

Essex County College College Regulation

REG 4-21 BACKGROUND CHECKS

Purpose:

Essex County College or ("ECC") is committed providing a safe and secure learning and working environment for its students, faculty, and staff. This policy sets forth Essex County College's procedures for conducting pre-employment background checks for all final candidates for regular and temporary positions at the College who are 18 years of age or older. Background checks and verification of other background information is a condition of employment at Essex County College.

Definitions:

1. Finalist: Individual who is determined to be the final candidate for a regular or temporary position at ECC.
2. Background check shall include, but will not be limited to: Checking or verifying any or all parts of the Finalist's employment, educational, criminal, sex and violent offender, license, and/or credit histories. The nature and scope of the background check will be determined by Essex County College and will be appropriate to the position. The background checks in this policy may be conducted by Essex County College or a vendor.
3. Credit history check: Checking the credit history of the Finalist, if required for the position.
4. Criminal history check: Verifying that the selected Finalist does not have any undisclosed criminal history in at the local, county, state and federal levels where the Finalist currently resides or has resided within the past seven (7) years. The check may include felony or misdemeanor convictions or pleas which are acknowledgements of responsibility (e.g., plea of guilty, no contest or nolo contendere) and which have not been annulled or sealed. Criminal convictions or pleas will not automatically exclude a Finalist from consideration for employment unless they are related to the position offered and the decision not to hire is consistent with business necessity.
5. Educational history check: Verifying that the Finalist possesses the relevant educational credentials cited or listed in the Finalist's application, resume or curriculum vitae.
6. Employment history check: Verifying that the Finalist worked in the positions cited or listed in the Finalist's application, resume or curriculum vitae. The employment history check is not a substitute for Human Resources or the hiring committee from checking employment references prior to extending an offer of employment.
7. License history check: Verifying the licenses cited or listed in the Finalist's application, curriculum vitae, resume, or cover letter, including that the license is current and that Finalist is in "good standing" with respect to all licenses required for the position.
8. Prohibited Parties: Means specially designated nationals, terrorists, narcotics traffickers, blocked persons and parties subject to various economic sanctioned programs who are forbidden from conducting business in the United States, as well as entities subject to license requirements because of their proliferation of weapons of mass destruction.

9. Sex offender registry check: Verifying that the Finalist does not have undisclosed convictions of sex crimes in every jurisdiction where the finalist currently resides or has resided in the past seven (7) years. This check is prohibited until after the first interview.
10. Social Security Verification: Validates the Finalist's Social Security number, date of birth and former address(es).
11. Other checks: Checks determined to be necessary for the position by Human Resources or the hiring committee such as motor vehicle history, social and print media search, and internet search.

Application:

1. All offers of employment are conditional such that a Finalist cannot commence employment until the completion of a background check and the results are deemed acceptable by ECC.
2. Finalists must sign a form authorizing ECC or its designated vendor to complete the identified background check commensurate with the position. Additionally, all Finalists must complete an employment application and all other pre-employment documents.
3. After an applicant is considered a Finalist, Human Resources will commence the appropriate background check for the position which may include, but is not limited to a: a credit history check, social security verification, criminal history check, educational history check, employment history check, license history check, sex offender registry checks, and prohibited persons check. Nothing in this Regulation shall preclude a Finalist from undergoing additional background checks required by state or federal law.
4. If the results of a background check contain unfavorable information, Human Resources shall provide the Finalist a copy of the report and a copy of the appropriate documents related to the Fair Credit Reporting Act (FCRA) advising the Finalist of their rights under FCRA. ECC may ask the Finalist to explain in writing any information deemed unfavorable in the background check report. Human Resources will consult with the Office of the General Counsel regarding all background checks that yield unfavorable results.
5. If a decision not to hire a Finalist is made based on the results of a background check, Human Resources will provide the Finalist the name and contact details of the consumer reporting agency and advise the Finalist of the right to dispute the accuracy of the report by contacting the consumer reporting agency.
6. Background check information is considered confidential and ECC will take steps to limit disclosure unless such disclosure is required for a business necessity or by law. All confidential personnel information is maintained in a file separate from employees' personnel files. ECC will comply with all relevant record retention laws with respect to personnel files.
7. Falsification, misrepresentation, or failure to disclose relevant information as part of an applicant's submission of employment to ECC will disqualify the applicant, including a Finalist, from employment consideration or may result in the rescission of an offer of employment. If the Finalist is a current employee, falsification may also subject the individual to disciplinary action up to and including termination.
8. Information discovered through the background check process will be used solely for the purpose of a Finalist's employment and will not be used to discriminate against a finalist on the basis of race, color, religion/creed, sex/gender, age, sexual orientation, gender identity/expression,

national origin, genetic information, marital/familial status, disability, military, veteran status, or any other protected status.

Responsible Official(s): Director of Human Resources	Reference(s): N.J.S.A. 34:6B-11 et seq.; N.J.S.A. 34:6B-14; 15 U.S.C. 1681 et seq.
Regulation History: App. 9/22	Attachment(s):