



Progressive Discipline Policy

EFFECTIVE DATE:
LAST REVISION:

DEPARTMENT: Human Resources
POLICY NO.:

Pre-Employment Background Check Policy

I. Policy:

It is the policy of the Central Louisiana Technical Community College (CLTCC) that all reasonable measures will be taken to provide a safe and secure environment for employees, students, visitors, contractors, and other individuals working in, attending, and/or visiting any of Central Louisiana Technical Community College's (CLTCC) campuses. Based on this objective, a thorough background investigation, including a criminal history records check, shall be conducted on the recommended candidate for any full-time, part-time or temporary position (including faculty and classified and unclassified staff) with Central Louisiana Technical Community College (CLTCC) before a hiring decision is finalized. All applicants will be notified that employment is conditional based upon the background check and the type of background check required. All prospective employees will be required to sign consent for a pre-employment background record search.

All pre-employment background records searches will be conducted by an appropriate law enforcement agency, reporting agency or third party vendor at Central Louisiana Technical Community College's (CLTCC's) expense.

II. Procedures:

A. General Provisions:

1. All candidates recommended for employment, including employees of other state agencies and the Central Louisiana Technical Community College (CLTCC) or individuals who were previously employed or associated with a technical or community college, will be subject to a background investigation which may include the investigation, review, and/or verification of the following information: criminal history; employment history; education history; military service history; driver's license history/records; credit history; and/or an employment application.

2. Written statements made by an applicant/current employee on an employment application will be deemed to have been made under oath as provided in Louisiana State Law. Falsification or misrepresentation of information on these documents including, but not limited to, criminal history information, educational achievement (e.g., degree[s] obtained), or prior work history or, on any other hiring document/form, may result in the withdrawal of an employment offer or, if already employed, dismissal. Current employees pursuing advancement opportunities or other position(s) who falsify employment related documents/forms shall be subject to disciplinary action up to and including dismissal from employment.

3. All current Central Louisiana Technical Community College (CLTCC) employees are subject to a criminal history records check prior to any promotion, change in employment status from part-time to full-time, movement/lateral transfer to a position deemed sensitive given the nature and scope of the individual's newly assigned duties, or for any other legitimate business reason as determined by CLTCC. This provision shall be consistently applied within the Central Louisiana Technical Community College (CLTCC).

4. An applicant's criminal history records check shall be considered valid for a period of ninety (90) calendar days from the date of the final report. If the recommended candidate is not hired within the ninety (90) calendar day period, this activity must be repeated if the individual subsequently applies for another position or is later considered for the same position.

5. Contractors and/or employees of a contractor who work in a **full-time or regular part-time** capacity at Central Louisiana Technical Community College (CLTCC), whose work assignments include direct contact with students and staff (e.g., bookstore operations, custodial operations, food service operations), must meet the same criminal history standards as an applicant or any employee subject to the provisions of this policy.

6. Contractors and/or employees of a contractor whose work assignments at Central Louisiana Technical Community College (CLTCC) are temporary/time-limited and/or sporadic in nature (e.g., grounds maintenance, construction projects, maintenance, installation, repair or service-related duties/tasks, etc.) are not subject to the provisions of this policy.

B. Employment Restrictions:

1. There is a mandatory disqualification period from employment in positions subject to a criminal history records check for a period of five (5) years from the date of the most recent conviction or plea of *nolo contendere*, or a period of one (01) year from the most recent release from incarceration, whichever is later, for any of the following crimes/categories of crimes:

Felony Conviction(s)

a. Offense(s) involving violent behavior encompassing those serious violent felonies referenced (e.g., murder or felony murder, armed robbery, kidnapping, rape, aggravated child molestation, aggravated sodomy, aggravated sexual battery, and other offenses including violent behavior, including arson, aggravated battery, kidnapping, reckless conduct causing bodily harm, robbery, voluntary manslaughter, involuntary manslaughter, cruelty to children in the second or third degree);

b. Other sexual offenses referenced (e.g., including incest, sodomy, statutory rape, child molestation, enticing a child for indecent purposes, and sexual exploitation of children);

c. Criminal attempt when the crime attempted is any of the crimes referenced in the above subparagraphs;

d. Any other felony conviction directly related to the area of assignment (e.g., theft by taking, theft by deception, theft by shoplifting, theft by conversion, financial transaction fraud/forgery, deposit account fraud, identity fraud, etc.), when the position sought involves access to financial resources including, but not limited to, cash);

e. Any offense committed in another jurisdiction which, if committed in Louisiana, would be one of the enumerated criminal offenses referenced in these subparagraphs.

Misdemeanor Conviction(s):

a. Simple battery or simple assault when the victim is a minor, cruelty to children, criminal attempt/battery when the victim is a minor, and contributing to the delinquency, unruliness or deprivation of a minor when an applicant is pursuing a position at Central Louisiana Technical Community College (CLTCC);

b. Any other misdemeanor conviction directly related to the area of assignment (e.g., theft by taking, theft by deception, theft by shoplifting, etc.) when the position sought involves access to financial resources including, but not limited to cash;

c. Any offense committed in another jurisdiction which, if committed in Louisiana, would be one of the enumerated criminal offenses referenced in these subparagraphs.

2. Drug-Related Conviction(s):

a. The following minimum sanctions are to be imposed on applicants who have been convicted of a criminal drug offense pursuant to the Drug-free Public Workforce Act of 1988:

b. Any person who has been convicted for the first time under the laws of Louisiana, the United States, or any other state, of any criminal offense involving the manufacture, distribution, sale, or possession of a controlled substance, marijuana, or a dangerous drug is ineligible for any public employment for a period of three (3) months from the date of conviction; and any person who has been convicted two (02) or more times under the laws of Louisiana, the United States, or any state of any criminal offense involving the manufacture, distribution, sale or possession of a controlled substance, marijuana, or a dangerous drug is ineligible for any public employment for a period of one (01) year from the most recent date of conviction.

c. Any person who has been convicted two (02) or more times under the laws of Louisiana, the United States, or any other state of any criminal offense involving the manufacture, distribution, sale or possession of a controlled substance, marijuana, or a dangerous drug is ineligible for any public employment for a period of (01) year from the most recent date of conviction.

3. Active Probation/Parole Status, Active Arrest Warrant(s), or Pending Criminal Charge(s):

a. An applicant cannot be considered for employment if:

i. He/she has a pending, non-adjudicated charge for any felony offense or a misdemeanor offense or a drug offense.

ii. He/she has an active felony or misdemeanor arrest warrant;

b. No hiring recommendation can be made until the applicant has successfully cleared a, pending, non-adjudicated charge referenced above or an outstanding arrest warrant by providing a copy of the disposition or documentation that the arrest warrant has been cleared.

C. Motor Vehicle Records (MVR) Search

1. As provided in the Louisiana Community & Technical College System policy #6.036, the recommended candidate for any full- or part-time position who may be required to drive a state, rental, or reimbursed for personal vehicle used on Central Louisiana Technical Community College (CLTCC) business shall, have his/her driving history records reviewed to ensure consistency with the driving standards referenced in this Procedure.

2. The recommended candidate must consent to a [Motor Vehicle Records \(MVR\) Search/Check](#) and must complete the associated State of Louisiana Driver's Authorization Form. (See attached Form).

3. A recommended candidate at CLTCC shall not be considered to drive a state, rental, or reimbursed for personal vehicle used on Central Louisiana Technical Community College (CLTCC) business if he/she possesses a suspended or revoked Driver's License.

4. A recommended candidate shall meet the driving requirements referenced above and whose driving history reflects two (2) "at fault" motor vehicle accidents in the three (3) year period immediately preceding his/her application for employment, who possesses eight (8) or nine (9) violation points on his/her driving record, or who has been convicted of Driving While Intoxicated (DWI) within six (6) months of his/her application for employment may be employed provided he/she:

a. completes a driver safety program offered by or through the State of Louisiana or a similar organization;

b. successfully completes a defensive driving course offered through a Defensive Driving School certified by the State of Louisiana or Driver's Services (or comparable course in his/her state of residence) within sixty (60) days of his/her date of employment. The cost of the Defensive Driving Course will be responsibility of the applicant/employee. Any newly hired employee who fails to complete the course within the required time period shall be dismissed from employment.

c. as applicable, successfully completes a DWI Alcohol or Drug Use Risk Reduction Course through a provider certified by the State of Louisiana Department of Driver's Services (or comparable course in his/her state of residence) within sixty (60) days of his/her date of employment unless completion of the course was previously mandated by the court of jurisdiction as a part of sentencing. The cost of the Course will be the responsibility of the applicant/employee. Any newly hired employee who fails to complete the course within the required time period shall be dismissed from employment.

5. Any recommended candidate whose driving history reflects three (3) or more "at fault" motor vehicle accidents in the three (3) year period immediately preceding his/her application for employment, or ten (10) or more current violation points may not be employed in any position for which driving on a frequent or infrequent basis is a condition of employment.

6. Any applicant who refuses to sign the Driver's Authorization Form will not be provided further consideration for employment and any conditional offer of employment previously provided to the applicant will be withdrawn.

7. Any current employee in a position not subject to the requirements of the Driver Qualification Procedure who subsequently applies for a position covered by these procedures must have his/her driving history records reviewed if he/she is the recommended candidate for the position. Any employee who refuses to sign the accompanying Driver's Authorization Form will not be considered further for the position and may be subject to disciplinary action.

D. Credit History Investigations

1. Pursuant to the provisions of this policy, an applicant hired for a position requiring the incumbent to handle money shall be subject to a criminal background check and a credit history check. For purposes of this policy, both the criminal background check and the credit history check are a condition of employment for the incumbent of a position whose responsibilities include the use of handling money in the performance of his/her assigned duties.

2. The credit history of a recommended candidate may be investigated when the duties of the identified position include responsibility for handling money, managing financial transactions or related duties or, when appropriate for those positions charged with overseeing such activities. Care must be taken to ensure that these investigations and any subsequent employment-related decisions are made consistent with applicable provisions of the [Fair Credit Reporting Act](#) (FCRA), the [Consumer Credit Protection Act](#), and the [Bankruptcy Reform Act](#).

E. Notification and Authorization Requirements

1. All vacancy announcements/notices shall include a statement advising potential applicants of applicable background investigation requirements.

2. During the selection process, each applicant interviewed for a given position, including current and former employees of other state agencies and Central Louisiana Technical Community College (CLTCC), shall be verbally notified that a criminal history records check and, as applicable, a credit history and/or a motor vehicle records search/check is a condition of employment. (See Attached)
3. The recommended candidate shall complete the applicable [Authorization to Release Background Information Form](#). This form will permit Central Louisiana Technical Community College (CLTCC), to conduct the criminal history records check, Motor Vehicle Records (MVR) (or, as applicable, a credit history check) through a third party consumer reporting agency. For those candidates applying for a position that may require driving a state, personal, or rental car on State of Louisiana business shall complete a Driver's Authorization Form. (See Attached).
4. Any prospective contractor/employee of a contractor working in a full-time or regular part-time capacity at Central Louisiana Technical Community College (CLTCC), and whose work assignments include direct contact with staff and students, must meet the same criminal history standards as those established for (CLTCC) employees.
5. Any applicant who refuses to sign the Authorization to Release Background Information Form or, as applicable, the Driver's History Authorization Form will not be considered further for employment.
6. Any current employee who refuses to sign the Authorization to Release Background Information Form or, as applicable, the Driver's Authorization Form will not be considered further for the available position and/or may be subject to disciplinary action.
7. All current employees are required to report any post-employment arrest and the subsequent disposition of any pending charge (e.g., conviction, dismissal, etc.) to his/her immediate supervisor and/or to the Human Resources Department no later than two (2) business days following the date of arrest or final disposition.

F. Background Checks Required by a Clinical/Internship/Externship Site or Agency:

1. Employees and students in certain positions, such as health sciences faculty, who supervise students in a clinical/internship/externship site or agency may be required (as a condition of employment) to undergo additional background screening(s) as dictated by a public or private clinical/internship/externship site or agency (e.g., a hospital, medical center, laboratory, etc.). These may include an inquiry with the Louisiana Department of Health and Hospitals and or the U.S. Department of Health and Human Services Office of Inspector General (HHS-OIG).
2. An employee or student who is denied entry to a clinical/internship/externship site or agency on the basis of the results of these additional screening requirement(s) and cannot perform the essential functions of his/her job, may be subject to disciplinary action up to and including dismissal from employment.

G. Authorization to Employ an Applicant with a Criminal Record

1. The Central Louisiana Technical Community College (CLTCC) Chancellor may, consistent with the provisions of this policy, recommend the employment of an applicant with one or more conviction(s) that would be otherwise exclusionary or whose criminal history contains one or more felony conviction(s) outside the time limits.
2. An individualized assessment will be conducted by the Human Resources Director on the recommended candidate for employment who would otherwise be disqualified from employment on the basis of his/her criminal history as outlined on a completed criminal history records check. The assessment, conducted in conjunction with the notification provisions will consider the nature and gravity of the crime(s)/offense(s) committed; the time elapsed since conviction/incarceration, and the nature/relationship of the crime(s)/offense(s) with the job for which the individual has applied.

H. Notification of Adverse Hiring Decision

1. If an applicant is eliminated from consideration for a position in whole or in part because of the results of a criminal history record, credit history check or Motor Vehicle Records (MVR) check, he/she must be provided one or more separate written notice(s) that disclose the specific information used in making the determination. Any disciplinary action imposed on a current employee on the basis of an arrest and/or one or more subsequent conviction(s), pleas of nolo contendere(s), etc. for one or more criminal offense(s) must follow applicable provisions of the Louisiana Community & Technical College System Policy # 6.036.
2. Should Central Louisiana Technical Community College (CLTCC) use a third party consumer reporting agency to access credit history information, Central Louisiana Technical Community College (CLTCC) must follow all pertinent notification provisions of the Fair Credit Reporting Act [FCRA].
3. Central Louisiana Technical Community College (CLTCC) accessing/using criminal history information generated directly from the State of Louisiana database must follow all pertinent procedures established by state and federal law.

I. Maintenance of Criminal History Records

1. Records and documents concerning/generated/obtained in response to a recommended candidate's or an employee's criminal history must be maintained separately from any personnel, management, or selection file.
2. When not being reviewed, this information must be stored in a locked cabinet. Areas in which the information is processed and handled must be out of public view and restricted to authorized personnel in the performance of their official duties.

J. Access to Criminal History Information

1. Criminal history records and other related information will only be accessible to authorized Central Louisiana Technical Community College (CLTCC) staff.
2. Criminal history records will not be released or otherwise disseminated or disclosed to unauthorized individuals or employees.
3. An employee's unauthorized access to and/or release of an applicant's or other staff member's criminal history information to unauthorized individuals may subject the employee to disciplinary action up to and including dismissal from employment.

V. Records Retention:

Criminal history records must be retained for seven (7) years.

VI. Attachments:

[Authorization to Release Background Information Form](#)

[Bankruptcy Reform Act](#)

[Consumer Credit Protection Act](#)

[Fair Credit Reporting Act](#)

[Motor Vehicle Records \(MVR\)](#)

[Background Check](#)

There will be no discrimination based upon the basis of age, color, disability, gender, gender identity, national or ethnic origin, race, religion, sexual orientation, or veteran status. Such harassment is unacceptable behavior and will not be tolerated at CLTCC.

Source of Policy: _____

Related CLCC Policies: _____

Related LCTCS Policies: _____

Approval Process:

_____ Department Head/Division Dean

_____ Executive Administrator

_____ Leadership Team

Approved: _____

Chancellor

Date: _____