

# DHSS CBC Process Checklist

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## DHSS IT Information Security Program Criminal Background Check Process

### Background

Effective August 2008, all new hires and transfers into Information Technology (IT) positions require a satisfactory criminal background check (CBC) as a condition of hire. Additionally, the Delaware Information Security Policy (DISP) requires Data Stewards to be "a State employee with a cleared background check" and that "personnel have undergone a prescribed screening process/background check and completed appropriate non-disclosure agreements as relevant to their position and level of access." This includes contractors, vendors, and auditors who have access to non-public data. Anyone who changes jobs after a year, or has a break in service within IT, must go through this CBC process again.

Effective February 2011, all criminal background checks that have been initiated within DHSS by the CBC requestor must provide the original receipt to the IRM Chief Information Security Officer. The Chief Information Security Officer will then log and file the original receipt. The applicant will bring their unopened State Police (SBI) and Federal (FBI) criminal background checks in to the Chief Information Security Officer when the applicant receives them at their home in the U.S. Mail, and the Chief Information Security Officer will file them.

**Do Not Open These Two Documents When They Come to Your Home!!!**

Please mark each envelope with the Division that you are working for before you drop them off to the Chief Information Security Officer.

The Chief Information Security Officer will review each CBC. If a charge comes back on the CBC, the Chief Information Security Officer will set up a meeting with the applicant to ask about the charge. At this point, John will ask the individual if he would like to write a statement or supply any records to be included for further review. The Chief Information Security Officer will send a letter explaining what the applicant stated about each charge and include any documentation the individual has supplied. The Chief Information Security Officer makes no determination as to the candidate's suitability for hire. The Chief Information Security Officer will then send the IRM Director and the Deputy Director of DMS a letter for follow up. After some discussion between the IRM Director and the Deputy Director of DMS, a decision will be made to either hire or not hire the individual. If the decision is to hire the individual, then the Deputy Director of DMS sends the letter to the Department's Deputy Secretary for review. The Deputy Secretary will make the final decision to either hire the individual or not after looking at the letter and documentation along with some discussion with the Deputy Director of DMS, this also may include discussions with the IRM Director.

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## Frequently Asked Questions

### *Why are security clearances now required?*

These measures have been taken to insure the security and privacy of State of Delaware information assets.

### *How long does it take to receive the results?*

The time frame for a complete background check is approximately 3-6 weeks, depending on the case load at State Bureau of Identification (SBI) and Federal Bureau of Investigation (FBI).

### *If we have to wait 6 weeks for the criminal history report, we may lose the candidate. What options do we have?*

You can proceed with the hiring process including starting employment as long as the employee understands that their continued employment is dependent on passing the background check.

### *I can receive immediate results from online services such as ChoicePoint and PeopleFinders. Is this OK?*

The results from data aggregation services are unpredictable. They depend on multiple public and private databases, and it is not unusual to report both false positives and false negatives. The only reliable way to verify criminal history is using fingerprints.

### *Are the results received from Delaware State Bureau of Identification all I need?*

The Delaware report will only report on incidents that occurred in Delaware. For completeness, both a Delaware and a FBI national fingerprint-based record check are required.

### *Are there convictions that automatically disqualify candidates?*

Management will review on a case-by-case basis anyone who has been convicted of a felony or Class A misdemeanor. Management retains discretion regarding expunged convictions and convictions for offenses other than felonies or Class A misdemeanors. Exceptions may be made upon review of extenuating circumstances, such as the length of time since the last conviction. In these instances, a case-by-case evaluation is made and must be approved by the head of the Organization.

- ✚ *What about employees that have IT responsibilities but do not have an IT job classification, such as a Management Analyst?*

This includes anyone who has IT responsibilities, regardless of their title.

- ✚ *Does DTI play a role in the review of the criminal history?*

No. In fact, organizations should limit the number of personnel who review the criminal history in order to protect the privacy of the candidates.

- ✚ *If it has been more than a year and there is a break in service or a change of job, or break in contract within IT for the State Employee, Contractor, Vendor or Auditor.*

A new Criminal Background Check (CBC), would be required.

- ✚ *How do I handle applicants and contractors who do not live in Delaware?*

They can be either be fingerprinted on their next trip to Delaware or in their home state by their local police department and mail their prints to the Delaware State Bureau of Identification.

- ✚ *Our contracting company has assured me that all of their employees have had a criminal background check. Is this OK?*

No. Each company may have different hiring standards; therefore each member of the project team should go through the standard SBI/FBI process described in this document.

- ✚ *Our contracting company has assured me that the contractor assigned to the State of Delaware has a federal clearance. Is this OK?*

No. There are various levels of federal clearances and expiration schedules. Therefore each member of the project team should go through the standard SBI/FBI process described in this document.

- ✚ *What if the employee/contractor is not United States citizens?*

The process the individual went through to obtain the approval from Immigration and Customs Enforcement (ICE) to legally work in the United States includes a criminal background check. For employees, contractors, vendors and auditors, this documentation is sufficient if it is less than a year old. Otherwise they should be directed to go through the standard SBI/FBI process described in this document. For contractors, the contractor's employer is responsible for requiring the ICE documentation.

- ✚ *My organization already requires a successful State background check as a condition of hire. Do I have to do anything different?*

No. State Law already requires the check for certain jobs, such as school employees, school bus drivers, employees working for the Lottery Office, State Police, Dept of Corrections, and anyone who has access to criminal justice systems. Past background checks more than a year old are not transferable.

- ✚ *Our employees do not access criminal justice systems, so my HR office will be setting up a new process for new employees and contractors to comply with this new requirement. What process do you recommend?*

In this case the potential employee and/or contractor is required to request their own criminal history. For privacy reasons, the SBI and FBI will not mail the results to anyone except the requestor, so the results should be delivered to their employer in a sealed envelope. See the suggested process below, adapted from the Department of Transportation process.

1. Visit a State Police location that processes fingerprints (locations, hours, and appointment detail below).
2. Complete a SBI personal Criminal History authorization form.
3. Present valid government-issued photo identification, such as a driver's license.
4. The state fee is \$45 and the Federal check fee is \$10, payable by cash or debit/credit card. (No personal checks). Some Departments have arranged for inter-department payment vouchers.
5. The State Police will require you to fill out an FBI fingerprint card, which they will return to you after you have completed the fingerprint process.
6. Complete and sign the FBI Applicant Information Form to request the national record check. The form can be found on-line at <https://forms.fbi.gov/identity-history-summary-checks-review/9384893984839334.pdf>
7. Mail the Cover Letter and fingerprint card, along with an \$18 processing fee, payable by money order, certified check, or credit card.
8. FBI turnaround time is 3-6 weeks. When you receive your reports at your home address, DO NOT OPEN THE ENVELOPES. If you break the seal on the envelopes, you will be responsible to go through the process again at your own expense.
9. Either hand deliver or mail the SEALED FBI and SBI envelopes to the Chief Information Security Officer. Mark envelopes as CONFIDENTIAL.
10. The results of the criminal background check will be reviewed and kept completely confidential.

Total Cost: \$73

New Castle County	Kent County – Primary Facility	Sussex County
<p><b>**By appointment only</b>            State Police Troop 2            100 LaGrange Ave            Newark, DE 19702            (Between Route 72 and 896 on            Rte 40)            For Scheduling an            appointment:            Phone: 302-739-2528 or            Toll Free 1-800-464-4357</p>	<p>State Bureau of Identification 655            Bay Road            Blue Hen Mall and Corporate            Center Suite 1B            Dover, DE 19903  <b>Walk-ins accepted</b> Customer            Service:            302-739-5871            Hours of Operation            Monday: 9AM - 7PM Tuesday-            Friday 9AM - 3PM</p>	<p><b>**By Appointment only            (every other Wednesday)</b>            State Police Troop 4            S DuPont Hwy &amp; Shortly Rd            Georgetown, DE 19947            (Across from DelDOT &amp; State            Service Center)            For Scheduling an            appointment: Phone: 302-739-            2528 or            Toll Free 1-800-464-4357</p>