

BACKGROUND CHECKS FOR EMPLOYEES

Frequently Asked Questions

Why does NC State conduct background checks?

The University is committed to providing a safe and secure environment for students, faculty, staff, volunteers, visitors and other constituents and to protecting its funds, property, and other assets. Well-informed hiring decisions contribute to this effort.

Who is subject to a background check?

- ✓ *The final candidate for all temporary appointments (other than student positions where work is incident to their status as an NC State student and where there is minimal risk to funds, property, and assets)*
- ✓ *The final candidate for all tenure track or non-tenure track faculty positions; EPA non-faculty administrator/professional positions; SPA staff (including time-limited) positions; and post-doctoral positions*
 - *includes current NC State and other state agency or university employees who are final candidates for NC State positions, whether new hires or transfers*
- ✓ *Current employees who change jobs due to promotion, lateral transfer, or reassignment*
- ✓ *Current employees who assume new duties that cause their current position to become appropriate for a background check*
 - *For example, an employee may assume duties that give access to cash or other financial assets or accounts, duties that require driving, or duties that provide additional facility security access.*
- ✓ *Visiting Faculty and Visiting EPA Professionals - paid faculty, scholars, scientists, and researchers who are visiting NC State from a “home organization”.*
- ✓ *Adjunct faculty, unpaid visiting faculty, and visiting EPA Professionals – individuals who are in the HR system for administrative reasons but who are not employees and are not paid are not subject to checks unless there is direct, individual contact with or oversight of, underage students or*

program participants. “No Pay” individuals can be checked at the department’s request if access or security issues warrant such.

- ✓ Household members, ages 18 and over, who live with a University employee in University-controlled housing (i.e. student housing, research farm house, etc.) that is provided as a condition of the employee’s job requirements for the benefit of the University. Such individuals are subject to satisfactory background checks as a requirement for residency.

If a returning non-tenure track faculty member teaches every fall, but doesn’t teach in the spring or summer, is a new check required each year?

If an individual returns to teach on a recurring basis in consecutive academic years in the same academic discipline/department, a check is only required if one was not previously done.

Are all students exempt from checks?

Departments are not required to conduct checks for NC State students if employment is “incidental to” their primary role as a student – such as grad assistants or work-study students. Students can be checked at the department’s request if access or security issues warrant such. If a student graduates -- or doesn’t re-enroll – but the department wishes to continue their employment, the “temp/student” assignment must be terminated, and they must be re-hired as “temporary staff.” Such re-hires require background checks.

An individual whose primary purpose for being at NC State is to work as a temporary or regular employee -- even if they are also registered for one or more classes -- is considered an “employee” and is subject to a background check.

If NC State has recently conducted a background check on a candidate, is another required for a new assignment?

In order to determine if a “current check” is on file, the hiring department must submit a Verification of Prior Background Check form to the Background Check Office (so HR can determine if a current check is on file for the person).. If a current check is on file, it may be used and the Background Check Program will notify the hiring unit of results. If a current check is not on file, the hiring department must have the candidate submit a Background Check Disclosure and Release form to the Background Check Office.

Is an individual who transfers from another State agency or another institution in the UNC System required to have a check?

Finalist candidates from other agencies or universities must be checked.

What types of background checks are conducted?

Criminal history checks -- NC statewide, nationwide federal, and national sex offender -- are conducted for all candidates. Motor vehicle related convictions (such as DUI convictions) appear on these records. Checks are also conducted in states or countries of other residence.

Credit history checks -- are conducted for positions with access to, or responsibility for, cash receipts, cash accounts, blank checks, checking accounts, or money market accounts. Checks are also required for positions that initiate accounting/financial transactions that are not reviewed/verified by others; positions that have override authority for spending, receipting, HR, or billing transactions; and positions of Dean, Director, or Department Head. Current employees who assume these duties are also subject to checks.

Motor vehicle (driving record) checks -- Checks (e.g., to verify a valid license and review driving history) are conducted for positions that require the candidate to drive a state vehicle as a regular part of their job or when a dedicated vehicle is provided to the employee for the purpose of conducting University business.

Does a candidate have to give permission for a check to be conducted?

Yes. Application and EPA Profile sign-offs include the candidate's authorization for HR to run background checks. Candidates also complete and sign a Background Check Disclosure and Release form in compliance with federal guidelines.

If a candidate declines to give permission or fails to give all the information required for HR to run a check, no check will be conducted. A person who fails to give permission or does not provide all the information needed cannot be employed since checks are a condition of employment.

Who obtains the completed Disclosure and Release Form from the candidate-- the hiring department or HR?

The hiring department completes the top section of the form and sends it to the candidate. The candidate returns the completed form directly to the Background Check Office:

Fax (preferred method): 919-513-0274 OR

Email: background-checks@ncsu.edu OR

Mail: Background Check Program, Human Resources, Campus Box 7210, Raleigh NC 27695-7210 OR

Hand Delivery: Human Resources, Admin Services Bldg II, 2711 Sullivan Drive

How long does it take to get the results of the check?

Results are usually obtained within 72 hours; however, if multiple states of residence are involved, it may take longer for the results to be returned.

The candidate will be endorsed for work once the Background Check Program completes the stateside and federal checks. An “endorsement” email will be sent to the hiring department stating that the applicant is endorsed for employment, but that continued employment is contingent on a successful international check.

May a candidate start work before the check is complete?

Candidates may NOT start working until background checks are completed, except that in an emergency hiring situation—such as filling a vacancy to perform critical work or to ensure campus safety—the Associate Vice Chancellor for Human Resources or designee may make an exception and allow an employee to begin work prior to completion of the check. If an exception is desired, the hiring supervisor must send an email explaining the need for the request to background-checks@ncsu.edu.

Does a previous criminal conviction disqualify an applicant from consideration for employment?

A previous conviction does not automatically disqualify a candidate. Eligibility for employment depends on a variety of factors such as the nature of, and circumstances surrounding, the crime; the time elapsed since the conviction and the rehabilitation record; the actions and activities of the individual since the crime including their work history; the truthfulness and completeness of

the candidate in disclosing the conviction; and the relevance of the conviction to the job.

Do current employees need to report new convictions?

Current employees who are convicted of a criminal offense are required to report any conviction to their immediate supervisor within 5 days of the conviction. The supervisor must notify HR who will conduct a check to confirm the information that was disclosed. Convictions include guilty verdicts/pleas, “no contest” pleas, and prayers for judgment continued (PJC).

Can the results of a background check affect an employee’s current job even if the check was conducted for transfer purposes?

If the current employee is discovered to have falsified information on current or previous applications -- or if the results of the background check are relevant to current duties -- action will be taken, up to and including termination of employment.

What information do candidates need to disclose on the application and release form?

Basically: The truth, the whole truth, and nothing but the truth. The best bet is to list everything, even if the candidate thinks the incident was minor.

Candidates must disclose all convictions for unlawful offenses. This includes but is not limited to DUI/DWI, worthless checks, violations of local ordinances or statutes that resulted in a fine or incarceration, misdemeanors, felonies, etc. Guilty verdicts, guilty pleas, prayers for judgment (PJC) and pleas of nolo contendere (no contest) must be included. For example, convictions include not just “serving time,” but also paying fines or restitution.

If a candidate is unsure of his/her record, copies of criminal background records can be secured from the county(ies) where the incidents happened (such as the Wake County Courthouse). Driving records can be secured from the Department of Motor Vehicles.

Candidates do not need to list things for which they have court documentation that the conviction(s) has been sealed or expunged.

What traffic violations should be included?

*Minor traffic offenses such as parking tickets, registration violations, inspection violations, speeding less than 15 miles an hour over the speed limit, etc. do not need to be reported. Major offenses **MUST** be reported and include but are not limited to: DWI, DUI, reckless driving, speeding more than 15 miles an hour over the speed limit, etc. If a candidate is unsure of what to include, it is better to include everything.*

What happens if a candidate does not disclose all conviction information?

Falsification, including misrepresentation or a failure to disclose relevant information (omission) as part of the application process or on the release form, disqualifies a candidate from employment. It does not matter if the falsification was intentional or not. Current employees may be subject to dismissal.

How does the hiring department know the outcome of the check?

The Background Check Office in HR will communicate one of three outcomes to the hiring department: 1) employment endorsement, 2) disqualification on falsification, or 3) a non-endorsement based on the background check results as related to the position.

How does the candidate know the outcome of the check?

If the check is clear, the hiring department contacts the candidate to finalize the offer and set a start date. If the candidate is disqualified or employment is not endorsed, HR notifies the candidate in writing in accordance with federal guidelines. The hiring department withdraws the job offer.

If adverse action is taken due to results of a check, HR provides a copy of the report as well as instructions regarding dispute of the accuracy of the record to the candidate.

Will Human Resources audit to make sure departments are complying with the background check regulation?

HR compares hiring activity with background check activity to determine if departments are complying with the requirement. If hiring units are found to be out of compliance, administrators will be notified so that corrective action can be taken.

Who has access to the background check records?

The individuals in HR who facilitate and manage the Background Check Program have access and maintain the information in a confidential manner. Selected information may be shared with a hiring manager as appropriate and relevant to ensure they make an informed hiring decision.

Do volunteers need to be checked?

Individuals who work or volunteer as part of a University-sponsored program or summer camp that is offered to pre-college age minors are subject to background checks, even if the individual is not on payroll. North Carolina public school teachers who work or volunteer do not require an additional check since they are checked in the course of their regular employment. Individuals who volunteer in positions that are limited in nature (such as a lecture or presentation), and who have no direct individual contact with, or oversight of, underage participants, are not subject to background checks.

Who do I call for more information?

Contact the Background Check Program office at 513-5320 or email background-checks@ncsu.edu.