

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. references the criminal history of applicants, employees, and volunteers when permitted by law and a review of the criminal history may minimize the County risk to the public safety, property, or health.~~ The location, position, duties, or materials handled in designated County positions and functions may require these added security precautions. ~~Employees may be subject to additional background screening requirements based upon the position or other department requirements.~~

II. Procedures

A. ~~Applicable Designated Job Classification Positions~~ and Volunteer Functions

1. **Non-Criminal Justice Agencies:** ~~The Human Resources Division, in consultation with the relevant agencies and the District Attorney's Office, shall will 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.

~~a.—~~

~~2.3. The 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. subject to a background check by the County and its agencies include positions as permitted by Utah Code 53-10-108(1)(g). However, if a position at the County does not qualify under statutory authority for a background investigation, the County may still require a background check for certain positions that deal with the following:~~

~~a.—access to controlled substances~~

~~b.—provision of drug and alcohol services~~

~~c.—access to records that are classified as private, protected, or controlled under the Government Records Access and Management Act~~

~~d.—access to records classified as confidential under another state or federal statute or regulation~~

~~e.—access to records maintained in restricted state or federal databases~~

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- ~~3. The Human Resources Division may add a position to the background check list after consulting with the relevant agency and the District Attorney's Office. An agency may initiate the process to add a position to the background check list.~~
 - ~~a. Background records check activities will be coordinated with the Human Resources Division except for the Sheriff's Office and other criminal justice positions.~~
 - ~~b. The Sheriff's Office and other criminal justice agencies performing background checks will maintain the records of each background check and ensure clearance prior to the employee or volunteer performing work.~~
 - ~~c. Any fees charged to individuals for background checks will be reimbursed by the County.~~

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. The-
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.
 - 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.
- 1.5. Human Resources ~~Division will~~shall create and maintain a [Notification and Waiver Form](#) for use by all County agencies. ~~subject to this policy and procedure.~~
 - ~~a. The Notification and Waiver Form will~~shall identify who ~~will see~~ the criminal history information and describe how the information ~~will be~~ used.
 - b. a. The County must obtain a signed or electronically acknowledged Notification and Waiver Form before initiating a background check on a candidate, employee, or volunteer.
 - b. The Human Resources ~~Division shall~~may use a refusal to complete a background Notification and Waiver Form as an incomplete application which would disqualify the employee, applicant or volunteer person subject to the background check from the designated position or function from hire, rehire, volunteer work or promotion.
- 2.6. The Human Resources ~~Division or~~ the criminal justice agency ~~will~~shall provide any person subject to a background check:
 - c. Written notice of the reasons for the disqualification review the information; and
 - d. An opportunity to respond to the reasons for the disqualification. respond to any information received

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~~The right to review and respond to background check information by the Bureau of Criminal Identification (BCI) will be governed by state administrative rules. Utah Administrative Code R722.900.1-5~~

- ~~3. The County may require that applicants, employees, and volunteers holding or applying for positions not designated under Utah Code 53.10.108(1)(g) to submit their own application for a background check as a condition of initial or continued employment. The applicant, employee, or volunteer will grant to the County a right of access to the results of that background check by completing the appropriate paperwork supplied by BCI.~~

C. Record Retention

- ~~1. County agencies are required to maintain these records in accordance with the County's record retention schedule.~~
- ~~2.1. The Human Resources Division will maintain and classify all background check records in a separate file and retain said records consistent with County wide policies and procedures. Background check records shall be classified, maintained, and retained pursuant to GRAMA.~~

D. Results of the Background Investigation

- ~~1. Employees in designated positions will be background checked annually but no less than every three years to ensure compliance with the County's criminal clearance standards. Supervisors who become aware of a disqualifying criminal violation may immediately take action.~~
- ~~1. The County has adopted the following standards for reviewing designated positions. If Non-criminal justice agency: If a background check on a candidate reveals relevant, job position-related or function-related criminal history, ~~the Human Resources Division~~, agency, and the District Attorney's Office will/shall determine if the applicant 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. The agency will notify the applicant of any disqualification. 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.~~
- ~~2. The candidate may challenge the completeness and accuracy of criminal history record information by following the procedures established by BCI.~~
- ~~3. If a background check on a current employee reveals relevant, job related criminal history, the Human Resources Division will notify the agency and the District Attorney's Office. The Human Resources Division, the agency, and the District Attorney's Office will then determine whether the criminal conduct violates established criteria for the designated position. The County will grant the employee sufficient time to challenge the completeness and accuracy of the background check as provided by this policy and as provided by law.~~
- ~~4. If a background check on a volunteer reveals relevant, job related criminal history, the County will grant the volunteer sufficient time to challenge the completeness and accuracy of the background check as provided by this policy and as provided by law.~~
- ~~5. If the criminal conduct affects a person's status as an employee; at the agency's discretion, the employee may be transferred to a vacant qualifying position or terminated consistent with County policies and procedures. For volunteers where the criminal conduct affects a person's assignment, the volunteer will be released from their volunteer position.~~

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III. References

- ~~A. Criminal Records – Restrictions on access, use, and contents - Utah Code Ann. 53-10-108. Restrictions on access, use and contents of division records – Limited use of records for employment purposes – Challenging accuracy of records – Usage fees – Missing children records – Penalty for misuse of records – Utah Code 53.10.108(1)(g)~~
- ~~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~~
- ~~A-D. Salt Lake County Code of Ordinances 2.80.150.~~
- ~~B. GRAMA 63G.2.101-901~~

~~C. Review and Challenge of Criminal Record – Utah Administrative Code R722.900.1-5~~

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	_____