

# **City of Saint Paul Pre-Employment Verification Policy**

## **Introduction**

The City of Saint Paul has established three pre-employment verification policies that will assist its Department and Office Directors in making quality employment decisions: a credit verification policy, criminal history verification policy, and driver's license verification policy. Each policy is stated individually below.

## **Process**

Verifications shall be completed upon a conditional job offer. Police and Fire verifications shall be completed prior to a job offer. Human Resources will conduct all verifications, with the exception of those for police and fire positions. The hiring manager should obtain a signed verification release from the selected applicant(s) and forward to Human Resources. Human Resources will coordinate the verification process and notify the hiring manager when the applicant is cleared for hire.

## **Credit Verification**

### **Purpose for Credit Verifications**

The City of Saint Paul may conduct pre-employment credit verifications on applicants in order to obtain information relating to the individual's credit worthiness, credit capacity, credit standing, and personal financial characteristics. The City believes that the information will assist in making quality employment decisions.

### **Credit Verification Policy**

It is the policy of the City of Saint Paul to conduct credit verifications for only those applicants who are applying for jobs where the information is relevant to the essential functions of the position sought. If the City finds that additional information that could be provided by credit verifications is necessary, it may obtain a consumer report on the individual.

## **Criminal History Verification**

### **Purpose for Criminal History Verifications**

The City of Saint Paul may conduct criminal history verifications on its applicants for many reasons, including the following:

- increase applicant quality
- verify application information
- eliminate applicants who are statutorily prohibited from performing a particular job, such as police officer
- limit legal risk and exposure
- reduce theft or embezzlement
- decrease risk of workplace violence
- discourage applicants that possess a criminal history that directly relates to the position sought
- limit the level of uncertainty in the hiring process

## **Criminal History Verification Policy and Procedures**

It is the policy of the City of Saint Paul to conduct criminal history verifications on selected applicants including those applying for positions that deal with children, expensive equipment, money, and sensitive information or operations. We also conduct criminal history verifications on applicants for police and fire positions.

The City is required by state law to conduct background verifications on applicants applying for positions as a licensed peace officer or for a position leading to employment as a licensed peace officer. Peace officers must meet the following standards in order to be eligible for hire:

1. Standards established by the Minnesota Board of Peace Officer Standards and Training (POST Board);
2. Established security standards for access to state and national computerized record and communication systems.

The City will abide by the requirements of Minnesota Statute 364.021. The statute states that “a public employer may not inquire into or consider the criminal record or criminal history of an applicant for public employment until the applicant has been selected for an interview by the employer.” Accordingly, the City will not include a criminal history question on its job application and will not ask for information until the candidate is a finalist for a position which requires a criminal history verification.

The City will abide by the requirements of Minnesota Statute 364.03. The statute states that “no person shall be disqualified from public employment, nor shall a person be disqualified from pursuing, practicing or engaging in any occupation for which a license is required solely or in part because of a prior conviction of a crime or crimes, unless the crime or crimes for which convicted directly relate to the position of employment sought or the occupation for which the license is sought.”

In reviewing convictions, the City will not consider convictions which have been annulled or expunged, juvenile convictions, or misdemeanor convictions for which no jail sentence can be imposed.

When a conviction appears to directly relate to the position sought, the Office of Human Resources will consult with a representative of the City Attorney’s Office and/or appropriate Department Director. The following factors will be considered: the nature and seriousness of the crime(s) for which the individual was convicted, the relationship of the crime(s) to the position sought, and the relationship of the crime(s) to the ability, capacity, and fitness required to perform the duties and responsibilities of the position sought.

If the City finds that the candidate’s conviction(s) directly and adversely relate to the position sought and disqualifies the individual from pursuing the position, the City will notify the individual in writing of the following: the reasons for disqualification and that evidence of rehabilitation will be considered and must be submitted by a set date. (See MN Statute 364.03 for Evidence of Rehabilitation.)

## **Driver’s License Verification**

### **Purpose for Driver’s License Verification**

The City of Saint Paul must insure that it hires employees that are legally able to conduct City business through the operation of a personal or City vehicle if the position that the individual is applying warrants

it. Not only does this proactive action prevent potential accidents and liability claims, but it also prevents potential turnover costs that may arise in the future if the City were to become aware of an employee's suspended or revoked driver's license.

### **Driver's License Verification Policy and Procedures**

It is the policy of the City of Saint Paul to conduct driver's license verifications on selected applicants of all positions that require a driver's license for the position. The City must obtain written consent from the job candidate prior to conducting the driver's license check. The City may disqualify an applicant if the driver's license check reveals that the selected applicant lacks a driver's license or if a revocation of the applicant's license has occurred.

If the position requires a driver's license, the applying individual must possess a valid Minnesota Class D driver's license or equivalent out-of-state driver's license with no suspensions for driving-related offenses or revocations within the two-year period prior to the date of appointment. The date of appointment refers to the date the individual would begin to work for the City. A Class D driver's license would be a requirement if the individual holding that particular job classification would be required to use his or her personal vehicle or a City vehicle in order to perform the responsibilities of the job.

If a position requires one to drive a City vehicle that weighs 26,001 or more pounds, the individual must possess a Class B Commercial Driver's License. If the position requires a Commercial Driver's License, the applying individual must have a valid Class B Commercial Driver's License with no suspensions or revocations within the two-year period prior to the date of the appointment with no restriction for air brakes. However, suspensions for parking-related offenses are excluded.

### **Verification of Job Application Data**

Applicant's job application data may be verified by the Hiring Manager. Applicants are informed as follows:

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#### **CERTIFICATION AND AUTHORIZATION:**

I certify that I am who I have represented myself to be in the application. I understand that giving false information, including voluntary information, or omitting required information could result in rejection of my application or dismissal if I am hired. I authorize the City of Saint Paul to verify all the information provided herein. I authorize the City of Saint Paul to make inquiries of all my past and current employers (unless otherwise indicated), educational institutions, and references. I authorize these individuals and entities to respond to verbal and written inquiries from the City of Saint Paul regarding my past employment, verification of my educational background, my performance and my personal character. I hereby release the City of Saint Paul and all such persons and entities providing information from any liability and damages incurred as a result of furnishing this information. If hired, the City of Saint Paul requires at the time of employment verification of identity and employment eligibility.

### **Legal Compliance for All Background Verifications**

The City of Saint Paul must comply with the Fair Credit Reporting Act (FCRA) and the Minnesota Access to Consumer Reports Act (MACRA) when conducting background checks through a consumer reporting agency such as a credit bureau, detective agency, or Human Resource consulting company.

When using a third-party vendor, the credit, criminal and driver's license verifications are subject to the FCRA.

The City must comply with the following procedures before obtaining a consumer report or an investigative consumer report:

1. Notify the applicant or employee that it plans to obtain a consumer report and that it will be used solely for employment purposes. Notification must be given to the applicant or employee on a separate form, which cannot be included in the job application.
2. Obtain written consent from the applicant before acquiring a consumer report on the individual.
3. Inform the applicant of his or her right to request additional information regarding the nature of the report.
4. The notification form must include a box that the employee or applicant can check if he or she chooses to receive a copy of the report.
5. The City must confirm to the consumer reporting agency that the employer is in compliance with the FCRA and will not misuse the information received.

In the event that the City decides not to hire an applicant or takes adverse action against a current employee based on the information obtained through a consumer report, the City must inform the individual of its intentions to take adverse action by completing the following:

1. Provide the individual with a Statement of Consumer Rights from the FTC before taking adverse action.
2. Give the employee or applicant a copy of the consumer or investigative report.
3. Advise the employee or applicant of his or her rights under the FCRA to dispute incomplete or false information. Applicants should be given 3 to 5 days to contest the information.

### **Medical Examinations**

Medical exams are only conducted for those positions for which they are justified and only after a conditional offer of employment is given. Except for police and fire positions, Human Resources will coordinate post-offer, pre-employment medical exams. Saint Paul Regional Water Services may conduct some post-offer physical/medical exams as well.

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**IF YOU HAVE ANY FURTHER QUESTIONS REGARDING THIS POLICY, PLEASE CONTACT:** Human Resources at 651-266-6500.