

 STANISLAUS COUNTY COMMUNITY SERVICES AGENCY	Developed by/Date: Delilah Vasquez	Page: 1 of 4	Number: 7.24
	Reviewed by/Reviewed Date: CSA Exec Team 3/18	Replaces:	Subject: Administrative
Title: BACKGROUND REINVESTIGATION		Approved: 3/12/18	

POLICY

The Community Services Agency is committed to protecting the personal and financial information furnished by the Internal Revenue Services (IRS) against unauthorized use. The Internal Revenue Services (IRS) and the Social Security Administration (SSA) provide the California Department of Social Services (CDSS) with federal tax information (FTI), under the authority of United States Code Title 26, Internal Revenue Code (IRS) Section 6103(1)(7). CDSS provides this FTI to county welfare departments (CWDs) in the IRS Asset and Beneficiary Earnings Exchange Record (BEER) matches produced as part of the Income and Eligibility Verification System (IEVS). FTI access includes, but is not limited to Child Support Enforcement system access, hard copy documents, reports, forms, and any other paper or electronic media that contains FTI.

In accordance with the Internal Revenue Service (IRS) Publication 1075 (Pub 1075), and Tax Information Security Guidelines for Federal, State and Local Agencies, (Pub 1075), individuals having access to Federal Tax Information (FTI) must undergo an initial background investigation prior to being granted access to FTI, which must include a criminal history screening and citizenship/residency validation. Individuals with access to FTI must undergo reinvestigation within 10 years at a minimum, which does not require subsequent citizenship validation.

PURPOSE

To determine the suitability of individuals who require access to U.S. government Sensitive But Unclassified (SBC) information, including FTI, which is a key factor in ensuring adequate information security. Prior to granting access to FTI, and periodically thereafter, the Agency/CDSS must complete a suitability background investigation which is favorably adjudicated by the Agency/CDSS.

APPLICABILITY

This requirement applies to all current and prospective CSA employees of the Special Investigations Unit, Legal Clerk series, Family Services Supervisor, Family Services Specialist series, volunteers, agents, contractors/subcontractors and vendors with access to FTI.

PROCEDURE

Background investigations for any individual granted access to FTI must include:

- a) FBI fingerprinting (FD-258) – review of Federal Bureau of Investigation (FBI) fingerprinting results conducted to identify possible suitability issues.
- b) Check of local law enforcement agencies where the subject has lived, worked, and/or attended school within the last 5 years, and if applicable, of the appropriate agency for any identified arrests.
- c) Citizenship/residency – Validate the subject’s eligibility to legally work in the United States (e.g., a United States citizen or foreign citizen with necessary authorization). This verification process may only be completed on new employees. Any employee with expiring employment eligibility must be documented and monitored for continued compliance.

PROCESS

1. The Community Services Agency (CSA) Human Resources (HR) unit will track all reinvestigation background dates, beginning with the original new-hire background completion date, and will monitor the dates to determine when reinvestigation must be initiated.
 - a. Dates containing reinvestigation background dates will be contained in the G Drive, Personnel, Pub 1075 Reinvestigation folder.
 - b. Access to this folder is limited to Human Resources staff.
2. Background reinvestigation will be conducted within 10 years, at a minimum, from completion of the initial background and may occur sooner to effectively facilitate the coordination of multiple investigations.
3. After CSA HR identifies which employees must be reinvestigated, the employee will be provided the *Release of Liability and Waiver* form, which requires a notarized signature and the *Personal History Statement* (PHS).
 - a. The individual will have 7 calendar days to sign the Release and Waiver with notarization by a CSA HR notary and submit the completed Personal History Statement to CSA HR.

LIVESCAN

4. HR will provide the individual with a *Request for Livescan Service* for fingerprint screening through the Department of Justice (DOJ) and Federal Bureau of Investigations (FBI).
 - a. Upon completion of the form by the individual and HR staff, the individual will be sent to Maxx Security for live scan fingerprinting.
 - b. Maxx Security’s operating hours are Monday through Friday from 8:00 am to 5:00 pm. on a walk-in basis. The livescan form and photo identification is required at the time of fingerprinting.
 - c. Employees shall be entitled to conduct fingerprinting on County time.

- d. The fees of applicant fingerprint processing will be paid by CSA.
- 5. The Chief Executive Office, Custodial of Records is the designated receiver for CSA DOJ/FBI livescan results.
 - a. CEO HR will contact CSA HR to provide DOJ/FBI fingerprinting results.
 - b. Conviction information received by CEO HR will be documented on the *Individual Assessment of Employee's Criminal History*.

PERSONAL HISTORY STATEMENT/LOCAL LAW ENFORCEMENT AGENCIES

- 6. CSA HR will request information from local law enforcement agencies where the subject has lived, worked, and/or attended school within the last 5 years and if applicable, of the appropriate agency for any identified arrests and/or convictions, utilizing the information disclosed in the personal history statement.
 - a. A request for information will be sent to law enforcement agencies identified in the PHS along with a copy of the notarized release and waiver.
 - b. A postage paid return envelope will be included and marked Confidential, Attention CSA HR.
 - c. A second request for information will be sent if the information is not received within 30 days.
 - d. CSA HR will contact the law enforcement agency by telephone if the information requested is not returned within 45 days.
 - e. If the law enforcement agency fails to respond, CSA HR will document their efforts to obtain the information and include it in the individual assessment.
 - f. All information received by law enforcement agencies will be included in the background file for review and consideration during the individual assessment.

INDIVIDUAL ASSESSMENT OF CRIMINAL HISTORY

- 7. Criminal history screening for reinvestigation purposes will be conducted in accordance with Federal Equal Employment Opportunity Commission (EEOC) Enforcement Guidance, California Department of Fair Employment and Housing (DFEH) Act, and applicable California Labor Code provisions.
 - a. CSA HR will complete the individual assessment.
 - b. If there are no arrest or conviction history reported, CSA HR will record that no disqualifying information was received by law enforcement agencies and notify the individual that the reinvestigation background was completed and they are suitable to access FTI.
 - c. Arrests or convictions reported will be individually assessed by the CSA Department Head or Designee to determine which offense(s) fall within the disqualification criteria (Examples include but are not limited to: fraud, welfare, insurance, financial, theft or bribery; misuse of data; inappropriate access to data; theft/burglary.)
 - d. The CSA Department Head or Designee will consider the nature and gravity of the offense or conduct; the time that has passed since the offense or conduct occurred and/or completion of the sentence; and the nature of the

job held or sought. The basis for denial of a background must be job-related and consistent with business necessity.

- e. Individuals who are disqualified will be provided an opportunity to provide additional information within 5 business days of being notified by CSA HR.
- f. Employees represented by a labor organization may request representation when providing additional information regarding arrests and/or conviction.
- g. Final decisions resulting in an adverse employment action based on arrest or conviction history will be provided a written statement of the reason for denial and subsequent action.