



Background Check Policy and Procedures
October 31, 2022

TO: All Agency Staff

REFERENCE: CGS § 5-207a; Publication 1075, *Tax Information Security Guidelines for Federal, State and Local Agencies*.

RECISSIONS: None.

POLICY REVIEW: Every year

TRAINING REQUIRED: Every year as part of annual FTI training

I. Scope

Certain employees of the Connecticut Department of Labor (CTDOL) have access to and/or work closely with Federal Tax Information (FTI) as part of their job responsibilities, associated with the Treasury Offset Program (TOP). CTDOL has an obligation to protect such information from unauthorized inspection or disclosure. As part of the obligation, CTDOL must comply with the requirements of **Publication 1075, *Tax Information Security Guidelines for Federal, State and Local Agencies***, which requires, among other things, that anyone with access to FTI undergo an FBI fingerprint check, a citizenship/residency check, and periodic criminal background check. Accordingly, section 5-207a of the Connecticut General Statutes requires initial fingerprinting and criminal history records checks for any applicant (new applicant, rehires, or transfer applicant) for a position that requires access to FTI, and at least once every ten years¹ for any current CTDOL employee whose position involves exposure to federal tax information.

¹ Raised Bill No. 5454 proposes to modify this to 5 years, to align with the most current versions of Publication 1075.

II. Purpose

This policy sets forth procedures governing the CTDOL's administration of the provisions of section 5-207a of the Connecticut General Statutes and its obligations under **Publication 1075, Tax Information Security Guidelines for Federal, State and Local Agencies.**

III. Policy

A. Applicants/Transfer/New Employees

Only once determined otherwise qualified for the position, applicants (including rehires and transfers) for a position of employment with the CTDOL that involves exposure to federal tax information 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. The statement shall describe in detail the nature of any conviction, degree of rehabilitation, and the time since release. Minor traffic violations or any offense settled in juvenile court or under a youth offender law may be excluded. The existence of any arrest, criminal charge or conviction, the records of which have been erased pursuant to Conn. Gen. State §§ 46b-146, 54-76o, or 54-142a are not required to be reported.
- b. Be provided a copy of the Noncriminal Justice Applicant's Privacy Rights and FBI Privacy Act Statement before they are fingerprinted.
- c. Submit a signed Noncriminal Justice Applicant's Privacy Rights and FBI Privacy Act Statement.
- d. Complete and sign an "Authorization to Conduct Criminal History Record Check."
- e. Be fingerprinted and submit to a background check.

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(s) that relates to job duties/responsibilities or any felony, regardless of nexus. CTDOL 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 years, each existing employee of CTDOL whose position involves exposure to federal tax information 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. The statement shall describe in detail the nature of any conviction, degree of rehabilitation, and the time since release. Minor traffic violations or any offense settled in juvenile court or under a youth offender law may be excluded. The existence of any arrest, criminal charge or conviction, the records of which have been erased pursuant to Conn. Gen. State §§ 46b-146, 54-76o, or 54-142a are not required to be reported.
 - b. Be provided a copy of the Noncriminal Justice Applicant's Privacy Rights and FBI Privacy Act Statement before they are fingerprinted.
 - c. Submit a signed Noncriminal Justice Applicant's Privacy Rights and FBI Privacy Act Statement.
 - d. Complete and sign an "Authorization to Conduct Criminal History Record Check."
 - e. 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.

IV. General Provisions

1. CTDOL 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, CTDOL 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 the following subsection 2.
2. If CTDOL receives a report from a federal or state agency that would disqualify a prospective employee from employment at CTDOL or disqualify an existing employee from employment in their current position at CTDOL or subject the employee to disciplinary action up to and including dismissal, CTDOL will provide a copy of said report to the employee or prospective employee. Upon receipt of said report from CTDOL, the employee or prospective employee shall have five (5) business days to review the report and notify CTDOL whether the 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 Administrator will notify the Commissioner's Office and the appropriate Division Director of any report from a federal or state agency, or any conduct potentially in violation of this policy, that could disqualify the employee or prospective employee from employment at DOL in a position wherein the employee would be required to be exposed to FTI.

V. Procedures

A. Recruitment

1. All CTDOL recruitment announcements for positions that involve exposure to FTI 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. Applicants shall be provided a copy of the Noncriminal Justice Applicant's Privacy Rights and FBI Privacy Act Statement before they are fingerprinted.
4. All recruitments shall comply with the requirements set forth in Section III, *Policy* above.

B. Background Checks

1. DOL will submit all necessary materials for a background check within ten (10) business days of receipt of said materials from the employee or applicant. DOL 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 state and 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 (5) years; and
 - c. Validation of the applicant's eligibility to legally work in the United States.
3. All background checks will be coordinated and all documents pertaining to the background checks including, but not limited to the results shall be maintained by the Legal Division of CTDOL.

C. Results and Consequences

1. 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, employees failing to report an arrest in accordance with this policy and within the required timelines set forth in Section III B 1 shall be subject to discipline up to and including dismissal.
2. In the event a background check reveals a criminal history, the Legal Division shall consult with the Commissioner's Office to discuss the prospects of commencement of or continuation of employment. No final decision as to employment will be made without discussing the results of the background check with the employee or prospective employee.
3. In reaching a conclusion as to the continuation or commencement of employment in circumstances where a background check reveals a criminal

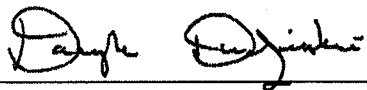
history on the part of an employee or prospective employee, CTDOL will consider the following factors:

- a. The nature of the crime or conduct;
- b. 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;
- c. The number of convictions;
- d. When the conviction(s) or conduct occurred;
- e. Evidence of rehabilitation;
- f. Whether the employee or prospective employee made any false or misleading verbal or written statements regarding his or her criminal history; and
- g. Other relevant factors depending on the specific facts and circumstances.

D. Right of Appeal for Employees

1. Beyond the right to cure reporting errors and/or inaccuracies set forth in Section IV 2, non-permanent employees whose employment is terminated under this policy have no right of appeal.
2. Criminal history results may not be provided by the Department to union personnel.
3. In addition to the right to cure reporting errors and/or inaccuracies set forth in Section IV 2, classified employees who have achieved "permanent" status, as defined Conn. Gen. State §§ 5-196(20) may use the established grievance process to appeal any employment action taken under this policy.

Signature: _____



Daryle Dudzinski, Deputy Commissioner

Date: 10/28/2022

Version	Change	Author	Date of Change
1.0	Created	Legal, Business, HR	4/1/22