

**CRIMINAL RECORDS SEARCH OF EMPLOYEES AND APPLICANTS
FOR EMPLOYMENT**

POLICY

It is the policy of the Board of Education of Tulsa Technology Center ("District") that the District will obtain the results of a national criminal records search of any employee when there is a need to know if he/she has a criminal record according to School Laws of Oklahoma, 1994, Section 108. (70-5-142), and the Fair Credit Reporting Act. The District will request a national criminal records search of any District employee if the Board of Education or the Superintendent authorizes a search of that employee's criminal records.

It is also the policy of the Board of Education that the District will obtain the results of a national criminal records search of every candidate selected for regular employment but prior to the Superintendent's recommendation to the Board of Education to employ the candidate. A national criminal records search will also be conducted for all non-regular employees prior to beginning work.

The national criminal records search of an employee or candidate for employment will be based on appropriate identification. The criminal records search may be obtained at the discretion of the Superintendent through the State Board of Education, the Oklahoma State Bureau of Investigation or through a private entity that provides a service of criminal record checks on prospective employees or existing employees.

If an existing employee declines to submit to a national criminal records search when the search has been authorized by the Board of Education or the Superintendent, the employee will be deemed to have committed an act of willful neglect of duty or insubordination.

If a candidate for employment declines to submit to a national criminal records search, the applicant will not be considered for employment.

A. EMPLOYEE

The national and state criminal records of existing employees may be researched if the need arises and the Board of Education or the Superintendent so authorize. This search may be authorized for both regular and non-regular employees.

Prior to conducting a national criminal records search of an employee, the Superintendent or his/her designee will advise the employee that the national criminal records search will be made and require the employee to fill out and sign a form authorizing the District to request and obtain the results of the search and releasing the District from any and all liability arising out of the request for release, receipt and use of the search results.

If the criminal records search shows that an employee has been convicted of a felony during the term of District employment, the employee will be dismissed or not reemployed unless a Presidential or Gubernatorial pardon has been issued. Nothing in this Policy shall prevent the Superintendent or his/her designee from recommending the dismissal or non-reemployment of an employee based on the employee's entry of a plea of guilty or nolo contendere to a state or federal felony charge or the entry of a plea of guilty/nolo contendere to a misdemeanor charge when the facts indicate that the continued employment of the individual by the District would be contrary to Oklahoma law, District Policy or the best interests of the District. Any employee who has provided a false response to any question on the Application for Employment shall be subject to dismissal or non-reemployment upon the recommendation of the Superintendent or his/her designee.

The criminal records search results will be discussed with the employee who will be given an opportunity to rebut the results of the criminal records search.

B. APPLICANTS FOR EMPLOYMENT

Prior to the first interview with each employment applicant, a member of the Human Resources Department or interviewing staff member will advise the applicant that the District requires a national criminal records search of every prospective employee as a condition of employment. The applicant will be required to fill out and sign a form authorizing the District to request and obtain the results of a national criminal records search and releasing the District from any and all liability arising out of the request for release, receipt and use of the search results.

If the criminal records search reflects that the employment applicant has (1) entered a plea of guilty or nolo contendere to a state or federal felony charge, or (2) been convicted of a state or federal felony offense, or (3) been charged with a state or federal felony offense which was reduced to a misdemeanor offense to which the applicant entered a plea of guilty or nolo contendere, the applicant may be denied employment. A decision to

deny employment to an applicant because of a prior criminal offense will be made on a case-by-case basis with consideration given to the nature of the offense, when the offense was committed, the applicant's age at the time the offense was committed and the presence or absence of any subsequent criminal record. However, if the applicant has been convicted of or entered a plea of guilty or nolo contendere to a state or federal felony charge or misdemeanor charge involving illegal sexual activity or misappropriation of funds or property, the applicant will not be eligible for employment. An applicant who provides a false response to one or more of the questions on the Application for Employment will be denied employment.

This policy shall not be construed to create a contractual obligation upon the District.

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PROCEDURES

**SECTION I. RESPONSIBILITY FOR OBTAINING CRIMINAL RECORDS
SEARCH**

- A. The Human Resources Department will be responsible for overseeing the District employment process to assure compliance with the current criminal records search policy.
- B. The District will request a criminal records search only if the Superintendent is considering the recommendation of an applicant to the Board of Education for Regular or Non-regular employment or a need arises to determine if an existing employee, either Regular or Non-regular has a criminal record.
- C. The criminal records search may be obtained at the discretion of the Superintendent through the State Board of Education, the Oklahoma State Bureau of Investigation or through a private entity that provides a service of criminal records checks on prospective employees or existing employees.
- D. The Director of Human Resources or his/her designee will initiate the criminal records search process and hold confidential the results of said search except in instances when certain administrators have a need to be apprised of the findings.

**SECTION II. EMPLOYEE/APPLICANT REFUSAL TO SUBMIT TO CRIMINAL
RECORDS SEARCH**

If an existing employee declines to submit to a national criminal records search when the search has been authorized by the Board of Education or the Superintendent, the employee will be deemed to have committed an act of willful neglect of duty or insubordination.

If an applicant for employment declines to submit to a national criminal records search, the applicant will not be considered for employment.

SECTION III. CRIMINAL RECORDS SEARCH OF EMPLOYEES

A. A member of the Human Resources Department will request a national criminal records search of the name, social security number or other relevant information of any current District employee if the need arises and the Board of Education or the Superintendent authorizes a search of that employee's criminal records.

B. Prior to conducting a national criminal records search of an employee, the Superintendent or his/her designee will advise the employee that the national criminal records search will be made.

The employee will be required to complete and sign a "Total Applicant Screening Release" form, (see Attachment PER-29-A), a permit to be fingerprinted, if necessary, and provide any other information required to facilitate the criminal records search.

C. The criminal records search results will be discussed with the employee who will be given an opportunity to rebut the results.

D. If the criminal records search shows that an employee has been convicted of a felony during the term of employment by the District, the employee will be dismissed or not reemployed unless a Presidential or Gubernatorial pardon has been issued. Nothing in the Policy shall prevent the Superintendent or his designee from recommending the dismissal or nonreemployment of an employee based on the employee's entry of a plea of guilty or nolo contendere to a state or federal felony charge or the entry of a plea of guilty/nolo contendere to a misdemeanor charge when the facts indicate that the continued employment of the individual by the District would be contrary to Oklahoma law, District policy or the best interests of the District. Any employee who has provided a false response to any question on the Application for Employment shall be subject to dismissal or nonreemployment upon the recommendation of the Superintendent or his/her designee.

**SECTION IV. CRIMINAL RECORDS SEARCH OF CANDIDATES FOR
EMPLOYMENT**

A. Individuals making application for employment with the District will be required to fill out and sign a "Total Applicant Screening Release" form, (see attachment) prior to their first interview. Prior to signing the

authorization and release form, applicants scheduled for interview will be provided the following:

1. A copy of this policy and procedures document "Criminal Records Search of Employees and Applicants for Employment" (PER-29)
 2. The "Total Applicant Screening Release" form, which includes;
 3. The "Disclosure" notice which details the type of information to be investigated in the records search, informing the applicant that the consumer report may include information obtained through personal interviews regarding the individual's character, general reputation, personal characteristics and mode of living.
 4. A copy of "A Summary of Your Rights Under the Fair Credit Reporting Act" document, which details the provisions of this federal statute and the rights of the individual.
- B. A member of the Human Resources Department will initiate the criminal records search process after the employment interviews are concluded and the candidate for a specific position has been selected, but prior to the Superintendent's recommendation to the Board of Education to employ the candidate.
- C. The candidate must consent to be fingerprinted, if necessary, provide a social security card and provide any other information necessary to facilitate the criminal records search.
- D. If the criminal records search reflects that the candidate has (1) entered a plea of guilty or nolo contendere to a state or federal felony charge, or (2) been convicted of a state or federal felony offense, or (3) been charged with a state or federal felony offense which was reduced to a misdemeanor offense to which the applicant entered a plea of guilty or nolo contendere, the applicant may be denied employment. A decision to deny employment to an applicant because of a prior criminal offense will be made on a case-by-case basis with consideration given to the nature of the offense, when the offense was committed, the applicant's age at the time the offense was committed, and the presence or absence of any subsequent criminal record. However, if the applicant has been convicted of or entered a plea of guilty or nolo contendere to a state or federal felony charge or misdemeanor charge involving illegal sexual activity or misappropriation of funds or property, the applicant will not be eligible for employment. An applicant who provides a false response to one or more of the questions on Application for Employment will be denied employment.

- E. After taking adverse action based in whole or in part on the criminal records search report (also called a consumer report), the District will provide the applicant or employee with the following: (1) an oral, written or electronic notice of the adverse action; (2) the name, address and telephone number, either orally, in writing or electronically of the consumer reporting agency that furnished the report, if any; (3) a statement that the consumer reporting agency did not make the decision to take adverse action and is unable to provide the applicant or employee with the specific reasons why the adverse action was taken; and (4) an oral, written or electronic notice of the applicant or employee's right to obtain a free copy of the complete consumer report as well as to request the employer to disclose information provided in the report that led to the adverse action within sixty (60) days.