Administrative Procedure

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Page:	1 of 4

Subject: FINGERPRINT PROCEDURE

1.0. PURPOSE:

To establish protocols and guidelines for the University's fingerprint process, which is designed to maintain public trust and protect the students and employees of the University by ensuring a thorough hiring process.

2.0. ORGANIZATIONS AFFECTED:

All organizational units of the University, excluding Auxiliary organizations.

3.0. REFERENCES:

3.1. FSA 82-31, Revision of Policy on Fingerprinting of Employees.

3.2. FSR 85-72, Fingerprinting Practices.

3.3. HR 2005-10, Background Checks.

3.4. Education Code, Section 89535 (g) and (h).

3.5. Education Code, Sections 44340 and 44341.

3.6. Health and Safety Code, Sections 1522, 1569.17 and 1596.871.

3.7. Information Practices Act, Civil Code, Section 1798.17.

3.8. California State University, Los Angeles (Cal State L.A.) Administrative Procedure 316, Conditions of Employment.

4.0. POLICY:

Candidates for appointments to positions of risk must be fingerprinted prior to serving in such positions (Appendix 8.1.).

Approved: _____ **Date:** _____

5.0. DEFINITIONS:

5.1. Candidate-- An individual or employee who files an employment application for a posted vacancy that requires a background check, has gone through the recruitment and selection process, has been selected as a successful applicant, and has been issued a conditional letter of employment for a Cal State L.A. vacancy. This includes student employees who are applying for sensitive positions.

5.2. Minor--Any person under the age of 18 years.

5.3. Request for Live Scan Service Form--The required Department of Justice/FBI form used to perform the Live Scan Service of the candidate (Appendix 8.2.).

5.4. Live Scan--A method of processing fingerprints electronically.

5.5. Positions of Risk--Positions and/or classes that include at least one of the following responsibilities (Appendix 8.1.):

a. Direct access to, or control over, cash, checks, credit cards, and/or credit card account information;
b. Authority to commit financial resources of the university through contracts greater than $5,000;
c. Control over campus business processes, either through functional roles or system security access;
d. Access to detailed identifiable personal information about students, faculty, staff or alumni, which might enable identity theft;
e. Possession of building master or sub-master keys or keys to areas with expensive equipment;
f. Access to dangerous chemicals, radioactive material or controlled substances;
g. Access to expensive, sensitive equipment, such as that in the Computer Center, telecommunications and network resources;
h. Access to official student grades;
i. Access to State Controller's payroll information; and,
j. Interaction with minors.

Positions of risk shall include all positions within the Management Personnel Plan, all positions within the Department of Public Safety, all positions within Human Resources Management and Payroll Services, all positions requiring bonding, and all positions for which criminal background checks are legally required.

5.6. Criminal History Statement--Completed by the Department of Justice in Sacramento after information has been digitized in local, state and federal files that indicate all arrest records on a candidate. Criminal History Statements are routed to Public Safety from Sacramento.

6.0 RESPONSIBILITIES:

6.1. The President or his/her designee will establish the policy and procedures for fingerprinting.

6.2. Public Safety will contact the Assistant Vice President of Human Resources Management if a Criminal History Statement is returned on a candidate as part of the employment process.

6.3. Human Resources Management will:

6.3.1. Identify positions of risk.

6.3.2. Identify on job announcements when a position of risk will require fingerprinting.

6.3.3. Issue a notice to the applicant that a report may be obtained and obtain written consent from the applicant.

6.3.4. Establish the criminal background standards for hiring (e.g., felony and some misdemeanor convictions may preclude employment in certain positions of risk). Examples include, but are not limited to, convictions related to drugs, theft, embezzlement, fraud and child molestation and other sex offenses, where an employee may work around pharmaceuticals, have master keys, work with minors, have fiduciary responsibility or handle cash. Each record will be weighed to determine when the conviction occurred, the type of conviction, whether the applicant disclosed the conviction on his/her application, and whether it is job-related.

6.3.5. Discuss the receipt of subsequent arrest reports or any finding with Public Safety and contact the appropriate Vice President and/or appointing authority as appropriate.

6.3.6. Discuss findings with the Director of Public Safety and University Counsel for appropriate action and to determine if the record is job-related.

6.3.7. Provide information to the applicant on how to obtain a copy of the report to dispute inaccurate or incomplete information.

6.3.8. Maintain the results in a locked file cabinet and discard after one year.

7.0 PROCEDURES:

7.1. Human Resources Management will advise the applicant that a background check with Live Scan will be processed, provide the candidate with a Request for Live Scan

Service form (Appendix 8.2.), which has agency information already completed, and obtain written authorization to conduct the background check.

7.2. The candidate will complete the appropriate section of the Request for Live Scan Service form.

7.3. Human Resources Management will review the information and direct the candidate to the Live Scan site (University Police) to be fingerprinted.

7.4. The candidate will follow instructions and procedures at the Live Scan site.

7.5. After successful electronic capture of fingerprint images and accompanying data, the information will be transmitted to the Department of Justice/FBI for processing.

7.6. Public Safety will receive from the Department of Justice/FBI, via electronic mail, any Criminal History Statements. Public Safety will promptly provide the information from any Criminal History Statement to the Assistant Vice President of Human Resources Management in a sealed, confidential envelope.

7.7. Human Resources Management will discuss information received from Criminal History Statements with University Counsel, the Director of Public Safety and/or the Director of Risk Management (if applicable) for appropriate action. The review will be in accordance with 6.3.4. above.

7.8 The University will cover the cost of the fingerprint fee.

8.0. APPENDICES:

8.1. Positions Subject to Fingerprinting lists.

8.2. Request for Live Scan Service form.