



STATE OF CONNECTICUT

DEPARTMENT OF REVENUE SERVICES

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State of Connecticut Department of Revenue Services Background Check Policy and Procedures July 2017 (Revised September 2024)

I. Statement of Need

Employees of Department of Revenue Services (DRS) have access to and/or work closely with Connecticut tax return information, federal tax return information, personal financial information, business records, and other confidential information about individuals and businesses both within and outside the State of Connecticut. DRS has an obligation to protect such information from unauthorized inspection or disclosure. As part of this obligation, DRS must comply with the provision of Connecticut General Statute 12-3c and the requirements of **Publication 1075, Tax Information Security Guidelines for Federal, State and Local Agencies**. As amended by Section 11 of Public Act No. 17-147, Conn. Gen. Stats. 12-3c requires criminal history records checks for all applicants for employment, state employees applying for transfer to DRS and, at least once every five (5) years, all current DRS employees.

II. Purpose

This policy sets forth procedures governing DRS's administration of the provisions of Conn. Gen. Stat. 12-3c and its obligations under **Publication 1075, Tax Information Security Guidelines for Federal, State and Local Agencies**.

III. Policy

A. Applicants/Transfers/New Employees

1. All applicants, including rehires and transfers, applying for a position of employment with DRS must:
 - a. Complete a written statement disclosing whether such applicant has ever been convicted of a crime or whether criminal charges are pending against such applicant. If any charges are pending, the statement must identify the charges and the court in which such charges are pending.
 - b. Complete and sign an "Authorization to Conduct Criminal History Record Check."
 - c. Be fingerprinted and submit to a background check including a citizenship/residency check using E-Verify to validate eligibility to legally work in the United States.

2. Failure or refusal to complete any of the above requirements shall disqualify such applicant from employment at DRS.
3. Applicants selected for employment at DRS will be subject to the provisions of Subsection B of this Section at least once every five (5) years, during the term of his or her employment at DRS.

B. Existing employees

1. Existing employees are obligated to inform Human Resources in writing within twenty-four (24) hours or the next business day upon arrest, whichever is sooner, of a criminal arrest and/or conviction involving misdemeanor offense that relates to job duties/responsibilities or any felony, regardless of nexus. DRS considers any misdemeanor involving fraud, forgery, embezzlement, or false pretenses to be relevant to job duties and responsibilities. Employees who fail to inform Human Resources of an arrest or conviction shall be subject to disciplinary action up to and including dismissal.
2. At least once every five (5) years, each existing employee of DRS must:
 - a. Complete a written statement disclosing whether such employee has ever been convicted of a crime or whether criminal charges are pending against such employee. If any charges are pending, the statement must identify the charges and the court in which such charges are pending.
 - b. Complete and sign an "Authorization to Conduct Criminal History Record Check" form.
 - c. Be fingerprinted and submit to a background check.
3. Failure or refusal to complete any of the above requirements shall result in disciplinary action up to and including dismissal.
4. Within five (5) years of previous background check each employee must submit to a new background check. The new background check will include but is not limited to FBI fingerprinting (FD-258), local law enforcement check, and citizenship/residency check.

IV. General Provisions

1. DRS is not liable for any errors in any reports, including conviction records, that it receives from state or federal agencies in connection with any background checks conducted in accordance with this policy. In making any decisions with regard to employment, DRS will rely on the reports it receives from federal or state agencies and consider said reports to be true, accurate, and complete, unless determined otherwise as a result of an employee dispute in accordance with subdivision 2.

2. If DRS receives a report from a federal or state agency that would disqualify the employee or prospective employee from employment at DRS, DRS will provide copy of said report to the employee or prospective employee. Upon receipt of said report from DRS, the employee or prospective employee shall have five (5) business days to review said report and notify DRS whether said report contains any errors or is in any way inaccurate. The employee or prospective employee shall have ten (10) business days to cure said error(s). Extensions may be granted on a case-by-case basis based upon the facts and circumstances.
3. It is the responsibility of the employee or prospective employee to correct any errors in any reports received.
4. The Agency Human Resources Administrator will notify the Commissioner's Office and the appropriate Bureau Chief (or equivalent) of any report from a federal or state agency that would disqualify the employee or prospective employee from employment at DRS.

V. Procedures

A. Recruitment

1. All DRS recruitment announcements shall contain a statement informing applicants of the requirement to complete and pass a background investigation as part of the application process.
2. Applicants shall be informed of the requirement to undergo a background check no later than the formal interview.
3. All recruitment shall comply with the requirements set forth in Section III. *Policy* above.

B. Background Checks

1. DRS will submit all necessary materials for background checks within ten (10) business days of receipt of said materials from the employee or applicant. DRS will promptly review the results of each background check and take any action required consistent with Section IV. *General Provisions*.

2. Background checks will, at a minimum, include the following:
 - a. A national criminal background check based upon FBI fingerprinting.
 - b. A local law enforcement criminal background check where the applicant has lived, worked and/or attended school within the last five years; and
 - c. Validation of the applicant's eligibility to legally work in the United States.
3. All background checks will be coordinated and maintained by the Criminal Investigation Division of DRS.

C. Results and Consequences

1. The following criminal convictions are generally sufficient cause for dismissal or withdrawal of an offer of employment:
 - a. Conviction of a misdemeanor offense that relates to job duties/responsibilities; or
 - b. Conviction of a felony offense.
2. Outstanding warrants or pending charges may be sufficient cause for withdrawal of an offer of employment.
3. Outstanding warrants or pending charges for a permanent status employee may result in an administrative investigation and appropriate disciplinary action in compliance with applicable statutory and/or contractual provisions. As set forth in Section III. *Policy*, employees failing to report an arrest in accordance with this policy and within the required timelines are subject to disciplinary action in accordance with applicable statutory and/or contractual provisions.
4. In the event a background check reveals a criminal history, the Agency Human Resources Administrator shall consult with the Commissioner's Office to discuss the prospects of commencement of or continued employment. No final decision as to employment will be made without discussing the results of the background check with the employee or prospective employee.

5. In reaching a conclusion as to employment in circumstances where a background check reveals a criminal history on the part of an employee or prospective employee, DRS will consider the following factors:
 - a. Whether the criminal activity is related to the employee's current duties or might reasonably be expected to prevent the employee from performing the duties of the position
 - b. The nature of the crime
 - c. The number of convictions
 - d. When the conviction(s) occurred
 - e. Whether the employee or prospective employee made any false or misleading verbal or written statements regarding his or her criminal history
 - f. Other relevant factors depending on the specific facts and circumstances.

D. Right of Appeal for Employees

1. Non-permanent employees and at-will employees whose employment is terminated under this policy have no right of appeal.
2. Classified employees who have achieved "permanent" status may use the established grievance process to appeal any employment action taken under this policy.