



Pre-employment Background Check

Background

The Research Foundation (RF) may be required to conduct pre-employment background checks for certain positions pursuant to federal, state, sponsor or operational requirements. This document outlines information that may be obtained during background checks and options for conducting checks.

Timing

Background checks should be conducted after an offer of employment has been made and prior to appointment to the RF payroll. Applicants who have been offered conditional employment should be notified that a background check will be conducted and what information will be obtained.

Procedural Considerations

Information sought in the check should be reasonably related to the position and duties that will be performed.

Background checks should be conducted uniformly. If a background check is conducted for one applicant for a position, then all applicants who receive a conditional offer of employment for the same or similar positions should be subject to a background check.

Under Federal Trade Commission (FTC) red flag rules, users of consumer reports must develop reasonable procedures to apply when they receive notice of an address discrepancy from a consumer reporting agency.

Types of Information

Information that may be obtained during a background check includes but is not limited to criminal convictions, sex offender records, Department of Motor Vehicle records, credit history, employment and education histories, and verification of professional licenses and certifications. Each is described in more detail below.

Information can be obtained through government Web sites or agencies, contacting the source directly or by using a third party vendor.

Criminal Convictions

Criminal background investigations are conducted on a county, state or federal level and are most often conducted by a third party vendor. A felony or misdemeanor conviction can be considered in employment decisions pursuant to the New York State Corrections Law as long as the conviction is reasonably related to the job and granting employment would involve unreasonable risk to property, safety, or welfare of individuals or the general public. If adverse employment action is planned based on a conviction that occurred more than 7 years ago, RF Central Office of Administration and Human Resources should be contacted.

Arrest records should not be obtained and may not be considered in employment decisions.

If the applicant has a criminal conviction(s) on record the following factors must be considered before making an employment decision:

- The affect the offense(s) will have on the fitness or ability to perform one or more of the duties and responsibilities of the position.
- The time that has elapsed since the occurrence of the criminal offense. The seriousness of the offense.
- Any information produced by or on behalf of the person regarding rehabilitation and good conduct. The RF's legitimate interest in protecting property and safety of individuals or the general public.

If an applicant is denied employment, the RF must provide a written statement for the basis of denial if requested by the applicant.

The individual should receive a copy of [Article 23-A](#) of the NY Corrections Law and the name and address of the agency that performed the criminal investigation.

Sex Offender Registry

The New York State and National Sex Offender Registries can be accessed to ascertain whether a prospective employee is a registered sex offender. This information is pertinent to positions including, but not limited to, those working with children or in patient care.

- [NYS Sex Offender Registry](#)
- [National Sex Offender Registry](#)

Children's Camps Requirements

There are specific requirements with respect to applicants applying for positions in children's camps. On July 19, 2005 the New York State Child Safety Act was signed into law. The Act requires children's camp (day, traveling and overnight) operators to ascertain whether prospective employees are listed on NYS Division of Criminal Justice Services (DCJS) Sex Offender Registry prior to hiring them.

Camp operators are required to check all prospective employees regardless of the job title and responsibilities. Requests must be made in writing or over the phone. The prospective employee's full name and at least one of other piece of identifying information must be provided in order to check the sex offender registry:

- Social Security Number
- Date of birth
- Driver's license number

The following links provide information on the requirements of the law and procedure for obtaining sex offender information.

- [NYS Child Safety Act](#)
- [NYS Child Safety Law](#)

Licenses and Certifications

Some employees are required to maintain professional or occupational licenses or credentials necessary for the lawful,

safe and proper performance of the duties and responsibilities of their position. Therefore, such licenses should be verified prior to employment and upon renewal to ensure that they are up-to-date and remain valid during the term of employment. Please refer to the [Verifying Credentials of Licensed Professionals](#) document on the RF Web site for assistance.

Additionally, the following links can be used to validate a person's professional and occupational licenses:

- [Professional Licenses \(NYS Education Department\)](#)
- [Occupational Licenses \(NYS Department of State\)](#)

Driving Records

Motor vehicle and driver history records are subject to review for employees who regularly operate Research Foundation owned or leased vehicles or use their own vehicle on Research Foundation business. These records are checked by the Office of General Counsel and Secretary.

Contact rinsurance@rfsuny.org or 518-434-7045 for guidance and to obtain the request form to run a drivers license check.

Education

College degrees can be verified by contacting the college registrar. Some schools may direct inquiries to a degree verification agency. One agency commonly used is:

- [The National Student Clearing House](#)

Certain positions require a degree from a school accredited in the field of practice. The links below lists institutional, specialized and programmatic accreditation for higher educational institutions:

- [United States Department of Education' Accreditation Database](#)
- [Council for Higher Education Accreditation](#)

Foreign Degree Equivalency

The following companies can be used to check foreign degree equivalencies:

- [Trustforte Corporation](#)
- [Morningside Evaluations](#)

Fair Credit Reporting Act

The US Fair Credit Report Act (FRCA) and the NYS Fair Credit Reporting Act regulate consumer reporting agencies regarding disclosure, consent, permissible purpose and adverse action. This is applicable when third party vendors are used to gather consumer credit reports and other types of information.

Records Retention

Information obtained in a background check is confidential and should only be available to the appropriate human resources staff or other authorized personnel. Such records should be kept separate from personnel files in a locked filing cabinet and retained in accordance with the RF [Records Management Policy](#).

Change History

Date	Change History
April 11, 2011	Updated RFIInsurance email address.
March 15, 2010	Added section of Foreign Degree Equivalency
August 12, 2009	Updated USDOE accreditation database link and added Council for Higher Education accreditation link in education section
June 17, 2009	Added that the employee should receive Article 23-A and name/address of agency performing the investigation
May 27, 2009	Added under FTC red flag rules section to Procedural Considerations

Effective Date: March 2008

Responsible Party: Office of Administration and Human Resources, Personnel Services Contact Information: 518-434-7080

Feedback

Was this document clear and easy to follow? Please send your feedback to webfeedback@rfsuny.org.

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