

SECTION 4.05 BACKGROUND CHECKS

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I. General

Executive Branch agencies may conduct background checks as part of the application and selection process if they provide a valid business reason and job relatedness. Background checks are considered examinations to assess the qualifications of applicants pursuant to [11 IAC 54.3](#). Arrest record information, unless otherwise required by law, shall not be considered during the hiring selection process and shall only be reviewed after a conditional offer of employment has been made to the applicant.

II. Establishing a Background Check Policy

Agencies should conduct a risk assessment to determine what factors justify the background check PRIOR to implementing a background check policy. The rationale for the background check must be documented within the policy.

Here are the components that must be present in a background check policy:

- A. A clear business necessity/job relatedness (rationale) for each topic covered in the background check. This must be present for each ***classification*** in which a background check is conducted.
- B. Applicants must be informed that the background check will be a condition of employment, and which topics will be covered in the background check prior to the background check being performed. Developing a disclosure and waiver form to be given to and signed by the applicant prior to the performance of the background check will fulfill this requirement.
- C. Information gathered in the background check must be available to the applicant for their review, if requested.
- D. Information gathered during a background check must be considered confidential within the meaning of [Iowa Code section 22.7](#).
- E. The agency must identify any statutory (or other legal requirements) which require, allow, limit or prohibit the performance of background checks.
- F. The agency must have the draft background policy reviewed and approved by their assigned Assistant Attorney General.
- G. The policy must be provided to the Department of Administrative Services – Human Resources Enterprise (DAS-HRE) before performing background testing.

III. Legally Mandated Background Checks

If the background check policy involves federal, state, or local regulations that require, allow, limit or prohibit background checks, you need to determine the following parameters:

- Scope of regulation

- Application of regulation to the agency workforce
- Areas of inquiry and standards required for compliance
- Services needed to conduct the background check

IV. Non-Mandated Background Checks

Agencies not required (not mandated) to perform background checks may perform background checks if they can establish a valid business necessity and job relatedness. Some factors to consider in establishing a valid business necessity and job relatedness are:

- Supervision over inmates, clients or residents, employees, interns, volunteers, contractors, and vendors
- Access to sensitive information and data storage systems
- Interaction with the public and/or vulnerable populations
- Consequences of procedural or system failures

Any concerns in these areas must be documented and addressed in an administrative procedure similar to legally mandated background checks.

V. Reference Checks

Reference checks verify information that is supplied by the applicant such as previous education and work experience. Reference checks are not background checks and do not require a separate policy to perform. In many cases, reference checks should be sufficient to verify that a candidate is suitable for employment. It is recommended that agencies first consider whether a reference check will sufficiently meet the business need for information before pursuing background checks not mandated by law.

VI. Service Providers

NOTE: The burden of conducting background checks may be placed on a vendor whose employees work on state property; the agency must ensure the vendor's standards are compatible with the agency's risk management needs.

Two providers are available at this time:

- **SING (Single Contact Repository - SING)** This service is accessed through website of the Office of the Chief Information Officer (OCIO). Authorized users have Internet access to Iowa Criminal History and Sex Offender Registry (SOR) information held by the Department of Public Safety/Division of Criminal Investigation (DI) and the Department of Human Services (DHS) Central Abuse Registry for Child and Dependent Adult Abuse, as well as professional license information. SING allows users to perform background checks from a single web page. Access to the databases is restricted by type of organization.

If you would like to request a SING ID for your organization download the forms using the links below. Forms may be returned by fax, email, or USPS mail.

OCIO Link: <https://ocio.iowa.gov/digital-citizens/apps-licensing>

- **AccuSource** Accusource is a contractor that conducts personal credit and employment background check services. DAS Procurement must be contacted before using this contractor. Call Nancy Wheelock at (515) 725-2268. The contract number is 4670-14A.

For more information about AccuSource, you may visit their website:

<http://www.accusource-online.com/index.php/solutions-overview/by-need/background-checks>

VII. Background Check Policy Template

This template ([CFN 552-0773](#)) was developed for agencies to use in developing a background check policy. It should be completed by the agency, reviewed by the agency's Assistant Attorney General and provided to DAS-HRE to meet the requirements of [11 IAC 54.3](#).

VIII. Resources

Department of Labor - Office of Federal Contract Compliance Programs (OFCCP)

<http://www.dol.gov/ofccp/regs/compliance/directives/dir306.htm>

Federal Trade Commission - Fair Credit Reporting Act

<https://www.ftc.gov/enforcement/rules/rulemaking-regulatory-reform-proceedings/fair-credit-reporting-act>

Society of Human Resource Management Guide to Criminal Background and the Law

<http://www.shrm.org/LegalIssues/StateandLocalResources/StateandLocalStatutesandRegulations/Documents/Criminalandbackground%20checks.pdf>