

HR008 Background Checks

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Definitions

Applicant: An individual who expresses interest for a specific open position by submitting an employment application or similar documentation via the established application process.

Background Check: The process of gathering and reviewing a candidate's records to determine their applicability to initial or ongoing employment. A background check may encompass a variety of verifications including, but not limited to, employment history, criminal history, national sex offender search, if allowed, education, credit history, driving history, or professional licenses report.

Candidate: An applicant who has received an initial or conditional offer of employment. Also referred to as a new hire.

Consumer Reporting Agency (CRA): A third-party vendor that collects information about a candidate from various sources and compiles a report used for employment purposes.

Credit History Background Check: The process of gathering and reviewing a candidate's comprehensive credit history.

Criminal Conviction Disclosure: Form sent to candidate to obtain disclosure of criminal charges and convictions.

Criminal Record History Background Check: The process of gathering and reviewing a candidate's criminal record history, including any felony or misdemeanor convictions.

Education Verification: The confirmation that a candidate possesses the degree(s) from a verifiable institution, as listed on the employment application, resume, cover letter or other documentation provided by the candidate.

Employment Verification: The confirmation that a candidate's employment history as listed on the employment application, resume, cover letter or other documentation provided by the candidate is accurate.

Fingerprinting (DOJ/FBI): The method used to review a candidate's criminal record, including state and nationwide check, based on the candidate's fingerprints.

Motor Vehicle Report (MVR): A report issued by the Department of Motor Vehicles, which details the driving record, by individual name(s) and driver license number(s), for each request submitted and indicates the status of the applicable driver's licenses.

Near Relative: An employee's relationship by blood, adoption, marriage, or domestic partnership including: spouse; domestic partner; parent; child; sibling; aunt/uncle; niece/nephew; first cousin and in-laws or step-relatives in one of these relationships, including relatives of an employee's domestic partner in one of the relationships listed above; or other persons for whom the employee is legally responsible.

New Hire: An applicant who has received an initial or conditional offer of employment. Also referred to as a Candidate.

Officer of Inspector General (OIG) Exclusion List: A list of individuals and entities excluded from participating in federally funded health care programs.

Position: A specific set of duties, responsibilities, knowledge, skills, level of supervision, and other requirements, which are based on a job and that, comprise the work assignment of an individual employee at a particular location.

Pre-Adverse Action: If during the course of the background check information is identified that can be used to reject the candidate/new hire/employee. The Kirk Kerkorian School of Medicine at UNLV Human Resources (HR) Department will send the candidate/new hire/employee a pre-adverse letter to make the candidate/new hire/employee aware of the fact including a copy of any relevant report and provide the candidate/new hire/employee an opportunity to respond before a final decision is made.

Professional Licensing/Credential Verification: The confirmation that a candidate possesses all professional licenses/credentials as listed on the employment application, resume, cover letter or other documentation provided by the candidate.

Reference Check: The process of obtaining information about a candidate's qualifications, performance, work experience, and conduct with previous employers, colleagues, clients or other professional contacts. Prior to making an offer of employment, it is recommended that a minimum of two-three individual reference checks be conducted on all candidates recommended for hire, including current employees. The candidate may be notified prior to conducting the reference checks. In addition to conducting reference checks, if the candidate recommended for hire is a current or former employee of the university, the hiring manager should review the employee's personnel file. The school of medicine HR department will facilitate with UNLV Employee Relations to review personnel file.

Volunteer: The term "volunteer" means individuals who are working at an institution pursuant to a volunteer agreement approved by the institution's general counsel. For the purposes of this policy, the term "volunteer" does not include a parent or guardian of a child. Parents and guardians, however, should be supervised by appropriate Nevada System of Higher Education (NSHE) or non-NSHE personnel during their participation in NSHE sponsored or approved programs and activities.

Statement of Purpose

The policy is intended to ensure consistency in hiring decisions by preventing disparate treatment of applicants in the hiring process who have negative factors in their background such as criminal charges or convictions. The policy describes the process for background checks, reference checks, and employment eligibility verification, as well as the employment of near relatives, in selecting and appointing candidates for employment.

Entities Affected By This Policy

This policy covers all activities involved in a complete background check. It is applicable to all departments and position levels.

Required Acknowledgement

The objective of a background check is to verify the information provided on an application or appearing on a candidate's resume and to ensure safety and security of employees in the organization. Anyone responsible for recruitment of individuals should be aware of this policy.

Policy

GENERAL

The university is committed to providing a safe and secure environment for its staff, faculty, students, and others in the university community; protecting its property and assets; and upholding the reputation and integrity of the university.

To support these efforts and to minimize the risk to the university, a background check is required after a candidate has received a conditional offer of employment or volunteer work. The background check is for evaluating the candidate for employment and volunteer work and not used for discriminatory or retaliatory reasons as prohibited by state and federal law and university policies.

Current Employee

If a current UNLV employee is transferred into a new position, a background check must be completed prior to the start of the new position. Continued employment with the Kirk Kerkorian School of Medicine is contingent upon a satisfactory background check. If a satisfactory background check has been completed within the past six months, a current employee will not need to undergo another background check unless the new position requires an additional background check(s).

Depending on the nature of the position, employees may be subject to periodic job-related background checks, as deemed necessary by the department in consultation with the human resources office. Periodic background checks must be applied in a consistent manner, in terms of type of checks and frequency, for employees doing the same or similar jobs.

Former Employee

Former employees including retirees, who are re-hired into positions are also subject to a background check if they have not had a background check completed in the previous six months.

TYPES OF BACKGROUND CHECKS

The university conducts background checks to obtain information about a candidate's personal and employment information. An employee candidate or volunteer who has received a conditional offer of employment, reassignment or promotion or volunteer agreement is required to undergo a background check as a condition of employment or appointment.

Depending on the nature of the position a background check could include any or all of the following:

- Employment verification
- Education verification
- Criminal history check
- Credit history check
- Driver history report including vehicular accidents, driving violations and driver's status
- Professional licenses/credentials verification
- Government security clearance
- Office of Inspector General (OIG) exclusion list
- Medical examination

- Job-related drug test;
- National Practitioner Data Bank (NPDB)

Potential Disqualification of a Candidate

- Unable to verify employment history
- Criminal history that includes arrests and/or convictions for crimes that pose an unacceptable level of risk
- Negative references from prior employers
- Poor credit history
- Driving record that indicates a safety risk
- Drug Enforcement Administration (DEA), OIG, National Practitioner Data Bank (NPB) negative findings

CRIMINAL HISTORY CHECK

Effective January 1, 2018, Assembly Bill 384, requires that the criminal history of an applicant or other qualified person can be collected and reviewed after:

- the final interview conducted in person
- the appointing authority has extended a conditional offer of employment; or
- the applicant has been certified by the administrator (UNLV Human Resources).

This means that criminal history of an applicant may no longer be considered at the time of application. Once an applicant has received an initial/conditional offer of employment, Kirk Kerkorian School of Medicine HR will send the candidate a Criminal Disclosure Form to complete. The form shall ask for the following disclosures:

- Do you have any criminal charges pending that were filed within the previous six (6) months?
- If yes, please list the date, charge, place, and statement of circumstances; if no, please enter "no."
- Have you ever been convicted of a misdemeanor, gross misdemeanor or felony inside or outside the jurisdiction of the United States?
- If yes, please list the date, charge, place and statement of circumstances and disposition; if no, please enter "no."

Reviewing and Assessing the Criminal Disclosure Form & Criminal History

All background check data will be reviewed by the school of medicine HR for potential disqualifying factors. If the background check does not contain information that would disqualify the candidate's employment, HR will allow the hiring process to proceed.

If the background check confirms a criminal conviction the school of medicine HR department may conduct an individualized assessment in consultation with the Office of General Counsel, school of medicine compliance, senior associate dean of faculty affairs/designee, associate dean of graduate medical education (GME)/designee and UNLV Health, as necessary. A criminal conviction will not automatically disqualify a candidate from employment. When conducting an individualized assessment, factors the school of medicine must consider are:

- Whether the law prohibits the candidate from holding the position based on the nature of the conviction;
- The nature and gravity of the offense(s);
- The length of time that has passed since the offense(s) occurred and/or completion of the sentence;

- The nature of the position applied for, including the circumstances under which and the environment the duties must be performed, i.e. whether the position offers the opportunity for the same or a similar offense to occur;
- Evidence of rehabilitation (documentation or testimony) or other evidence of good conduct;
- Job relatedness
- Age of offender
- Facts surrounding offense
- Whether UNLV Health guidelines, OIG, prohibit

Kirk Kerkorian School of Medicine HR may contact the employee to request additional information regarding the above-referenced factors.

Adverse Action – Conviction Record

If the school of medicine decides to deny the candidate's employment solely or in part because of the candidate's conviction history, the candidate must be notified in writing of all the following:

- The final denial or disqualification of the candidate
- The opportunity to further discuss the basis for rejection
- If the background check was completed through the DOJ/FBI fingerprinting process, the school of medicine must provide the candidate with an adverse action notice, which must include a copy of the Criminal Offender Record Information (CORI).
- If the background check was completed through a third-party vendor, the school of medicine must provide the candidate with an adverse action notice, which must include the following:
 - A statement that the CRA supplying the report did not make the decision to take the adverse action and cannot give specific reasons for it; and
 - The candidate's rights to dispute any discrepancies or inaccuracies in the background check results with the CRA and to get an additional free report from the reporting company within 60 days.

CREDIT CHECKS

Credit history background checks are prohibited by NRS 613.570 unless an employer is:

1. authorized pursuant to state or federal law to consider a consumer credit report for purpose of evaluating an employee or candidate for employment, promotion, reassignment or retention;
2. the employer reasonable believes that the employee or candidate has engaged in specific activity which constitutes a violation of state or federal law; or
3. the information contact in the consumer credit report or other credit information is reasonably related to the position for which the employee or candidate is being evaluated for employment, promotion, reassignment or retention.

The information in the consumer credit report or other credit information shall be deemed reasonably related to such an evaluation if the duties of the position involve:

1. The care, custody and handling of, or responsibility for, money, financial accounts, corporate credit or debit cards, or other assets;
2. Access to trade secrets or other proprietary or confidential information;
3. Managerial or supervisory responsibility;
4. The direct exercise of law enforcement authority as an employee of a state or local law enforcement agency;
5. The care, custody and handling of/or responsibility for, the personal information of another person;
6. Access to the personal financial information of another person;
7. Employment with a financial institution that is chartered under state or federal law, including a subsidiary or affiliate of such a financial institution; or

8. Employment with a licensed gaming establishment, as defined in [NRS 463.0169](#).

Specifically, for the school of medicine, a credit history background check is conducted for candidates hired into certain positions with financial oversight or handling of cash in excess of \$10,000, performing signatory authority on credit cards, money transfer on behalf of the university and financial contracts.

Pre-Adverse Action – Credit Report

A decision to reject a candidate or disqualify an employee on the basis of a background check will take into consideration the seriousness, extensiveness, and relevance of the information in relation to the responsibilities of the position. Before taking any adverse action the school of medicine HR must provide the candidate with a pre-adverse action notice, including a copy of the background check report if required, and a copy of all required notifications, if applicable.

The candidate must have five (5) business days, or longer if specified in procedures, to respond to any negative findings in the report by providing supplementary documentation or information.

- If the candidate does not respond, the human resources office, along with the Kirk Kerkorian School of Medicine Office of Compliance, legal, senior associate dean of faculty affairs/designee, associate dean of GME/designee, and UNLV Health (clinical), as applicable, may make a final determination, based on the information available, as to whether the candidate is still eligible to hold the position.
- If the candidate responds, school of medicine legal, school of medicine office of compliance, senior associate dean of faculty affairs (community faculty), school of medicine HR department, associate dean, GME designee (residents) and/or UNLV Health (clinical), as applicable, must review the information provided and make a final determination as to whether the candidate is still eligible to hold the position.

Adverse Action – Credit Reporting

The Fair Credit Reporting Act (FCRA) also requires employers to provide Adverse Action notifications should an employer decide to not hire a candidate based on negative information disclosed on their background report.

Sex Offender Searches

Nevada employers are prohibited from using information obtained from the Sex Offender Registry and Community Notification page on the [Nevada Department of Public Safety Records, Communications and Compliance Division website](#).

Social Media Accounts

Requiring an employee or candidate to provide access to his/her social media accounts is prohibited as part of the recruitment and selection process pursuant to NRS 613.135. Accessing social media information that is publicly available is not prohibited but could have potential risk of discrimination.

Polygraph

The Kirk Kerkorian School of Medicine does not require candidates to take a polygraph test as a condition of employment.

Drug test

May be required for certain positions (i.e. residents) and follow university, school of medicine and GME guidelines. Reference: See, [GME Drug Screening Policy for Incoming Residents](#).

The school of medicine will pay for the cost of the background checks and medical examination.

EMPLOYMENT OF NEAR RELATIVES

It is the policy of UNLV that no university employee may hire or cause to be hired, nor supervise, any relative of the employee otherwise employed by the university within the third degree of consanguinity or affinity, except with the prior approval of the president.

To avoid a conflict of interest, an employee may not participate in the process of reviewing or decision-making on any matter concerning the appointment, promotion, salary, retention, termination, or other management decisions or personnel related decisions regarding a near relative.

Prior approval by the president is required when near relatives would have:

- A direct or indirect supervisory relationship with each other
- The same immediate supervisor or
- When two employees become near relatives and any of the work situations listed above.

For purposes of this policy, a near relative is defined as an employee's relationship by blood, adoption, marriage, or domestic partnership including:

- Spouse; domestic partner; parent; child; sibling; aunt/uncle; niece/nephew; first cousin; and
- In-laws or step-relatives in one of these relationships, including relatives of an employee's domestic partner in one of the relationships listed above or
- Other persons for whom the employee is legally responsible

BACKGROUND CHECK RECORDS

In order to protect a candidate's privacy, all information received in connection with the background check process must be treated as confidential and retained per local procedures. Records must be maintained in accordance with NSHE retention schedule.

Related Documents

EXAMPLES OF ADDITIONAL BACKGROUND CHECKS

Essential Elements Position	Additional Background Check	Examples of Position Functions or Tasks
Direct access to or responsibility for controlled substances (as defined in); access to certain high risk hazardous chemicals, biological or radioactive/nuclear materials for which background checks are required by federal or state regulations or access to any other hazardous material specifically designated by the executive director of Environmental Health and Safety.	<ul style="list-style-type: none"> ▪ In accordance with local procedures, additional background checks may be mandatory for these positions: ▪ DEA ▪ NPDB 	<ul style="list-style-type: none"> ▪ Has access to drugs in clinical research or research environments ▪ Dispenses prescription medication
Direct access to and/or responsibility for protected, personal, or other restricted or sensitive institutional information, including information on students, faculty, staff, or other university constituents, and IT resources that process, transmit or store restricted or sensitive institutional information.	In accordance with local procedures, additional background checks may be mandatory for these positions.	Has access to employee or student records or other restricted, sensitive or confidential data, protected health information and/or restricted data
Responsibility for operating commercial vehicles, vans, cars, machinery or toxic systems that could result in accidental death, injury or health problems.	Motor vehicle record check	<ul style="list-style-type: none"> ▪ Operates heavy duty, equipment, machinery or commercial vehicles ▪ University own vehicles
Requirement for a professional license, certificate, or degree, the absence of which would expose the university to legal liability and/or negative public reaction.	<ul style="list-style-type: none"> ▪ Education verification; and/or ▪ Professional license/credential verification 	<ul style="list-style-type: none"> ▪ Counsels employees or students ▪ Provides legal counsel ▪ Provides medical/or therapeutic services

CREDIT HISTORY BACKGROUND CHECKS

Essential Elements of Critical Position	Recommended Additional Background Check	Examples of Critical Position Functions or Tasks
Direct access to or responsibility for cash, cash equivalents, checks, credit/debit cards	Credit history check	Cashiering Invoice approval and payment
Authority for committing the financial resources of the university or Kirk Kerkorian School of Medicine through contracts or agreements.	Credit history check	Approve contracts Bids and RFPs Grants

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