

Salt Lake County Human Resources Policy 2-500: Background Check Requirements

Purpose

The purpose of this policy is to protect the safety, health, and security of County citizens, employees, and property.

I. Policy

Salt Lake County policy is to protect the safety, health, and security of County citizens, employees, and property by identifying positions and functions where criminal background checks are position-related or function-related and consistent with business necessity and applicable law. The location, position, duties, or materials handled in designated County positions and functions may require these added security precautions.

II. Procedures

A. Designated Positions and Volunteer Functions

1. **Non-Criminal Justice Agencies:** Human Resources, in consultation with the relevant agencies and the District Attorney's Office, shall identify and maintain a current list of designated positions and volunteer functions that are subject to background checks.
2. **Criminal Justice Agencies:** A criminal justice agency, in consultation with Human Resources and the District Attorney's Office, shall identify and maintain a current list of designated positions and volunteer functions that are subject to background checks.
3. Designated positions and volunteer functions may include, but are not limited to, positions and functions which involve access to controlled substances; access to private, protected, or controlled records under GRAMA; access to private or confidential records under other local, state or federal law; access to restricted local, state, or federal databases; working with at-risk populations; or fiduciary trust over public money.

B. Background Check Process

1. The background check process involves gathering, submitting, and reviewing criminal history record information to determine if there is criminal history that is position-related or function-related that would disqualify the person from performing the position or function consistent with business necessity and applicable law.
2. Non-criminal justice agency background checks shall be conducted by Human Resources unless designated to an agency by the Human Resources Director and conducted under the supervision of Human Resources.
3. Criminal justice agency background checks shall be conducted by the agency.
4. Individuals in designated positions and functions shall be subject to background checks:
 - a. Merit employees in designated positions shall be fingerprinted and enrolled in RAP Back (Record of Arrest and Prosecution Back);
 - i. RAP Back is a service provided by the FBI (Federal Bureau of Investigation) that allows the County to receive ongoing notifications based on changes in the criminal history record information.

Salt Lake County Human Resources Policy 2-500: Background Check Requirements

- b. All other individuals in designated positions and functions shall receive a Name Check every two years.
 - i. Name Check is a service provided by BCI (the Utah Bureau of Criminal Identification) where the individual's name and date of birth are checked for criminal history record information.
5. Human Resources shall create and maintain a [Notification and Waiver Form](#) for use by all County agencies.
 - a. The Notification and Waiver Form shall identify who sees the criminal history information and describe how the information is used. The County must obtain a signed or electronically acknowledged Notification and Waiver Form before initiating a background check.
 - b. Human Resources shall use a refusal to complete a background Notification and Waiver Form as an incomplete application which would disqualify the person subject to the background check from the designated position or function.
6. Human Resources or the criminal justice agency shall provide any person subject to a background check:
 - c. Written notice of the reasons for the disqualification; and
 - d. An opportunity to respond to the reasons for the disqualification.
- C. Record Retention
 1. Background check records shall be classified, maintained, and retained pursuant to GRAMA.
- D. Results of the Background Investigation
 1. Non-criminal justice agency: If a background check reveals relevant, position-related or function-related criminal history, Human Resources, agency, and the District Attorney's Office shall determine if the individual is qualified.
 2. Criminal justice agency: If a background check reveals relevant, position-related or function-related criminal history, the agency shall determine if the individual is qualified.
 3. Disqualification of a current employee shall result in termination or immediate transfer to a qualified position.
- E. Implementation and Compliance
 1. Implementation of this policy begins immediately with countywide compliance by June 30, 2025.

III. References

- A. Criminal Records – Restrictions on access, use, and contents - Utah Code Ann. 53-10-108.
- B. GRAMA – Utah Code Ann. 63G-2-101 to -901.
- C. Review and Challenge of a Criminal Record - [Utah Administrative Code R722.900.1-5](#)
- D. Salt Lake County Code of Ordinances 2.80.150.

Salt Lake County Human Resources Policy 2-500: Background Check Requirements

APPROVED and ADOPTED this ____ day of _____, 2024.

SALT LAKE COUNTY COUNCIL

By _____
Laurie Stringham, Chair

ATTEST:

Lannie Chapman, County Clerk

Voting:
Council Member Alvord _____
Council Member Bradley _____
Council Member Bradshaw _____
Council Member Granato _____
Council Member Harrison _____
Council Member Theodore _____
Council Member Stewart _____
Council Member Stringham _____
Council Member Winder Newton _____