

# Standard Operating Procedure –Human Resources

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## Criminal Background Check / Motor Vehicle Records Check

Authority: Associate Vice Chancellor for Human Resources (CHRO)

History: First Issued:  
Last Revised:

Additional References: [Criminal Background Checks for SPA/CSS and SAAO/Non-faculty EPA Employees](#)

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### 1. Purpose

The purpose of this standard operating procedure (SOP) is to outline the Department of Human Resources' (HR) process for criminal background and motor vehicle records checks. This SOP will outline the process that the HR Employment Consultants follow for criminal background (CBC) and motor vehicle records (MVR) checks. This SOP applies to SHRA, CSS, and EHRA position types.

### 2. Background

ECU is committed to creating and maintaining a safe environment for University students, staff, faculty, and the general public. In keeping with this commitment, ECU seeks to establish standards to verify employee's criminal background history and driver's license and motor vehicle history, when motor vehicle operation is required through the course of University business. Historically, there has not been any formal documentation of the process for criminal background and motor vehicle records checks. As a best practice standard, having the processes outlined in a formal SOP will provide consistency through information sharing and set forth the verification process to ensure an acceptable criminal background check and set forth the verification process for employee(s) operating University owned-vehicle(s) to confirm employee(s) hold a valid North Carolina driver's license and that the employee(s) driver's license history meets satisfactory standards.

### 3. Requirements – SHRA & CSS (Permanent, Time-Limited, & Temporary)

#### 3.1 Criminal Background Checks

All new hires, transfers, and promotions for SHRA & CSS permanent, time limited and temporary positions must have a criminal background check completed with

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satisfactory results. This includes a) any applicant who has been selected as a final candidate for a position, b) current employees who change positions, or c) employees in designated sensitive positions

- 3.1.1 Once the candidate has accepted a verbal job offer, the HR Employment Consultant will request a background check from HireRight or the designated third party vendor.
  - 3.1.1.1 For new hires, the SHRA/CSS New Hire package is selected. For transfers and promotions, the SHRA/CSS Transfer Promotion package is selected.
    - 3.1.1.1.1 For those hires needing to be credentialed by ECU Physicians, select SSN Validation.
  - 3.1.1.2 Complete the order form entering in the candidate's name and email address. Select Billing Account and enter the hiring manager in the department contact field.
- 3.1.2 When the background check returns review the information. If there are any discrepancies review per the guidelines outlined below in section 3.3.

## 3.2 Motor Vehicle History and Driver's License Verification Checks

Operating a University owned vehicle for the University is a privilege. Adherence to all applicable motor vehicle laws and procedures is required for operators of University owned vehicles. Failure to follow these procedures may result in the suspension of an individual's privilege to use these vehicles and may result in disciplinary action or termination of employment. An SHRA or CSS position requiring a valid North Carolina driver's license to perform job duties must include a notation on the position description in the PeopleAdmin system to include driver's license verification.

- 3.2.1 For positions which include motor vehicle operations within its job duties the HR Employment Consultant will submit an order for a motor vehicle record (MVR) check, in conjunction with the criminal background check (CBC) as noted in 3.1.1.1, following a conditional offer of employment. The selected candidate shall be notified that the offer is contingent upon satisfactory results from the CBC and MVR review. The MVR check will include a review of records available in the state in which the selected candidate currently holds a license.
  - 3.2.1.1 If the selected candidate holds a driver's license from a state other than North Carolina, the selected candidate will be given 30 days from the official state date to obtain a valid North Carolina license. Disciplinary action, up to an including dismissal, will be taken if the employee does not obtain a North Carolina driver's license within 30 days. Reasonable extensions of this deadline may be granted where an employee can demonstrate good cause for the extension.

## 3.3 Procedures for Vetting Charges – Criminal Background Checks

- 3.3.1 Criminal Background Checks are completed through a designated third-party vendor.
- 3.3.2 An HR Employment member will receive the Criminal Background Check results from the designated third-party vendor.
- 3.3.3 The HR Employment staff designee shall review the results of the background report to determine the appropriateness of the prospective or current employee to work at ECU.

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- 3.3.4 Should an applicant's background be in question; the HR Employment Consultant will discuss the background results with the appropriate Employee Relations Consultant. The following factors shall be taken into consideration:
- 3.3.4.1 The relevance of the conviction to the duties and responsibilities that would be assigned to the applicant if hired,
  - 3.3.4.2 The dates of any past convictions,
  - 3.3.4.3 The applicant's record since the date(s) of the prior conviction(s). Expunged records will not be considered when reviewing the background check results.
- 3.3.5 To ensure that false or erroneous information in the Criminal Background Report, and to comply with the Fair Credit Reporting Act (FCRA), the following measures shall be taken:
- 3.3.5.1 Employment Services will inform the prospective or current employee of the background check results if an adverse action is being contemplated. The HR Employment Consultant will, at this time, will provide the prospective or current employee with a copy of the individual's report and a copy of "[A Summary of Your Rights Under the Fair Credit Reporting Act.](#)" The report and description of rights will be sent via certified mail, return receipt requested or via DocuSign. The prospective or current employee will be given an opportunity to address the concerns/issues as revealed in the Criminal Background Report. Employment Services must wait five (5) business days from the date the return receipt is signed before making an adverse employment decision.
- 3.3.6 For SHRA/CSS positions, the Employment Consultant will discuss the Criminal Background Report and response from the current or prospective employee, if received, with the appropriate Employee Relations Consultant. If it is determined that the prospective or current employee should not be approved for hire, the Employment Consultant will consult with the Office of University Counsel (OUC). If OUC is in agreement with the decision to withdraw the offer, the department will be notified that the offer of employment is withdrawn. The department will be asked to select a more appropriate prospective or current employee for the position. The Employment Consultant will notify the prospective or current employee that the offer of employment is withdrawn.
- 3.3.7 This notification must be sent certified mail, return receipt requested, and contain the following information:
- 3.3.7.1 The name, address and phone number of the Consumer Reporting Agency (CRA) that provided the report, including a toll-free telephone number if the CRA compiles and maintains files on consumers on a nationwide basis.
  - 3.3.7.2 A statement that the CRA did not make the adverse decision and is unable to give specific reasons why the adverse decision was made.
  - 3.3.7.3 Notification that the applicant has the right to obtain a free copy of his/her report for sixty (60) days and dispute the accuracy of completeness of any information with the CRA who provided the report.
- 3.3.5 Should the Criminal Background Report reveal criminal convictions that the applicant did not self-disclose, that will be considered sufficient grounds to discontinue any employment consideration for that applicant due to the applicant's falsification of the employment application.
- 3.3.6 The Employment Consultant will update the Criminal Background Check database with the appropriate information.

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- 3.4 Procedures for Vetting Motor Vehicle Records and Driver's License Verifications
  - 3.4.1 The MVR is completed through an approved third-party vendor.
  - 3.4.2 The HR Employment Consultant will receive the results from the third-party vendor. The MVR verifies the validity of the selected candidate's driver's license and provides a history of motor vehicle infractions or other moving violations.
  - 3.4.3 The HR Employment Consultant shall review the results of the background report to determine the appropriateness to hire the selected candidate according to the standards established by Section 6 of this SOP.
    - 3.4.3.1 If the selected candidate's driving record meets the satisfactory status criteria, as shown below in section 6, no further action is needed, and the candidate may proceed through the hiring process. The individual is eligible to drive a University owned vehicle while conducting ECU business.
    - 3.4.3.2 If the selected candidate's driving record meets the probationary status criteria, as shown below in section 6.2, the candidate will be placed on probationary MVR status upon hire, which will subject the candidate to further periodic review. The candidate will be notified of the probationary MVR status and any requirements for additional review in writing and at the time of hire.
    - 3.4.3.3 If the applicant does not have a valid driver's license or has a driving record that falls at or below the criteria as unsatisfactory status, as shown in section 6.3, the selected candidate has not satisfactorily met the conditions of the conditional job offer and the offer will be rescinded.
  - 3.4.4 Upon receipt of the results of the MVR, and to ensure that the MVR does not include false or erroneous information and to comply with the Fair Credit Reporting Act (FCRA), the selected candidate will be provided a copy of the MVR and given an opportunity to respond if the results are not satisfactory in accordance with section 6.3.
    - 3.4.4.1 The selected candidate will be provided a copy of the MVR Results and a copy of "[A Summary of Your Rights Under the Fair Credit Reporting Act](#)" by the HR Employment Consultant. The report and description of rights will be sent via certified mail, return receipt requested or via DocuSign. The selected candidate will be given an opportunity to respond or address the concerns as revealed in the MVR. Employment Services must wait five (5) business days from the date the return receipt is signed, before making a decision related to the condition offer of employment.
  - 3.4.5 The HR Employment Consultant will discuss the MVR, and the response from the selected candidate, if received, with the appropriate HR Employee Relations Consultant to review whether the candidate's driving record meets ECU's standards. The HR Employment Consultant may consult with the Office of University Counsel for advice during the process.
    - 3.4.5.1 If the HR Employment Consultant and Employee Relations Consultant do not recommend the selected candidate move forward for hire, the Employment Consultant will consult with the Office of University Counsel and Campus Safety and Auxiliary Services.

## 4 Requirements – EHRA Non-Faculty, EHRA Faculty, and SAAO

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## 4.1 Criminal Background Checks

All new hires, transfers, and promotions for EHRA permanent and temporary positions must have a criminal background check completed with satisfactory results. This includes a) any applicant who has been selected as a final candidate for a position, b) current employees who change positions, or c) employees in designated sensitive positions

- 4.1.1 Once the candidate has accepted a verbal job offer, the appropriate division office will request a background check be initiated by Employment Services from HireRight or the designated third-party vendor.
  - 4.1.1.1 For new hires and transfers and promotions, the appropriate package is selected depending on Faculty or Non-faculty.
    - 4.1.1.1.1 For those hires needing to be credentialed by ECU Physicians, select SSN Validation.
  - 4.1.1.2 Complete the order form entering in the candidate's name and email address. Select Billing Account and enter the hiring manager in the department contact field.
- 4.1.2 When the background check returns review the information. If there are any discrepancies review per the guidelines outlined below in section 4.2.

## 4.2 Procedures for Vetting Charges – Criminal Background Checks

- 4.2.1 Criminal Background Checks are completed through a designated third-party vendor.
- 4.2.2 An HR Employment member will receive the Criminal Background Check results from the designated third-party vendor.
- 4.2.3 The HR Employment staff designee shall review the results of the background report to determine the appropriateness of the prospective or current employee to work at ECU.
- 4.2.4 Should an applicant's background be in question; the HR Employment Consultant will discuss the background results with the appropriate Employee Relations Consultant. The following factors shall be taken into consideration:
  - 4.2.4.1 The relevance of the conviction to the duties and responsibilities that would be assigned to the applicant if hired,
  - 4.2.4.2 The dates of any past convictions,
  - 4.2.4.3 The applicant's record since the date(s) of the prior conviction(s). Expunged records will not be considered when reviewing the background check results.
- 4.2.5 To ensure that false or erroneous information in the Criminal Background Report, and to comply with the Fair Credit Reporting Act (FCRA), the following measures shall be taken:
  - 4.2.5.1 Employment Services will inform the prospective or current employee of the background check results if an adverse action is being contemplated. The HR Employment Consultant will, at this time, will provide the prospective or current employee with a copy of the individual's report and a copy of "[A Summary of Your Rights Under the Fair Credit Reporting Act.](#)" The report and description of rights will be sent via certified mail, return receipt requested or via DocuSign. The prospective or current employee will be given an opportunity to address the concerns/issues as revealed in the Criminal Background Report. Employment Services must

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- wait five (5) business days from the date the return receipt is signed before making an adverse employment decision.
- 4.2.6 For Faculty EHRA, SAAO, and Non-Faculty EHRA, Employment Services will provide the division office the information reviewed along with HR's employment recommendation. When the division has made a decision on the employment status, they will notify the candidate. If the decision is made to withdraw the offer of employment, the division office will notify the prospective or current employee that the offer of employment is withdrawn.
  - 4.2.7 This notification must be sent certified mail, return receipt requested, and contain the following information:
    - 4.2.7.1 The name, address and phone number of the Consumer Reporting Agency (CRA) that provided the report, including a toll-free telephone number if the CRA compiles and maintains files on consumers on a nationwide basis.
    - 4.2.7.2 A statement that the CRA did not make the adverse decision and is unable to give specific reasons why the adverse decision was made.
    - 4.2.7.3 Notification that the applicant has the right to obtain a free copy of his/her report for sixty (60) days and dispute the accuracy of completeness of any information with the CRA who provided the report.
  - 4.2.8 Should the Criminal Background Report reveal criminal convictions that the applicant did not self-disclose, that will be considered sufficient grounds to discontinue any employment consideration for that applicant due to the applicant's falsification of the employment application.

## **5. Outline of Criminal Background Check Documentation Processing for Current Employees**

5.1 Employee Relations is notified of criminal charges against a current ECU employee. The Employee Relations Consultant will reach out to the employee's supervisor to inquire if they are aware of the criminal charges. The Employee Relations Consultant will ask Employment to send the employee a Criminal Background Check request from the designated third-party vendor via email.

5.1.1 The Employee Relations Consultant will review the Criminal Background Check database to see how similar charges have been handled in the past. Depending on the nature of the charges and the employee's position, the Employee Relations Consultant in conjunction with the employee's supervisor will determine if Investigatory Placement with Pay is appropriate.

5.1.2 The Employee Relations Consultant will update the Criminal Background Check database with the appropriate information.

## **6. Outline of Classification System for MVR Checks**

6.1 Satisfactory – The driving record indicates no more than one moving violation in the past 12 months. The individual is eligible to drive a University owned vehicle while conducting ECU business.

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6.2 Probationary – The driving record indicates more than one moving violation in the past 12 months, but no more than two moving violations in the past 24 months. Any violations during the probationary period may result in termination of employment or other disciplinary action. When the driving record results are within the probationary standard, the individual is eligible to drive a University owned vehicle while conducting ECU business, with the stipulation that the individual's motor vehicle record will be checked periodically over a period of probation.

6.3 Unsatisfactory – An individual may not be hired, or employment continued, if his or her driving record reflects six or more points against their license or has any of the following infractions: some examples include but are not limited to:

- 6.3.1 Suspended or revoked license
- 6.3.2 Three or more moving violations in the past 36 months
- 6.3.3 Any violations involving drugs, alcohol, controlled substances, etc. within the past 24 months.
- 6.3.4 Leaving the scene of an accident within the past 24 months.
- 6.3.5 Reckless driving within the past 24 months.
- 6.3.6 At fault in an accident resulting in fatality or serious injury within the past five years.