

Administrative Policy 3-1-3

DISTRIBUTION:

SUBJECT: Pre-Employment Background Check Policy

PURPOSE: It is the policy of the City of Muskogee to perform pre-employment background checks. The purpose of performing these checks is to determine and or confirm, within appropriate legal and professional limits, the qualifications and suitability of a job candidate for the particular position for which the candidate is being considered. This policy will help ensure the safety of the public as well as a safe working environment at the City of Muskogee, and will help ensure that employment related decisions utilizing pre-employment background check are consistent and made in accordance with applicable law.

BACKGROUND: see purpose

POLICY/

PROCEDURES: Pre-Employment Background Checks

A. PURPOSE

1. The City of Muskogee will perform pre-employment background checks on all candidates for employment. In addition, if an employee changes positions in the City, any additional required background checks for that position, which have not previously been performed, will be performed.
2. The City of Muskogee currently performs identity and address related searches, various types of criminal (including sexual offender) background checks, and driving record, education, prior employment and professional license verifications.
3. The City of Muskogee complies with the federal Fair Credit Reporting Act (FCRA), and similar state FCRA laws in which the City of Muskogee does business, federal and state equal opportunity laws and all other applicable legal authority that affects the performing of pre-employment background checks.
4. The results of a pre-employment background check are confidential and will only be discussed between Human Resources Department staff.

B. Disclaimers

1. It is not intended that this Policy provide detailed information or descriptions of each individual pre-employment background check that can be performed. It is also not the intended purpose that this Policy should provide exhaustive information how a final hiring decision should be made when reviewing the results of a pre-employment background check; every case must be decided on its own merits, subject to the City's requirement that all candidates be treated equally and consistently. This Policy is not

a comprehensive restatement of all applicable law; rather, specific questions on particular issues that may arise should be directed to the Human Resources Department.

2. This Policy does not limit the City of Muskogee's right to hire, discipline or terminate This Policy, nor does it create a contract of employment.
3. The City of Muskogee has the right to reject an applicant with a pending criminal charge or past conviction which is substantially related to the duties of the position the applicant is seeking, or which relates to questions of integrity or moral turpitude.
4. The City of Muskogee may delay a hiring decision until a criminal charge, which is substantially related, or which relates to questions of integrity or moral turpitude, is resolved.
5. The City of Muskogee shall reject an applicant, or discharge an employee, for providing false information about past convictions or pending charges.

C. Procedures

1. Pre-employment background checks are required for all candidates. See the attached table which relates to all positions within the City. The attached tables have been prepared by the Human Resources department (HR) in consultation with the Legal Department (Legal). There are certain positions within the City that require more strict guidelines than are provided for in the matrix; the guidelines for those positions are notated in the classification description (job description).
2. All candidates will be required to sign appropriate authorizations and consents prior to the City performing any pre-employment background checks.
3. Candidates that provide false or misleading information in their application and/or authorization shall be eliminated from any further consideration. Candidates are expected to provide accurate and complete information and not to omit material information needed to make a decision.
4. All job offers shall be conditioned upon satisfactory completion of the pre-employment background checks, as well as, any other prerequisites under other policies.
5. Prior to taking any adverse action, appropriate pre-adverse and adverse action notices will be sent to the candidate pursuant to federal and any state FCRA laws, together with a copy of the report.
6. All candidates shall be individually reviewed and decisions made with respect to employment based upon the totality of the candidate's qualifications and the results of the pre-employment background checks.

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- 7. In general the relevance of a particular pre-employment background check to a candidate's eligibility for employment is based upon the following factors:
 - a. the nature of the job for which the applicant is being considered
 - b. the nature of any adverse or negative information; in the case of a criminal matter, the facts surrounding the matter are particularly relevant
 - c. the age of any adverse or negative information;

- 8. Having adverse information, including a criminal history or conviction does not automatically preclude a candidate's eligibility for employment. However, in accordance with 70 O.S. §6-101.48, where the employee is likely to perform services pursuant to any contract between the City and any school, having any felony conviction less than 10 years since conviction shall automatically preclude employment. In all other cases, to assist HR personnel in reviewing criminal records, included are Criminal Background Checking Tables.

Misdemeanor Criminal Background Checking Matrix

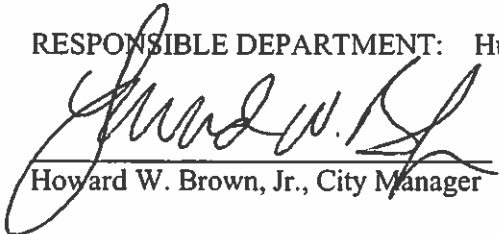
Crimes Against the Person —5 years since conviction
Crimes Against Property —10 years since conviction
Crimes by Theft by Deception —10 years since conviction
Drug Crimes —5 years since conviction
Other Crimes —5 years since conviction

Felony Criminal Background Checking Matrix

Violent Felony —refusal to hire
Non-Violent Felony —10 years since conviction

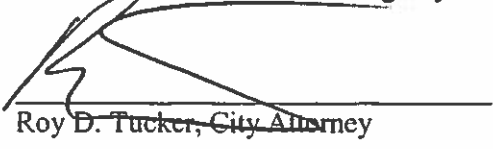
EFFECTIVE DATE: This policy shall be effective on and after December 5, 2014.

RESPONSIBLE DEPARTMENT: Human Resources


 Howard W. Brown, Jr., City Manager

11-22-14
 Date

APPROVED as to form and legality this 21 day of November, 2014.


 Roy D. Tucker, City Attorney