PURPOSE

All newly hired FSD faculty and staff must undergo a fingerprint-based criminal background check. This University of Nevada, Reno Facilities Services Department (FSD) Standard Operating Procedure SOP defines the fingerprint-based background check procedure. Refer to the FSD Background Check Policy for further information on pre-employment background check policy.

PROCESS

UNR/BCN Human Resources Recruiter approves a conditional offer pending completion of the pre-employment drug test (if applicable) and background check:

1. Facilities Services Department Human Resources (FSD HR) contacts and instructs applicant make an appointment to undergo the rolling and submission of fingerprints administered at UNR Police Services and to pick up the drug screen packet if applicable. (See Appendix 4 for applicable positions)
   - Must be completed within 48 hours of notification from FSD HR or picking up the drug screen packet (if applicable)
   - If drug results are negative, FSD will be given formal approval by BCN/UNR HR to hire pending fingerprint-based background check results
2. Police Services processes applicant’s fingerprints and sends them directly to the Department of Public Safety (DPS) via LiveScan.
3. DPS Background results are mailed directly to FSD HR for review:
   - If the results do not contain any criminal activity as outlined in the policy, his/her employment continues
• If the results do contain any of the criminal activity outlined in the policy, FSD HR will verify the information disclosed in the employment application and contact the appropriate Hiring Authority and BCN/UNR HR to determine the suitability of the applicant

4. FSD HR will notify UNR/BCN Human Resources and the supervisor whether or not the applicant has met, or failed to meet, the pre-employment screening criteria.

AREAS OF RESPONSIBILITY

FSD Human Resources (FSD HR)
- Undergoes fingerprint-based background check required by DPS to access information as part of the background check program
- Receives training on the proper handling of Criminal History Record Information (CHRI) and signs the training acknowledgement for audit purposes (Appendix 1)
- Contacts applicant with instructions on fingerprint-based background check processing
- Creates and issues fingerprint-based background check authorization memo (Appendix 2)
- Verifies any criminal activity discovered during the background check process was disclosed accurately on employment application. Faculty application information will need to be verified with UNR HR.
- Reports findings to Hiring Authority for determination on suitability of applicant if the fingerprint-based background check results contain any of the criteria outlined in the Criteria for Rejection

Applicant
- Discloses required criminal information on application
- Signs the Fingerprint Background Waiver (Appendix 3)
- Schedules a time with Police Services to undergo the fingerprint-based background check within 48 hours of receiving drug packet and/or notification from FSD HR
- Provides Police Services with proper identification and authorization memo given by FSD HR
- Completes fingerprint-based background check at Police Services

Hiring Authority
- Undergoes fingerprint-based background check required by DPS to review information resulting from the background check program
- Receives training on the proper handling of CHRI and signs the training acknowledgement for audit purposes
- Reviews results in the FSD HR office where documentation is kept in a secure environment
- Determines suitability of applicant should the applicant’s results reflect an item in the Criteria for Rejection
- Informs FSD HR of decision
Supervisor
• Receives notification of the successful or unsuccessful completion of the pre-employment screenings

IMPLEMENTATION

The Director, Administrative Services is responsible for the implementation of this SOP within the respective area(s) of responsibility.

TRAINING

All personnel included in this process shall be trained prior to receiving background check results and prior to participating in the determination of suitability of the applicant based on results reflected in the Criteria for Rejection. FSD HR shall ensure regular review of and compliance with the SOP.

COMPLIANCE

Compliance with all UNR and FSD policies and procedures is required of each employee. Failure to comply with this SOP may result in disciplinary action as outlined in the Nevada Administrative Code, the Nevada System of Higher Education Prohibitions and Penalties, and/or the Nevada System of Higher Education Board of Regents Handbook.
APPENDIX 1
TRAINING ACKNOWLEDGEMENT

I ______________________________________, on this date ______________________

Understand the following:
1. Criminal History Record Information (CHRI) must be used only for the purpose for which it was provided.
2. CHRI cannot be disseminated outside of the receiving department, related agencies, or other authorized entities.
3. CHRI must be maintained in a secured records environment.
4. CHRI, if destroyed, must be shredded or burned.

Penalties for misuse:

NRS 179A.900 Unlawful acts. Any person who:
3. Willfully requests, obtains or seeks to obtain records of criminal history under false pretenses; or
2. Willfully communicates or seeks to communicate records of criminal history to any agency or person except pursuant to this chapter; or
3. Willfully falsifies any record of criminal history or any record relating to records of criminal history, is guilty of a misdemeanor.

NRS 179A.230 When person who is subject of notice of information may bring action for damages; when child who is victim of offense committed by employee may bring action for damages against employer; statute of limitations.
3. A person who is the subject of a request for notice of information pursuant to NRS 179A.180 to 179A.240, inclusive, may recover actual damages in a civil action against:
   (3) The Central Repository for an intentional or grossly negligent:
         (3) Dissemination of information relating to the offenses listed in subsection 4 of NRS 179A.190 not authorized for dissemination; or
   (2) Release of information relating to the offenses listed in subsection 4 of NRS 179A.190 to a person not authorized to receive the information;
   (b) An employer, representative of an employer or employee for an intentional or grossly negligent violation of NRS 179A.110. Punitive damages may be awarded against an employer, representative of an employer or employee whose violation of NRS 179A.110 is malicious.
   2. An employer is liable to a child served by the employer for damages suffered by the child as a result of an offense listed in subsection 4 of NRS 179A.190 committed against the child by an employee if, at the time the employer hired the employee, the employee was the subject of information relating to the offenses for which notice was available for dissemination to the employer and the employer:
      (3) Failed, without good cause, to request notice of the information pursuant to NRS 179A.180 to 179A.240, inclusive; or
      (b) Was unable to obtain the information because the employee refused to consent to the search and release of the information, and the employer hired or retained the employee despite this refusal.
      ➔ The amount of damages for which an employer is liable pursuant to this subsection must be reduced by the amount of damages recovered by the child in an action against the employee for damages sustained as a result of an offense listed in subsection 4 of NRS 179A.190.
   3. An action pursuant to this section must be brought within 3 years after:
      (3) The occurrence upon which the action is based; or
      (b) The date upon which the party bringing the action became aware or reasonably should have become aware of the occurrence, whichever was earlier, if the party was not aware of the occurrence at the time of the occurrence.
   3. This section does not limit or affect any other rights, claims or causes of action arising by statute or common law.

NRS 179A.240 Unlawful acts. A person who knowingly and willfully:
3. Uses NRS 179A.180 to 179A.240, inclusive, to obtain or seek to obtain information relating to the offenses listed in subsection 4 of NRS 179A.190 under false pretenses; or
2. Disseminates or attempts to disseminate information relating to the offenses listed in subsection 4 of NRS 179A.190 that the person knows was not received in accordance with the provisions of this chapter; or
3. Disseminates or attempts to disseminate information relating to the offenses listed in subsection 4 of NRS 179A.190 that the person knows is false, inaccurate or incomplete, ➔ is guilty of a misdemeanor.

Signed __________________________________________ Date:_____________________

SOP – 017
Fingerprint-Based Background Check Procedure
June 9, 2014
APPENDIX 2

MEMORANDUM

DATE:

TO:        UNR Police Services

FROM:      Katie Smith, HR Specialist (Facilities Services)

RE:        Pre-Employment Fingerprint-Based Background Check Processing Information

Facilities Services is requesting that _______________________ undergo a fingerprint-based background check for pre-employment purposes, per NRS 239B.010.B.

Employee Directions:

1. Employee calls Police Services to schedule a time to undergo the fingerprint-based background check, (775) 784-4013. Please indicate that you are being hired on with the Facilities Services Department.

2. Upon appointment, applicant provides Police Services with this memo, proper identification, which is any unexpired government-issued photo identification (driver’s licenses, state-issued ID cards, and passports), and the below information:

   Account Number:  151472
   ORI:            NV0131700

Any questions regarding this memorandum or the information therein can be directed to:

Katie Smith, HR Specialist (FSRV)  Amanda Evans, Director of Administrative Services
kksmith@unr.edu                   aeevans@unr.edu
(775) 682-7046                    (775) 682-5683
APPENDIX 3

FINGERPRINT BACKGROUND WAIVER

As an applicant who is the subject of a Federal Bureau of Investigation (FBI) fingerprint-based criminal history record check for a noncriminal justice purpose you have certain rights which are discussed below.

1. You must be notified by (enter name of requesting agency) ________________________________ that your fingerprints will be used to check the criminal history records of the FBI and the State of Nevada.

2. If you have a criminal history record, the officials making a determination of your suitability for the job, license or other benefit for which you are applying must provide you the opportunity to complete or challenge the accuracy of the information in the record. You may review and challenge the accuracy of any and all criminal history records which are returned to the submitting agency. The proper forms and procedures will be furnished to you by the Nevada Department of Public Safety, Records Bureau upon request. If you decide to challenge the accuracy or completeness of your FBI criminal history record, Title 28 of the Code of Federal Regulations Section 16.34 provides for the proper procedure to do so:

   16.34 - Procedure to obtain change, correction or updating of identification records.

   If, after reviewing his/her identification record, the subject thereof believes that it is incorrect or incomplete in any respect and wishes changes, corrections or updating of the alleged deficiency, he/she should make application directly to the agency which contributed the questioned information. The subject of a record may also direct his/her challenge as to the accuracy or completeness of any entry on his/her record to the FBI, Criminal Justice Information Services (CJIS) Division ATTN: SCU, Mod. D-2, 1000 Custer Hollow Road, Clarksburg, WV 26306. The FBI will then forward the challenge to the agency which submitted the data requesting that agency to verify or correct the challenged entry. Upon the receipt of an official communication directly from the agency which contributed the original information, the FBI CJIS Division will make any changes necessary in accordance with the information supplied by that agency.

3. Based on 28 CFR § 50.12 (b), officials making such determinations should not deny the license or employment based on information in the record until the applicant has been afforded a reasonable time to correct or complete the record or has declined to do so.

4. You have the right to expect that officials receiving the results of the fingerprint-based criminal history record check will use it only for authorized purposes and will not retain or disseminate it in violation of federal or state statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.

5. I hereby authorize (enter name of requesting agency) ________________________________, to submit a set of my fingerprints to the Nevada Department Public Safety, Records Bureau for the
purpose of accessing and reviewing State of Nevada and FBI criminal history records that may pertain to me.

In giving this authorization, I expressly understand that the records may include information pertaining to notations of arrest, detainments, indictments, information or other charges for which the final court disposition is pending or is unknown to the above referenced agency. For records containing final court disposition information, I understand that the release may include information pertaining to dismissals, acquittals, convictions, sentences, correctional supervision information and information concerning the status of my parole or probation when applicable.

6. I hereby release from liability and promise to hold harmless under any and all causes of legal action, the State of Nevada, its officer(s), agent(s) and/or employee(s) who conducted my criminal history records search and provided information to the submitting agency for any statement(s), omission(s), or infringement(s) upon my current legal rights. I further release and promise to hold harmless and covenant not to sue any persons, firms, institutions or agencies providing such information to the State of Nevada on the basis of their disclosures. I have signed this release voluntarily and of my own free will.

A reproduction of this authorization for release of information by photocopy, facsimile or similar process, shall for all purposes be as valid as the original.

In consideration for processing my application I, the undersigned, whose name and signature voluntarily appears below; do hereby and irrevocably agree to the above.

Applicant’s Name: __________________________________________________

(PLEASE PRINT LAST, FIRST, MIDDLE)

Address: __________________________________________________________

Applicant’s Signature:________________________________________________

Date: __________________

Submitting Agency: _________________________________________________

Address: ___________________________________________________________

Agency representative: _______________________________________________

(PLEASE PRINT LAST, FIRST, MIDDLE)

Agency representative’s Signature:_______________________________________

Date: ________________
APPENDIX 4

REQUIRED POSITIONS FOR PRE-EMPLOYMENT DRUG SCREEN

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PRE-EMPLOYMENT DRUG TESTING IS NOT APPLICABLE TO POSITIONS NOT LISTED