

**ADOPT RESOLUTION TO APPROVE EMPLOYEE BACKGROUND  
INVESTIGATION POLICY PER INTERNAL REVENUE SERVICES (IRS)  
PUBLICATION 1075**

**WHEREAS**, during the Fiscal Year needs may arise to Adopt new County Policies; and

**WHEREAS**, in accordance with Internal Revenue Services (IRS) Publication 1075, prospective and current Local Child Support Agencies (LCSA) employees, contractors, subcontractors, volunteers and agents who have access to Federal Tax Information (FTI) must undergo a background investigation prior to having access to FTI; and

**WHEREAS**, this request was brought to the attention of the Human Resources Director and County Counsel and we are now requesting the Board of Supervisor to approve and adopt the new Background Investigation Policy; and

**WHEREAS**, the County of Plumas has met its meet and confer obligation with Operating Engineers Local #3 bargaining unit of which these job classifications are included in this new policy.

**NOW, THEREFORE BE IT RESOLVED** by the Plumas County Board of Supervisors as follows:

Adopt this Resolution approving new Background Investigation Policy according to IRS Publication 1075.

The foregoing Resolution is duly passed and adopted by the Board of Supervisors of the County of Plumas, State of California, at a regular meeting of said Board held on the 14<sup>th</sup> day of January, 2020 by the following vote:

AYES: SUPERVISORS SIMPSON, ENGEL, GOSS

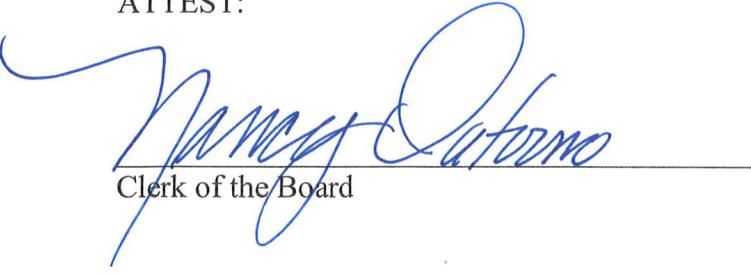
NOES: NONE

ABSENT: THRALL



Chairperson, Board of Supervisors

ATTEST:



Nancy Lutomo  
Clerk of the Board

Plumas County

Background Investigations

Policy

# PLUMAS COUNTY BACKGROUND INVESTIGATIONS POLICY

## INFORMATION SECURITY

### BACKGROUND INVESTIGATION REQUIREMENTS – ACCESS TO CONFIDENTIAL INFORMATION

#### POLICY BACKGROUND

In accordance with Internal Revenue Service (IRS) Publication 1075, *Tax Information Security Guidelines for Federal, State and Local Agencies* (Publication 1075), County of Plumas employees who have access to Federal Tax Information (FTI) must undergo a background investigation prior to being permitted access to FTI, which includes a criminal history screening and citizenship/residency validation. A background check will be initiated for new hires once a conditional offer of employment is made to a candidate. Individuals with access to FTI must undergo reinvestigation at least every ten years.

#### APPLICABILITY

This Policy is applicable to all current and prospective employees, volunteers, agents, contractors, and subcontractors of Plumas County having access to FTI in the following departments and/or roles as identified by the County in the attached Exhibit A, which by this reference is incorporated herein, as may be amended:

1. All current and prospective employees of the Plumas County Department of Child Support, as outlined in attached Exhibit A, as updated from time to time.
2. All current and prospective employees of Plumas County Department of Social Services as outlined in attached Exhibit A, as updated from time to time.
3. All current or prospective employees of the Plumas County Public Guardian as outlined in attached Exhibit A, as updated from time to time.

#### REFERENCES AND/OR AUTHORITY

- IRS Publication 1075
- 26 United States Code (U.S.C.) § 6103
- Family Code § 17202
- Government Code §§ 1044, 12952, 19572, and 18935
- Labor Code § 432.7
- Title 2, California Code of Regulations (CCR) §§ 11017 and 11017.1
- State Personnel Board Rule 172
- Penal Code § 11105(b)

- Equal Employment Opportunity Commission (EEOC) Enforcement Guidance 915.002

## DEFINITIONS

TERM	DEFINITION
Federal Tax Information	Includes tax returns or return information received directly from IRS or obtained through an authorized secondary source, such as Social Security Administration, Federal Office of Child Support Enforcement, Bureau of the Fiscal Service, Centers for Medicare and Medicaid Services, or another entity acting on behalf of IRS pursuant to Internal Revenue Code (IRC) Section 6103(p)(2)(B).
Access to FTI	All individuals who have access to FTI to perform their official duties and as authorized under the IRC. Pursuant to need-to-know restrictions, an individual who has the authority to access FTI information should not access such information unless it is necessary to perform their official duties and for the purposes listed in IRC Section 6103.
Unauthorized Access	Unauthorized access occurs when an entity or individual knowingly or due to gross negligence receives or has access to FTI without authority, as defined in IRC Section 6103.
Criminal History Screening	Includes a review of Federal Bureau of Investigation (FBI) fingerprint results through the State Identification Bureau (California Department of Justice [DOJ]) to identify suitability for employment, and a check of local law enforcement agencies where the subject has lived, worked and/or attended school within the last five (5) years prior to the investigation.
Citizenship/Residency Validation	Validation of an individual's eligibility to legally work in the United States using the United States Citizenship and Immigration Services (USCIS) Form I-9 and USCIS E-Verify System. This requirement applies to employment candidates only.
Custodian of Records	Individual designated by an agency as responsible for the hiring decisions, the security, storage, dissemination, and destruction of the criminal records furnished to the agency, and who serves as the primary contact for DOJ for any related issues.

TERM	DEFINITION
Reinvestigation	Includes a redetermination of the criminal history screening, based on new information obtained since the last screening, including local arrest information if the employee has lived, worked, or attended school in another state/county. At a minimum, reinvestigations will occur within 10 years from the date of the previous investigation. Subsequent arrest notifications shall be requested as required under Government Code Section 1044(d).
Criminal History Information	Information obtained through the screening process, excluding criminal history prohibited for consideration by state and federal statutes, rules, and regulations (e.g. conviction judicially dismissed).
E-Verify	A USCIS internet-based system that compares information from Employment Eligibility Verification (Form I-9) to government records to confirm an individual is authorized to work in the US.
Internal Revenue Service Office of Safeguards	United States federal agency responsible for ensuring that federal, state and local agencies receiving FTI protect it as if the information remained in IRS's hands.
Department of Justice	State agency mandated to maintain the statewide criminal record repository for the State of California.

## DEFINITIONS

### Access to FTI

Includes individuals who require access to FTI to perform their official duties and as authorized under 26 U.S. Code Section 6103. Pursuant to need-to-know restrictions, an individual who has the authority to access FTI information should not access such information unless it is necessary to perform his/her official duties and for purposes listed in U.C. Code section 6103.

### Direct Access to FTI

FTI includes tax return or return information received directly from the IRS or obtained through an authorized secondary source, such as the Social Security Administration (SSA), Federal Office of Child Support Enforcement (OCSE), Bureau of the Fiscal Service (BFS) Centers for Medicare and Medicaid Services (CMS), or other entity acting on behalf of the IRS pursuant to an IRC 6103 Agreement.

FTI access also includes, but is not limited to, the IRS Asset and Beneficiary Earnings Exchange Record (BEER) matches produced as part of the Income and Eligibility Verification System (IEVS), the Child Support Enforcement (CSE) system access, hard copy documents, reports, forms, and any other paper or electronic media that contains FTI.

## **PROCEDURES AND/OR GUIDELINES**

Plumas County is responsible for identifying each position that provides individuals with access to FTI. Identified individuals must undergo and pass a background investigation prior to being permitted access to FTI and are subject to reinvestigation every ten (10) years thereafter.

The minimum requirements of the background investigation include:

- Review of FBI fingerprint results that include criminal history in all 50 states (FD-258).
- Review of California Department of Justice (DOJ) fingerprint results.
- Check of local Law Enforcement (LE) agencies where the subject of the background investigation has lived, worked, and/or attended school outside of California for any portion of the last five (5) years.
- Reinvestigate each individual with access to FTI within ten (10) years from the date of the previous background investigation.

Validation of citizenship/residency for employment candidates shall include the following:

- Validate citizenship/residency to confirm the subject's eligibility to legally work in the United States.
- Utilization of Form I-9 and supporting documents.
  - Within three days of completion of Form I-9, verify employment status through the E-Verify System.
- Ongoing monitoring for expired employment eligibility, if applicable.

Criminal history screening for employment purposes, including reinvestigation screening, will be conducted in accordance with Federal EEOC Enforcement Guidance, California Department of Fair Employment and Housing (DFEH) rules and regulations and applicable California Labor Code provisions.

Fingerprint and criminal conviction history screening must be reflected on each position duty statement and job posting/announcement for each position with access to FTI.

Individuals who do not successfully pass the background investigation shall not be permitted to hold a position with access to FTI.

All offers of employment and work assignments are conditional pending successful completion of the policy requirements.

### **Process**

1. Plumas County Department Heads will track all investigation and reinvestigation dates concerning their employees, beginning with the original new-hire background completion date, and will monitor the dates to determine when reinvestigation must be initiated.
  - a. This information will be contained in the County's employee's tracking system once available.

- b. Access to this folder is limited to the Department Head of those Plumas County Department(s) which routinely handle FTI, Human Resources (HR) Director and County Counsel or designee.
2. Background investigation for new-hires will be conducted only after a conditional offer of employment has been made to a candidate by Plumas County.
3. Background checks for current employees will be conducted within sixty days of implementation of this policy.
4. Background reinvestigation will be conducted within ten (10) years, at a minimum, from completion of the first background and may occur sooner to more effectively facilitate coordination of multiple reinvestigations. Reinvestigations will occur every ten (10) years on the employee's anniversary date thereafter.
5. Once Plumas County Department Heads determines which individuals must be reinvestigated, the individual employee will be provided the *Release and Authorization* form, and the *Personal History Statement* paperwork.
  - a. The employee will have seven (7) calendar days to sign the *Release and Authorization* form, and submit the completed *Personal History Statement* and *Release* form to HR in a sealed envelope addressed to the HR Custodian of Records.

### **LiveScan Fingerprints**

6. The individual will be provided a *LiveScan* form for fingerprint screening through the Department of Justice (DOJ) and Federal Bureau of Investigation (FBI).
  - a. The individual must complete the center section of the form with name, address, and other identifying information at the HR office.
  - b. *LiveScan* fingerprint screening can be conducted by the Plumas County Sheriff's Office or other designated location.
  - c. The individual must bring the original *LiveScan* form and photo identification to the fingerprint appointment.
  - d. Employees will be given County time to have fingerprints taken.
  - e. Cost of fingerprinting will be paid by the Plumas County Department which employs the employee.
7. Plumas County Human Resources Department is the designated receiver for Plumas County DOJ/FBI *LiveScan* results.
  - a. DOJ/FBI is a comprehensive record of all reported convictions.
  - b. Clear Results: HR Custodian of Records will send an email to the department head when individual's fingerprints come back clear with no reported arrests or convictions. Results are usually received within one week.
  - c. Delayed Results: HR Custodian of Records will send an email to the department head if there is a "delay" in receiving the fingerprint results. This

happens occasionally with the DOJ and is usually related to the volume of fingerprint requests it receives. Sometimes the delay can take several weeks. HR must not request follow up with DOJ unless the request is delayed for thirty (30) days or more.

- d. Results indicating a "hit": If there is a "hit" on the DOJ/FBI prints, HR Custodian of Record sends an email to the department head advising of this.
- e. The department head will call HR to receive the information verbally – no hardcopy print out or report from DOJ/FBI is provided to the department head.
- f. HR Custodian of Records will only provide conviction information to the department head.
- g. When information is received, conviction information will be documented in either the individual's personnel file or recruitment file.

#### Personal History Statement and Check of Local Law Enforcement Agencies

- 8. Using the information disclosed in the *Personal History Statement*, HR will request information from local law enforcement agencies where the individual has lived, worked, and/or attended school in the last five (5) years, and, if applicable, the appropriate agency for any identified arrest and/or convictions, whether misdemeanor or felony.
  - a. A *Request for Information* will be sent to the identified law enforcement agency, along with a copy of the individual's *Release and Authorization* form.
  - b. A postage paid return envelope will be included and marked: CONFIDENTIAL – ATTENTION PLUMAS COUNTY HUMAN RESOURCES.
  - c. Return of requested information from law enforcement agencies will be monitored within thirty (30) days.
  - d. If HR is waiting for arrest/conviction information and has not received a response in thirty (30) days, a second request letter for information will be sent.
  - e. If no information is received after an additional fifteen (15) days, HR will place a follow-up telephone call to the law enforcement agency.
  - f. If no information is received after forty-five (45) days from the date of the first request, HR will consider this a good faith effort to obtain arrest/conviction information.
  - g. All information received from law enforcement agencies will be included in the background file for review and consideration during the individual assessment of the criminal history.

#### Individual Assessment of Criminal History

- 9. Criminal history screening for background investigation renewal purposes will be conducted in accordance with Federal EEOC Enforcement Guidance, California Department of Fair Employment and Housing (DFEH) rules and regulations, and applicable California Labor Code provisions, as amended.
  - a. HR will complete the *Individual Assessment of Applicant's Criminal History* form.

- b. No criminal history: If the individual has no arrest or conviction history based on inquiries made to obtain such information, this will be noted on the form and a copy of the form will be given to PCDCSS Director to review.
  - i. The individual will be advised in writing within five (5) business days that a reinvestigation background was completed and passed.
- c. Criminal history: All arrest and conviction information disclosed by the individual, received from law enforcement agencies, or reported on DOJ/FBI printout will be maintained by HR Custodian of Record.
- d. Arrests and conviction will be individually assessed by the Department Director to determine which offense(s) fall within the disqualification criteria (Examples of unacceptable criminal activity pursuant to State DCSS Policy include, but are not limited to, Fraud (welfare, insurance, financial, theft, bribery; Misuse of Data; Inappropriate Access of Data; Theft; Burglary.)
- e. The Department Director will consider the nature and gravity of the offense or conduct; the time that has passed since the offense or conduct occurred; and/or completion of the sentence; and the nature of the job held or sought. The basis for denial of a background must be job-related and consistent with business necessity.
- f. Individuals whose criminal history screening results in arrest(s) or conviction(s) will be notified within five (5) business days. Individuals will have the opportunity to provide additional information within five (5) business days of being notified by HR. HR will consider a reasonable extension of time for the individual to provide supporting information regarding an arrest or conviction.

## **CRITERIA FOR WITHDRAWAL OF EMPLOYMENT OFFER OR INITIATION OF DISQUALIFICATION PROCEEDINGS**

### **Disqualification Criteria**

The felony and misdemeanor crimes listed below are offenses that may render any individual's background unsuitable for employment in positions that have access to FTI and do not attempt to specify every unacceptable criminal activity or questionable background.

- Fraud: welfare, insurance, financial, theft, or bribery
- Misuse of data
- Inappropriate access to data
- Theft/Burglary
- Other crimes of moral turpitude

Criminal background investigation results will be considered utilizing an individual assessment with any basis for denial being job-related and consistent with business necessity. The factors that are relevant in assessing whether an exclusion is job related for the position in question and consistent with business necessity are:

- The nature and gravity of the offense or conduct;

- The time that has passed since the offense or conduct and/or completion of the sentence; and
- The nature of the job held or sought.

Individuals subject to criminal history screening will have the opportunity to provide additional information within five (5) business days of notice in the event the background investigation results in an unfavorable outcome or requires clarification. An employee whose classification is represented by a labor organization may request representation when providing additional information regarding arrests or convictions. Discrepancies in information provided in the Personal History Statement and the results of the investigation may be clarified by the applicant. Final decisions resulting in a denial of employment will be provided in a written statement of reason for denial with instructions for appeal. Time frames will be in accordance with existing laws, rules, and regulations.

With respect to employees, the use of information received as a result of the requires subsequent 10-year reinvestigation of employees is limited to convictions that will disqualify an individual from accessing or having access to FTI in the course and scope of their employment. The decision to initiate the disciplinary process will be based on factors that include, but are not limited to, the seriousness of the offense committed, the nature and background of the offense, the length of time which has passed since the conviction, and whether or not the facts that constituted a conviction are still a crime under current statutes and guidelines.

The decision to withdraw an employment offer (applicant) or begin the disqualification process (employee) will be done on a case-by-case basis after review of the documents and completion of the background investigation. Decisions made under this policy and in accordance with state and federal regulations and policies are final and not subject to review or appeal when pertaining to prospective employees.

If it is determined the employee is in violation of a County policy or Department Rule, the matter will be addressed using existing Plumas County Personnel Rules, Rules 16 and 18. A represented employee may request a representative of their choice, including but not limited to, a union representation as noted above.

Final decisions resulting in an adverse employment action based on arrest or conviction history will be provided in a written statement of the reason for denial and subsequent action. Employee will be entitled to all pre-discipline and post-discipline due process requirements as outlines in Plumas County Personnel Rules, Rules 16 and 18, the current Memorandum of Understanding between the County of Plumas and International Union of Operating Engineers, Local 3, and California law,

## **CITIZENSHIP/RESIDENCY VALIDATION**

All new hires for Plumas County are required to complete an I-9 to verify citizenship and residency for employment through the E-Verify, a Division of U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services.

## **EFFECTIVE DATE**

This Policy is to remain in effect as approved by the Board of Supervisors until rescinded by the same at the request of an executive level officer, i.e. Department Director or designee.

## Section One:

- Plumas County Background Investigations Policy
- Exhibit A – Job Classifications with access to Federal Tax Information (FTI) Pub 1075
- Organizational Charts

## Exhibit A

### Job Classifications with access to Federal Tax Information (FTI) – Pub 1075

#### **Child Support Services:**

Child Support Director  
Child Support Assistant Director  
Child Support Legal Clerk  
Child Support Assistant  
Child Support Specialists I/II/III

#### **Department of Social Services:**

Social Services Director-Public Guardian- Public Conservator  
Deputy Director Social Services - Program Manager  
Employment I Financial Services Program Manager  
Administrative Services Division Staff Services Manager  
Eligibility Specialist Supervisor  
Eligibility Specialists  
Employment & Training Supervisor  
Employment & Training Workers  
Office Supervisors  
Office Assistants  
Information System Technician  
Fiscal Technical Services Assistants I/II/III  
Staff Services Analysts  
Staff Services Specialist  
Social Services Supervisors I/II  
Senior Social Workers  
Social Workers I/II/III  
Social Services Aide  
Welfare Fraud Investigator I/II  
*CPS Nurse (Public Health Contracted position)*

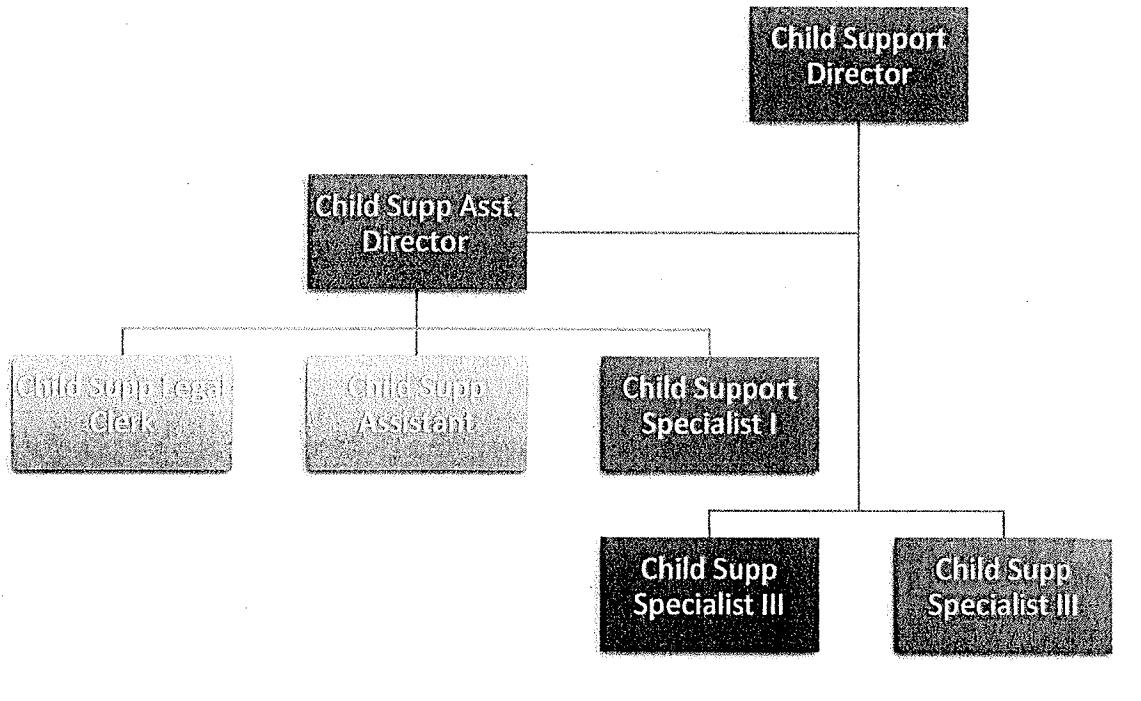
#### **Plumas County Public Guardian**

Chief Deputy Public Guardian - Conservator  
Deputy Public Guardian

# PLUMAS COUNTY DCSS

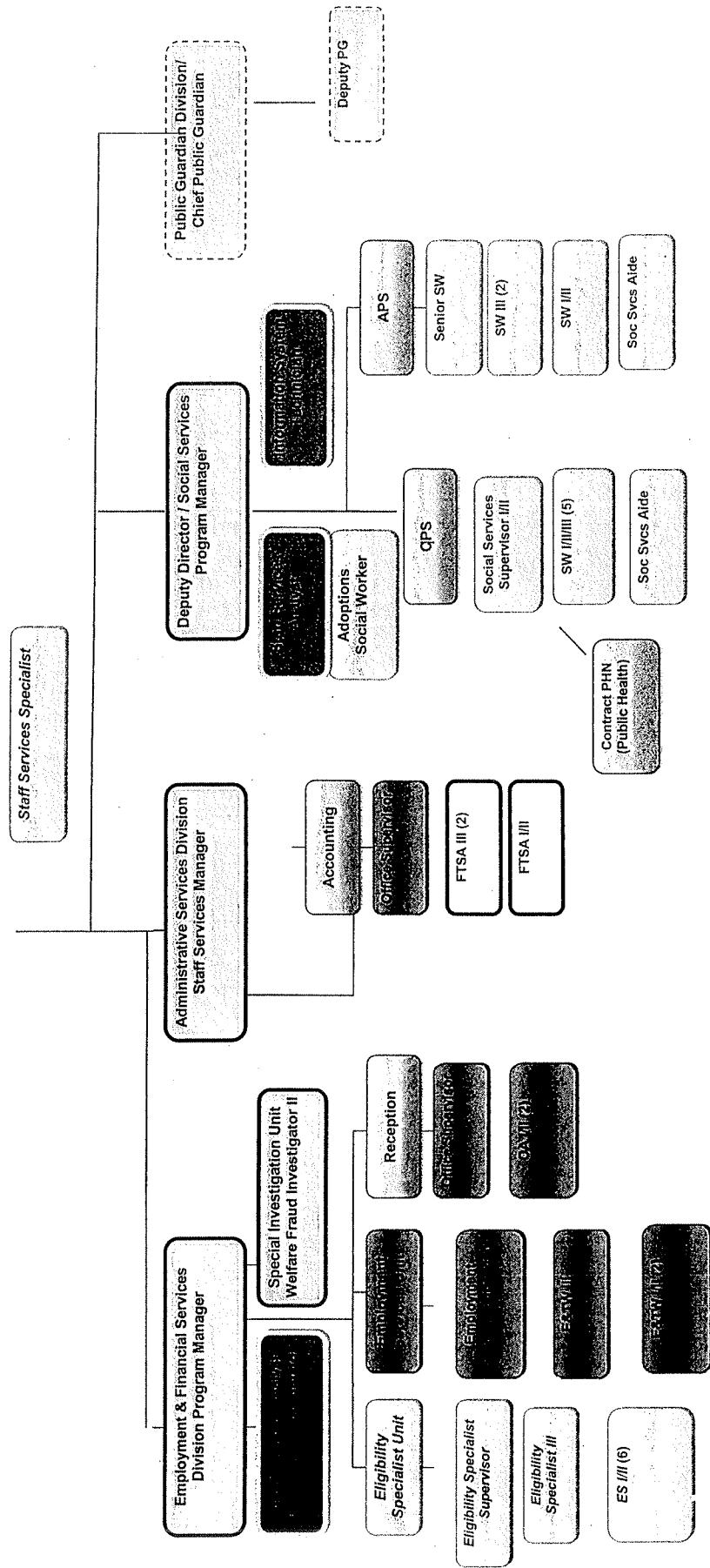
## ORG CHART

### 2019/2020



PLUMAS COUNTY DEPARTMENT OF SOCIAL SERVICES & PUBLIC GUARDIAN

**DIRECTOR**



## Section Two: Confidential Forms used by Human Resources

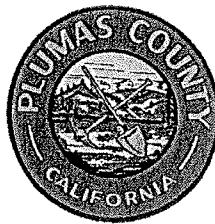
- Notification and Authorization to Release Criminal Information for Employment Purposes and Waiver of Liability for Employment References
- Conditional Offer of Employment for Background Investigation – Personal History Statement
- Request for Live Scan Service
- Law Enforcement Agency Engagement letter
- Law Enforcement Contact Form

# **DEPARTMENT OF HUMAN RESOURCES**

520 Main Street, Room 115, Quincy, California 95971

(530) 283-6444 FAX (530) 283-6160

Email: [nancyselvage@countyofplumas.com](mailto:nancyselvage@countyofplumas.com)



## **CONFIDENTIAL**

### **Notification and Authorization to Release Criminal Information for Employment Purposes and Waiver of Liability for Employment References**

Print Name: \_\_\_\_\_  
(First) (Middle) (Last)

Former Legal Name(s): \_\_\_\_\_

Current Address: \_\_\_\_\_  
(Street) (City) (State/Zip)

Previous Address: \_\_\_\_\_  
(Street) (City) (State/Zip)

Social Security Number: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Driver's License Number/State: \_\_\_\_\_

I would like to receive a copy of this report: Yes \_\_\_\_\_ No \_\_\_\_\_

#### **Notification**

The position for which I am being considered requires me to consent to a criminal background check as a condition of employment. This check includes the following: Criminal history reference searches for felony and misdemeanor convictions at the county and federal levels of every jurisdiction where I currently reside or where I have resided during the past five (5) years; and sex offender registry searches at the county and federal levels in every jurisdiction where I currently reside or where I have resided.

I understand my background check may include, but is not limited to the following areas: verification of social security number, credit reports, current and previous residences, employment history, education background, character references, drug testing, civil and criminal history records

# DEPARTMENT OF HUMAN RESOURCES

520 Main Street, Room 115, Quincy, California 95971  
(530) 283-6444 FAX (530) 283-6160  
Email: [nancyselvage@countyofplumas.com](mailto:nancyselvage@countyofplumas.com)



## CONFIDENTIAL

### Conditional Offer of Employment for Background Investigation

#### Personal History Statement

The County of Plumas is offering an offer of employment for the position of \_\_\_\_\_ that is a conditional offer based on passing your criminal background investigation. This requirement is under Plumas County Background Investigations Policy, Publication 1075, which is specific to employees who will have access to Federal Tax Information.

The following actions may prevent you from passing the background investigation: failure to disclose information; falsifying information; withholding information; failure to answer all questions on this form completely and accurately. The above actions may result withdrawal of offer of employment, rejection during probation, or potential termination of employment.

All personnel and criminal history information are confidential records and kept in the Human Resources Department. Only authorized County of Plumas employees can access and evaluate background records.

#### PERSONAL INFORMATION

Full Legal Name (First, Middle, Last Suffix)		Social Security Number
Other names used (e.g., also known as names, maiden name)		Gender <input type="checkbox"/> Nonbinary <input type="checkbox"/> Male <input type="checkbox"/> Female
Date of Birth		
Address		
Number and Street		
City	State	ZIP Code
Contact Numbers and Email Address		
Cell Phone	Home Phone	Work Phone
Email address		

## LEGAL INFORMATION

Check the correct box for each question. If you require more space, attach an additional sheet with clarifying comments, your signature and date.

You are not required to list any of the following convictions:

- Minor traffic violations (e.g., unsafe driving, running a stop light, seat belt or parking).
- Offenses settled in the juvenile court or under the welfare youth offender law or if you were discharged from the control of the Youthful Offender Parole Board under the Welfare and Institutions Code Sections 1179 and 1772.
- Convictions that have been expunged or dismissed pursuant to law.
- Convictions which resulted in participation in any diversion program.
- Convictions which have been sealed by a court.
- Convictions which were deleted under the Health and Safety Code Section 11361.5.
- Pardons granted under Penal Code Section 4852.16.

*If you have any questions regarding convictions you are required to list, consult your legal counsel.*

1. Other than those identified above, have you **ever** been convicted of a misdemeanor?

Yes       No

2. Other than those identified above, have you **ever** been convicted of a felony?

Yes       No

If you answered Yes to Questions 1 or 2 above, you must list the conviction details below.

Date	Location (City, State)	Charges (Theft, possession, DUI)	Sentence (Fine, probation, jail)	Type of Conviction (Misdemeanor, felony)

3. Do you currently have criminal charges pending against you?  Yes       No

If you answered Yes to Question 3, you must list the details of the pending charges below.

Date	Location (City, State)	Nature of Charges (Theft, possession, DUI)

4. Are you currently under any formal or informal supervision, such as probation or parole, for a conviction of any state or federal violation?  Yes  No

If you answered Yes to Question 4, you must list the conviction details below.

Date	Location (City, State)	Type of Conviction (Misdemeanor/ Felony)	Probation or Parole	Period of Time

If you identified any convictions above, you may provide additional information regarding the circumstances of the conviction along with any diversion programs or rehabilitation efforts completed.

5. List the places you have lived, worked or attended schools during the last five (5) years. You must identify what other Cities, Counties, States or Countries you have lived. If additional space is needed, attach additional pages.

Location (City, County, State, Country)	From Date	To Date

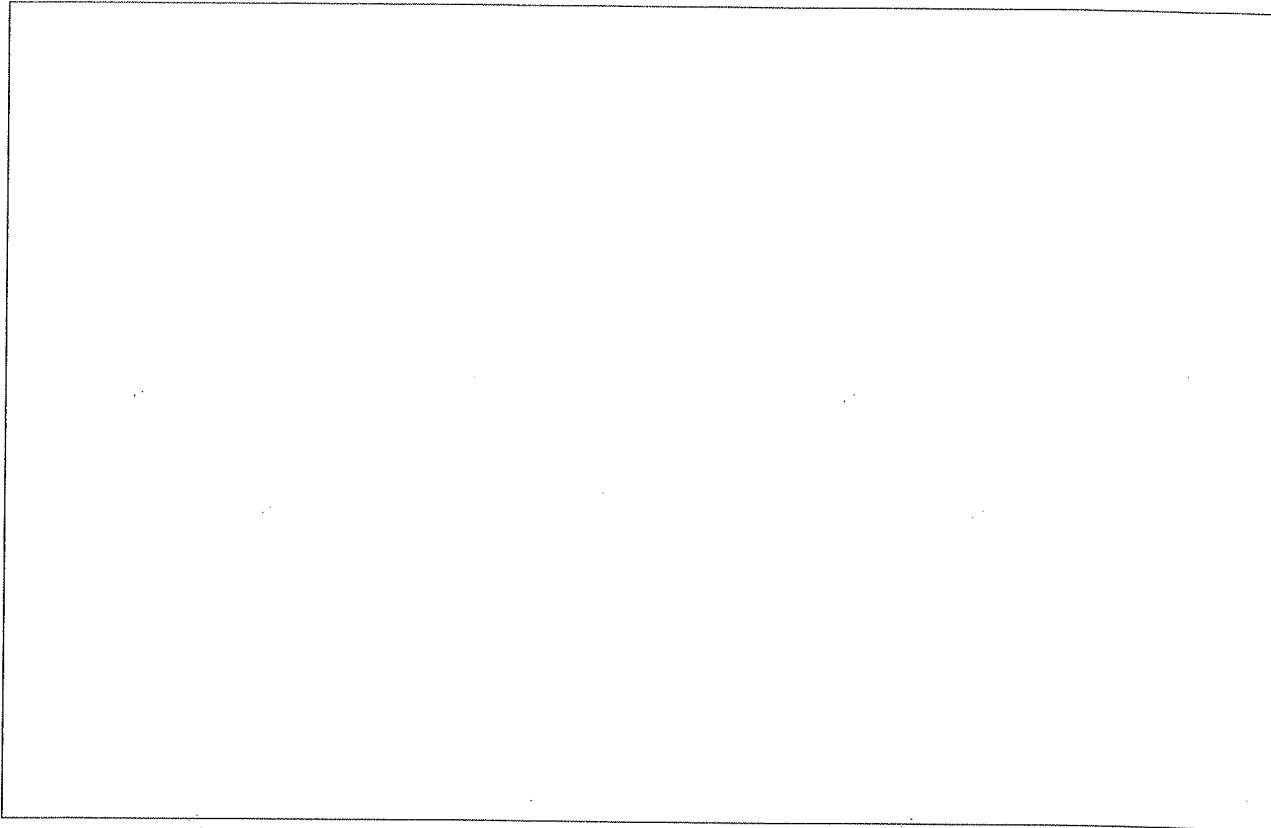
## EMPLOYMENT INFORMATION

6. Have you ever been fired, dismissed, terminated, or had an employment contract terminated from any position for performance or for disciplinary reasons? (Applicants who have been rejected during a probationary period, or whose dismissals or terminations have been overturned, withdrawn [unilaterally or as part of a settlement agreement] or revoked need not answer "Yes".)  Yes  No

7. Have you ever entered into any written agreement with a state agency in which you agreed not to seek or accept subsequent employment with the state or any state agency

Yes  No

If you answered Yes to question 6 and/or 7, you must provide date, business/department name, and a detailed explanation. If additional space is needed, attach additional pages with explanation, your signature, and date.



#### CERTIFICATION

I hereby certify that I have personally completed and signed this form and any attached supplemental pages(s) and that all statements made are true and complete to the best of my knowledge and belief. I understand that falsifying, withholding information, failure to answer all questions completely and accurately, and misstatement of a material fact on the Personal History Statement may subject me to disqualification, withdrawal of employment offer, or if I have been appointed, disqualify me from continued employment with the County of Plumas.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



## REQUEST FOR LIVE SCAN SERVICE

### Applicant Submission

**(1) Agency's Assigned ORI Number**

ORI (Code assigned by DOJ)

**(2) Authorized Applicant Type**

Authorized Applicant Type

**(3) Job Title/Type of License**

Type of License/Certification/Permit OR Working Title (Maximum 30 characters - if assigned by DOJ, use exact title assigned)

Contributing Agency Information:

**(4)**

Agency Authorized to Receive Criminal Record Information

**(5)**

Mail Code (five-digit code assigned by DOJ)

**(6) Custodian of Record**

Contact Name (mandatory for all school submissions)

Street Address or P.O. Box

City

State ZIP Code

Contact Telephone Number

Applicant Information:

**(7)**

Last Name

First Name

Middle Initial

Suffix

Other Name

(AKA or Alias) Last

First

Suffix

Date of Birth

Sex  Male  Female

Driver's License Number

Billing

Number (8)

(Agency Billing Number)

Misc.

Number

(Other Identification Number)

Height

Weight

Eye Color

Hair Color

Place of Birth (State or Country)

Social Security Number

City

State

ZIP Code

Home

**(9)**

Address Street Address or P.O. Box

**(11)**

Level of Service:  DOJ  FBI

OCA Number: (10)

OCA Number (Agency Identifying Number)

**(12)**

Original ATI Number

Employer (Additional response for agencies specified by statute):

**(13)**

Employer Name

Mail Code (five digit code assigned by DOJ)

Street Address or P.O. Box

City

State

ZIP Code

Telephone Number (optional)

Live Scan Transaction Completed By:

Name of Operator

Date

Transmitting Agency

LSID

(14)

ATI Number

Amount Collected/Billed

# **DEPARTMENT OF HUMAN RESOURCES**

520 Main Street, Room 115, Quincy, California 95971  
(530) 283-6444 FAX (530) 283-6160  
Email: [nancyselvage@countyofplumas.com](mailto:nancyselvage@countyofplumas.com)



Date

Law Enforcement Agency

Address

City, State Zip

**SUBJECT:** Employment Background Investigation

Applicant Name:

Dear Law Enforcement Agency:

The above referenced individual has applied for employment or is currently employed with the County of Plumas. In accordance with Internal Revenue Service (IRS) Publication 1075, Tax Information Security Guidelines for Federal, State and Local Agencies, Plumas County must conduct a background investigation on current and prospective employees that will have access to Federal Tax Information in connection with their employment.

The applicant has reported the he/she previously lived, worked and/or attended school within your County/City of Jurisdiction. We are requesting your assistance in determining if any of the following information is on file with your agency:

- Any convictions of criminal offenses.
- Arrest and or detention information for which the applicant is out on bail or on his or her own recognizance pending trial.
- Is currently incarcerated.

A signed Authorization to Release Information from the designee is enclosed attached. Please complete the attached pages and return it using the enclosed self-addressed stamped envelope.

If your agency has questions, please contact the Plumas County Human Resources Department at (530) 283-6444.

Sincerely,

HR Employee Name  
Title

LAW ENFORCEMENT CONTACT FORM

Applicant Name \_\_\_\_\_

Former Legal Name(s) \_\_\_\_\_

DOB \_\_\_\_\_ SSN \_\_\_\_\_ Driver License No. /State \_\_\_\_\_

NO CONTACTS

CONTACT RECORDS FOUND

Please check Contact Type:	<input type="checkbox"/> Infraction Arrest/Conviction	<input type="checkbox"/> Misdemeanor Arrest/Conviction	<input type="checkbox"/> Felony Arrest/Conviction
----------------------------	--	---	--

Date:

Charges:

Brief Description:

Please check Contact Type:	<input type="checkbox"/> Infraction Arrest/Conviction	<input type="checkbox"/> Misdemeanor Arrest/Conviction	<input type="checkbox"/> Felony Arrest/Conviction
----------------------------	--	---	--

Date:

Charges:

Brief Description:

Please check Contact Type:	<input type="checkbox"/> Infraction Arrest/Conviction	<input type="checkbox"/> Misdemeanor Arrest/Conviction	<input type="checkbox"/> Felony Arrest/Conviction
----------------------------	--	---	--

Date:

Charges:

Brief Description:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Authorized Agency Personnel Information:

*Signature*

*Date*

*Print Name*

*Job Title*

Contact phone number

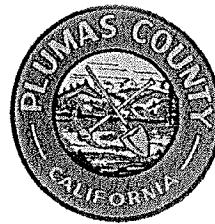
Additional Comments:

## Section Three: Confidential Human Resources Records

- Confidential Check list Record
- Documentation of Background Investigation

# DEPARTMENT OF HUMAN RESOURCES

520 Main Street, Room 115, Quincy, California 95971  
(530) 283-6444 FAX (530) 283-6160  
Email: [nancyselvage@countyofplumas.com](mailto:nancyselvage@countyofplumas.com)



## Confidential Record –Background Checklist

### Background Report

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Department: \_\_\_\_\_ Position: \_\_\_\_\_

Date of final report: \_\_\_\_\_ Type: Initial: \_\_\_\_\_ Reinvestigation: \_\_\_\_\_

Completed forms checklist:

- Conditional Offer of Employment signed**
- Personal History Statement**
- Background questionnaire**
- I-9 form completed**
- E-Verify Status: Date completed: \_\_\_\_\_ Date reviewed: \_\_\_\_\_**
- DOJ/FBI Live Scan**
- Other: \_\_\_\_\_**
- Law Enforcement Contacted: \_\_\_\_\_  
Name & County/City contacted/results attached**

**Date sent: \_\_\_\_\_ Date returned: \_\_\_\_\_**

- Law Enforcement Contacted: \_\_\_\_\_  
Name & County/City contacted/results attached**

**Date sent: \_\_\_\_\_ Date returned: \_\_\_\_\_**

(See copy of Law Enforcement Contact Form / Attach pages for additional contacts as needed)

Background Results:

DOJ/FBI Live Scan results: Qualified: \_\_\_\_\_ Adverse Results: \_\_\_\_\_

If adverse, report information:

Department: \_\_\_\_\_

Department Head: \_\_\_\_\_

Adverse results / justification:

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Recommendation:

Qualified \_\_\_\_\_

Disqualified \_\_\_\_\_

Authorized Human Resources Information:

---

Signature

---

Date

---

Print Name

---

Job Title

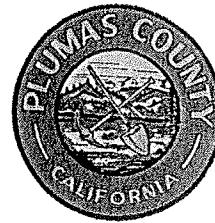
Final ruling:

Qualified \_\_\_\_\_

Disqualified \_\_\_\_\_

# DEPARTMENT OF HUMAN RESOURCES

520 Main Street, Room 115, Quincy, California 95971  
(530) 283-6444 FAX (530) 283-6160  
Email: [nancyselvage@countyofplumas.com](mailto:nancyselvage@countyofplumas.com)



## Documentation of Background Investigation – Confidential Records

Employee Name: \_\_\_\_\_ Date: \_\_\_\_\_

Department: \_\_\_\_\_

Position: \_\_\_\_\_

Investigation Type:  Initial  Reinvestigation

Date Received: \_\_\_\_\_

Date of Signed Authorization: \_\_\_\_\_

Form I-9 Date Provided: \_\_\_\_\_ Date Completed: \_\_\_\_\_

DOJ/FBI Live Scan Date Completed: \_\_\_\_\_ Date Reviewed: \_\_\_\_\_

DOJ Returns:  Qualified  Disqualified

FBI Returns:  Qualified  Disqualified

E-Verify Status Date Completed: \_\_\_\_\_ Date Reviewed: \_\_\_\_\_

Background Questionnaire Date Provided: \_\_\_\_\_ Date Returned: \_\_\_\_\_

Agency Letters *Agency:* \_\_\_\_\_

*Sent:* \_\_\_\_\_ *Returned:* \_\_\_\_\_

*Agency:* \_\_\_\_\_

*Sent:* \_\_\_\_\_ *Returned:* \_\_\_\_\_

*Agency:* \_\_\_\_\_

*Sent:* \_\_\_\_\_ *Returned:* \_\_\_\_\_

Employee Name: \_\_\_\_\_

Agency Letters

Agency: \_\_\_\_\_

Sent: \_\_\_\_\_

Returned: \_\_\_\_\_

Agency: \_\_\_\_\_

Sent: \_\_\_\_\_

Returned: \_\_\_\_\_

Agency Returns:  Qualified

Disqualified

Director Recommendation:

Qualified

Disqualified

Justification: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Director or Designee Recommendation

Qualified

Disqualified

Justification: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Final Ruling:  Qualified  Disqualified

## Section Four:

- California Department of Child Support Services,  
CSSI Letter: 18.04

**CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES**

P.O. Box 419064, Rancho Cordova, CA 95741-9064



August 18, 2018

CSSI LETTER: 18-04

ALL IV-D DIRECTORS

Reason for this Transmittal

State Law, Regulation and/or Change  
 Federal Law, Regulation Change  
 Court Order or Settlement Change  
 Clarification requested by One or More Counties  
 Initiated by DCSS

**SUBJECT: INTERNAL REVENUE SERVICE PUBLICATION 1075 BACKGROUND INVESTIGATION REQUIREMENTS FOR ACCESS TO FEDERAL TAX INFORMATION**

The purpose of this letter is to provide the local child support agencies (LCSAs) with guidance regarding the background investigation (BI) requirements set forth in Internal Revenue Service (IRS) Publication 1075, *Tax Information Security Guidelines for Federal, State and Local Agencies* (Publication 1075).

In accordance with Publication 1075, prospective and current LCSA employees, contractors, subcontractors, volunteers and agents who have access to Federal Tax Information (FTI) must undergo a background investigation prior to being permitted access to FTI, which includes a criminal history screening and citizenship/residency validation. FTI includes return or return information received directly from the IRS or obtained through an authorized secondary source, such as the Social Security Administration and Federal Office of Child Support Enforcement. Individuals with access to FTI must undergo reinvestigation at least every 10 years.

**Authority**

- IRS Publication 1075
- 26 United States Code (U.S.C.) § 6103
- Family Code § 17202
- Government Code §§ 1044, 12952, 19572, and 18935
- Labor Code § 432.7
- Title 2, California Code of Regulations (CCR) §§ 11017 and 11017.1
- State Personnel Board Rule 172
- Penal Code § 11105(b)
- Equal Employment Opportunity Commission (EEOC) Enforcement Guidance 915.002

Validation of citizenship/residency for employment candidates shall include the following:

- Validate citizenship/residency to confirm the subject's eligibility to legally work in the United States.
- Utilization of Form I-9 and supporting documents.
- Within three days of completion, verify employment status through the E-Verify system.

LCSAs may be subject to local laws and city ordinances that provide additional limitations. Refer to your local legal counsel and human resources to ensure compliance with existing laws and regulations. The LCSAs should include in their policy and procedures any other information necessary to comply with the BI requirements.

### **Consideration of BI Results and Employment Verification**

Individual assessment of BI results must comply with state laws, rules and regulations referenced in the authority section of this policy. Local laws, rules and ordinances must also be adhered to for BI requirements.

### **10-Year Re-Investigation Requirement**

A BI must be performed on individuals ten years after the initial BI is completed, and every 10 years thereafter.

The DOJ provides an additional service, the Subsequent Arrest Notification Service, referred to as "Rap Back." The Rap Back transmits updates when new arrests or convictions are added to the individual's record. The Rap Back service provides information for California arrests and convictions only. Therefore, a complete reinvestigation must occur.

For questions regarding background investigation requirements, please contact the Department of Child Support Services, Human Resources Branch at (916) 464-3470 or [dcssbackgrounds@dcss.ca.gov](mailto:dcssbackgrounds@dcss.ca.gov).

Sincerely,

O/S

IRENE BRIGGS  
Deputy Director  
Administrative Services Division

Attachments

TERM	DEFINITION
Federal Tax Information	Service, Centers for Medicare and Medicaid Services, or another entity acting on behalf of IRS pursuant to Internal Revenue Code (IRC) Section 6103(p)(2)(B).
Access to FTI	<ul style="list-style-type: none"> <li>• All individuals who have access to FTI to perform their official duties and as authorized under the IRC. Pursuant to need-to-know restrictions, an individual who has the authority to access FTI information should not access such information unless it is necessary to perform their official duties and for the purposes listed in IRC Section 6103.</li> </ul>
Unauthorized Access	<ul style="list-style-type: none"> <li>• Unauthorized access occurs when an entity or individual knowingly or due to gross negligence receives or has access to FTI without authority, as defined in IRC Section 6103.</li> </ul>
Criminal History Screening	<ul style="list-style-type: none"> <li>• Includes a review of Federal Bureau of Investigation (FBI) fingerprint results through the State Identification Bureau (California Department of Justice [DOJ]) to identify suitability for employment, and a check of local law enforcement agencies where the subject has lived, worked and/or attended school within the last five (5) years prior to the investigation.</li> </ul>
Citizenship/Residency Validation	<ul style="list-style-type: none"> <li>• Validation of an individual's eligibility to legally work in the United States using the United States Citizenship and Immigration Services (USCIS) Form I-9 and USCIS E-Verify System. This requirement applies to employment candidates only.</li> </ul>
Custodian of Records	<ul style="list-style-type: none"> <li>• Individual designated by an agency as responsible for the hiring decisions, the security, storage, dissemination, and destruction of the criminal records furnished to the agency, and who serves as the primary contact for DOJ for any related issues.</li> </ul>
Reinvestigation	<ul style="list-style-type: none"> <li>• Includes a redetermination of the criminal history screening, based on new information obtained since the last screening, including local arrest information if the employee has lived, worked, or attended school in another state/county. At a minimum, reinvestigations will occur within 10 years from the date of the previous investigation. Subsequent arrest notifications shall be requested</li> </ul>

FTI access includes, but is not limited to, Child Support Enforcement system access, hard copy documents, reports, forms, and any other paper or electronic media that contains FTI.

Criminal history screening for employment purposes, including reinvestigation screening, will be conducted in accordance with Federal EEOC Enforcement Guidance, California Department of Fair Employment and Housing (DFEH) rules and regulations, and applicable California Labor Code provisions.

Fingerprint and criminal history screening must be reflected on each position duty statement and job posting/announcement for each position with access to FTI.

Individuals who do not successfully pass the background investigation shall not be permitted to hold a position with access to FTI.

All offers of employment and work assignments are conditional pending successful completion of the policy requirements.

#### **CRITERIA FOR WITHDRAWAL OF EMPLOYMENT OFFER**

The felony and misdemeanor crimes listed below are offenses that may render any individual's background unsuitable for employment in positions that have access to FTI and do not attempt to specify every unacceptable criminal activity or questionable background.

- Fraud: welfare, insurance, financial, theft, or bribery
- Misuse of data
- Inappropriate access to data
- Theft/Burglary

Criminal background investigation results will be considered utilizing an individual assessment with any basis for denial being job-related and consistent with business necessity. Individuals subject to criminal history screening will have the opportunity to provide additional information in the event the background investigation results in an unfavorable outcome or requires clarification. Final decisions resulting in a denial will be provided in a written statement of reason for denial with instructions for appeal. Timeframes will be in accordance with existing laws, rules, and regulations.

#### **CONTACT INFORMATION**

Any questions regarding interpretation or implementation of this Policy shall be referred to the California Department of Child Support Services, Human Resources Branch at (916) 464-3470, or by email to [dcssbackgrounds@dcss.ca.gov](mailto:dcssbackgrounds@dcss.ca.gov).



## PERSONAL HISTORY STATEMENT

The Department of Child Support Services (DCSS) conducts a background investigation on employees and contractors/vendors pursuant to Government Code section 1044. DCSS submits your fingerprints to the Department of Justice (DOJ) and Federal Bureau of Investigations (FBI) to obtain criminal history reports. Failure to disclose information, falsifying information, or failure to answer all questions on this form completely and accurately may prevent you from passing the background investigation. Such actions may also cause your name to be withheld from DCSS's certification list or result in disciplinary action, up to and including termination.

We treat all criminal history information as private and confidential. Only DCSS employees authorized to evaluate background records are allowed access.

### PERSONAL INFORMATION

Full Legal Name (First, Middle, Last, Suffix)		Social Security Number
Other names used (e.g., also known as names, maiden name)	Gender	Date of Birth
Address Number and Street		
City	State	ZIP Code
Contact Numbers and Email Address		
Cell phone	Home phone	Work phone
Email address		

### LEGAL INFORMATION

Check the correct box for each question. If you require more space, attach an additional sheet with clarifying comments, your signature, and date.

You are not required to list any of the following convictions:

- Minor traffic violations (e.g., unsafe driving, running a stop light, seat belt, or parking).
- Offenses settled in the juvenile court or under the welfare youth offender law or if you were discharged from the control of the Youthful Offender Parole Board under the Welfare and Institutions Code Sections 1179 and 1772.
- Convictions that have been expunged or dismissed pursuant to law.
- Convictions which resulted in participation in any diversion program.
- Convictions which have been sealed by a court.
- Convictions which were deleted under the Health and Safety Code Section 11361.5.
- Pardons granted under Penal Code Section 4852.16.

*If you have any questions regarding convictions you are required to list, consult your legal counsel.*

#### EMPLOYMENT INFORMATION

6. Have you ever been fired, dismissed, terminated, or had an employment contract terminated from any position for performance or for disciplinary reasons? Yes No

7. Have you ever entered into any written agreement with a state agency in which you agreed not to seek or accept subsequent employment with the state or any state agency? Yes No

8. Have you ever entered into any written agreement with a state agency involving an adverse action, rejection on probation, or AWOL termination, in which you agreed not to seek or accept subsequent employment with a particular state agency? Yes No

If you answered Yes to question 6, 7 and/or 8, you must provide date, business/department name, and a detailed explanation. If additional space is needed, attach additional pages with explanation, your signature, and date.

#### IF YOU ARE HIRED BY DCSS

Pursuant to Government Code section 1044 and Penal Code section 11105.2(a), DCSS will be notified of all subsequent arrests and convictions. A new criminal conviction or arrest for an offense with a nexus to the job and/or crime of moral turpitude may result in disciplinary action, up to and including termination.

#### CERTIFICATION

I hereby certify that I have personally completed and signed this form and any attached supplemental pages(s) and that all statements made are true and complete to the best of my knowledge and belief. I understand that falsifying, withholding information, failure to answer all questions completely and accurately, and misstatement of a material fact on the Personal History Statement may subject me to disqualification, have my name withheld from DCSS's certification list, or, if I have been appointed, disqualify me from continued employment with the Department of Child Support Services.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# **SECURING CONFIDENTIAL INFORMATION**

## **POLICY**

This policy establishes the minimum requirements for securing confidential information about our employees, customers and vendors. Securing confidential information is required. Confidential information must be secured in work areas when the confidential information is not in use or when an employee leaves his/her work area. Securing confidential information is one of the top strategies employed to reduce the risk of security breaches in the work area.

## **APPLICABILITY**

This policy is applicable to all employees of Department of Child Support Services (DCSS) including those employed in part-time, intermittent, limited-term and non-testing classifications. It also applies to contracted student assistants and personal services contractors.

## **REFERENCES AND/OR AUTHORITY**

- Internal Revenue Service Publication 1075, § 4
- Internal Revenue Code 6103 (b)(2)(B)
- Department of Child Support Services Information Security Manual, § 6000
- National Institute of Standards and Technology Special Publication 800-53 PE-3
- California State Administrative Manual, § 5310 et seq.
- California Civil Code §§ 1798.3 and 1798.29 Security Awareness for Everyone Training

## **DEFINITIONS**

<b>TERM</b>	<b>DEFINITION</b>
Confidential Information	<ul style="list-style-type: none"><li>• Information that does not meet the definition of "public records" set forth in California Government Code section 6252(e) or is exempt from disclosure under any of the provisions of section 6250, et seq. of the California Government Code or any other applicable state or federal laws; or</li><li>• Is contained in documents, files, folders, books or records that are clearly labeled, marked or designated with the word "confidential" by DCSS; or</li><li>• Is "personal information"; or</li><li>• Is Federal Tax Information</li></ul>

TERM	DEFINITION
	<ul style="list-style-type: none"> <li>Is protected from disclosure under applicable state or federal law.</li> </ul>
Federal Tax Information	<ul style="list-style-type: none"> <li>Includes federal tax returns or return information received directly from the IRS or obtained through an authorized secondary source, such as Social Security Administration, Federal Office of Child Support Enforcement, Bureau of the Fiscal Service, Centers for Medicare and Medicaid Services, or another entity acting on behalf of the IRS pursuant to Internal Revenue Code (IRC) section 6103(p)(2)(B).</li> </ul>
Work Area	<ul style="list-style-type: none"> <li>The space that is occupied during the work day that is typically an office or cubicle. This includes but is not limited to the following: counters, shelves, drawers, monitors, hard drive, trash receptacles, recycle bins, printers and floor area.</li> </ul>
Electronic Information	<ul style="list-style-type: none"> <li>Information that is accessed by utilizing a computer or personal electronic device. This includes but is not limited to the following: Child Support Enforcement system, folders on network drives, email, CD-ROMs, DVDs or flash drives.</li> </ul>
Physical Information	<ul style="list-style-type: none"> <li>Information that is hard copied, including, but not limited to the following: mail, printouts of electronic information, screen prints, notes and documents.</li> </ul>

### **PROCEDURES AND/OR GUIDELINES**

- Employees are required to ensure that all confidential information in physical or electronic form is secure in their work area when unattended.
- Computer workstations must be locked when work area is unattended.
- File cabinets containing confidential information must be kept closed, locked and in a secure location when not in use or when unattended. Locks on wheeled file cabinets are not acceptable for securing FTI.
- Keys used for access to confidential information must not be left easily accessible at an unattended desk.
- Laptops must be either locked with a locking cable or locked away in a drawer.
- Portable DCSS devices (i.e., tablets, cell phones) must have the screen locked when left unattended for an extended period of time.
- Passwords may not be written down in any accessible location.
- All confidential documents ready for disposal must be placed in the locked confidential disposal bins.

## Department of Child Support Services

### INTERNAL REVENUE SERVICE PUBLICATION 1075 (IRS PUB 1075) QUESTIONS AND ANSWERS

SUBJECT	QUESTION	RESPONSE
1 Policy	Is the California Department of Child Support Services (DCSS) Background Investigation (BI) Requirements Policy a guideline for local child support agencies (LCSAs)?	Yes, the policy is a template for LCSAs to utilize in developing local policy in compliance with the new BI requirements. Procedures for implementing the policy should be tailored for the needs of each county consistent with the applicable local laws and rules.
2 Citizenship Residency Validation	Will an I-9 and E-Verify need to be completed for current employees?	Current employees will not be required to complete a new I-9 form and employers will not be required to use the E-Verify system to validate citizenship status for current employees under the new BI requirements. Counties may also be subject to local laws and city ordinances that provide additional limitations. Refer to your local legal counsel to ensure compliance with existing laws and regulations. The I-9 form will continue to be completed for the new employees and the E-Verify will be used to validate their employment status pursuant to the new BI requirements. To register for E-Verify go to <a href="https://www.uscis.gov/e-verify">https://www.uscis.gov/e-verify</a> .
3 Criminal History Information	How do LCSAs obtain access to criminal history information to comply with IRS PUB 1075?	Each LCSA or County Human Resources office must have at least one designated Custodian of Records (COR). The COR is the individual designated by an agency as being responsible for the security, storage, dissemination, and destruction of the criminal records furnished to the agency and who serves as the primary contact for the Department of Justice (DOJ) for any related issues pursuant to Penal Code § 11102.2(a)(1). The results from the Criminal Offenders Records Information (CORI) system may be delivered electronically through a secured file transfer protocol and will need to be retrieved by the LCSA's COR. California Government Code § 1044 authorizes DOJ to provide FBI and California arrest and conviction records to government agencies pursuant to Penal Code § 11102.2(b). Additional information is available at <a href="https://oag.ca.gov/fingerprints/custodian">https://oag.ca.gov/fingerprints/custodian</a> and <a href="https://oag.ca.gov/fingerprints">https://oag.ca.gov/fingerprints</a> .

## Department of Child Support Services

### INTERNAL REVENUE SERVICE PUBLICATION 1075 (IRS PUB 1075) QUESTIONS AND ANSWERS

SUBJECT	QUESTION	RESPONSE
6	Local Law Enforcement (LE) Check	<p>If someone lived outside of California during the last 5 years, how do we contact the local Law Enforcement (LE) agencies to get that information?</p> <p>The FBI level BI must be conducted for all individuals. A local LE check must occur if the individual has lived, worked or attended school <u>outside of California</u> within the last five (5) years. This is the minimum standard to ensure compliance with the BI requirements. The BI results received from the California DOJ is acceptable for individuals that have not lived, worked or attended school outside of California for the last five years. LCSAs may conduct California LE checks if local policy requires.</p> <p>The Personal History Statement completed by the individual will provide the locations requiring local LE contact for criminal history information. DCSS will provide a template communication that may be used to contact local LE agencies. The communication must be kept on file whether or not a response is received from the local LE agency to demonstrate an attempt to obtain the information in the event of an audit.</p> <p>California Labor Code § 432.7 and California Government Code § 12952 prohibit the use of criminal activity not resulting in a conviction to determine employment suitability, unless the criminal activity is pending trial.</p>
7	Length of Criminal History	<p>How far back can crimes be assessed for employment suitability?</p> <p>Pursuant to California Code of Regulations § 11017.1, the general rule is seven (7) years. Individual assessments should be conducted of the circumstances and nature and gravity of the offense, time passed since the offense and/or completion of the sentence and the nature of the job held or sought. Strong caution should be applied when considering conviction-related information that is seven (7) or more years old. Counties may also be subject to local laws and city ordinances that provide additional limitations. Refer to your local legal counsel to ensure compliance with existing laws and regulations. This is the minimum standard to ensure compliance with the BI results.</p>

## Department of Child Support Services

### INTERNAL REVENUE SERVICE PUBLICATION 1075 (IRS PUB 1075) QUESTIONS AND ANSWERS

SUBJECT	QUESTION	RESPONSE
12	Information Breach	What procedures must be followed if an individual without a BI is exposed to FTI?  All breaches involving protected information must be reported in accordance with information security protocols.
13	Criminal History Information	Clarify the five year and 10-year BI requirements.  LiveScan will meet the five (5) year local LE requirement if the individual has lived, worked, and/or attended school solely in California for the full five (5) years prior to the BI. However, if the individual has lived, worked, and/or attended school outside California for any portion of the prior five (5) years, counties are required to submit a request to the LE for any other state(s). Counties shall document that a request has been submitted to the out of state LE and keep a copy of the letter. This is to show proof that the county complied with the requirement, most importantly in cases when the out of state LE failed to provide a response.  Every 10 years, the FBI BI and local out of state LE inquiries must be repeated. However, upon California DOJ participation in the nationwide subsequent arrest program, the local out of state LE inquiries may not be required.
14	Disqualification Criteria	Are the disqualification criteria in the policy flexible?  BI results should be assessed on an individual basis, with any denial being job related and consistent with business necessity (i.e. nexus) per California Code of Regulations § 11017.1. Employers may also be subject to local laws and ordinances that provide additional limitations. Counties should work closely with their Legal Counsel and HR office regarding local interpretation and implementation of employment disqualification procedures.
15	Background Results	Are individuals required to be notified of the BI results?  DCSS procedures will include a notification and appeal process as referenced in California Code of Regulations § 11017.1 and Government Code § 12952. The procedures will be applicable to DCSS state civil service positions and include employer notification to the individual of the disqualifying conviction and reasonable opportunity to present evidence to dispute the disqualifying conviction. Counties should work closely with their Legal Counsel and HR office to determine local interpretation and implementation of notification and appeal procedures.