Amended December 18, 2018

**REVIEW DATES**

December 2023