

Outside Investigations on Applicants/Employees-AR

1. Applicant/Employee Investigations

The District desires to maintain a productive, efficient, effective, healthy, and safe work environment and, as a result, will conduct pre-employment background investigations, background checks, and/or other investigations of employees as necessary. If these investigations are conducted by external third parties (also called “consumer reporting agencies”), they will be governed by relevant provisions of the Fair Credit Reporting Act (FCRA) and the Fair and Accurate Credit Transactions Act (FACT). FCRA and FACT cover background checks and other investigations for prospective employees, and current employees in certain situations, such as a promotion to a position requiring additional information. FCRA and FACT specifically do not apply to investigations of alleged misconduct, such as unlawful harassment charges.

2. Reports

The types of reports that may be requested from consumer reporting agencies under this policy include, but are not limited to: credit reports, criminal records checks, court records checks, driving records, and/or summaries of educational and employment records and histories. These reports or checks are also called “consumer reports.” The information contained in these reports may be obtained by a consumer reporting agency from public record sources or through personal interviews with the applicant’s or employee’s coworkers, neighbors, friends, associates, current or former employers, or other personal acquaintances. These are sometimes referred to as “investigative consumer reports.” Any information contained in such reports may be taken into consideration in evaluating an applicant’s or employee’s suitability for employment, promotion, reassignment, or retention.

3. Requirements

In order to meet the requirements of the FCRA, effective the date of this policy

- a. All applicants for employment will be required to complete a notice and authorization form concerning consumer and investigative consumer reports. In the event of an external third party investigation, existing employees will be required to complete a notice and authorization form concerning consumer and investigative consumer reports, provided the employee has not previously completed such a form which is not expired or out of date.
- b. The District will certify to the consumer reporting agency that:
 - 1) The notice and authorization requirement has been met;
 - 2) The information received is only used for employment purposes;
 - 3) The information will not be used to violate any Equal Employment Opportunity (EEO) legislation;
 - 4) Pre-adverse action requirements will be followed;
 - 5) Any additional investigative consumer report disclosures, if applicable, have or will be issued within three days; and
 - 6) Upon request from the applicant or employee, the District will comply with applicable additional disclosure requests including, but not limited to, information as to the nature and scope of an investigative consumer report.

- c. The District will provide a copy of the consumer report and a summary of the individual's rights under the FCRA to the applicant or employee prior to making a final adverse or negative employment decision that, in whole or in part, is influenced by a consumer report or an investigative consumer report.
 - d. After the District has complied with *item c* above and waited a "reasonable" period of time, the District may take the adverse or negative action. After taking such action, the District must provide to the applicant or employee a notice of adverse action which also contains:
 - 1) The name, address, and telephone number of the consumer reporting agency;
 - 2) A statement that the consumer reporting agency did not make the adverse action decisions and will be unable to inform the applicant or employee of the specific reason(s) for the adverse action;
 - 3) A statement that the applicant or employee is entitled to obtain an additional free copy of the consumer report;
 - 4) A statement that the applicant or employee has a right to dispute the accuracy or completeness of any information in the report; and
 - 5) Copies of the items referenced in *item c*, above.
4. Disqualification for Hire

If the District secures documented information that a candidate selected for employment has been convicted of a felony involving physical violence or moral turpitude, that candidate will not be hired, and any contingent offer of employment will be withdrawn. The District will communicate this requirement to all applicants prior to hire.

Reference: 42 CFR Part 382 and NRS 239B

Related Forms: [*A Summary of Your Rights Under the Fair Credit Reporting Act*](#)
[*Disclosure to Employee or Applicant of Request for Third Party Investigative Report*](#)
[*Notification of Background Check*](#)
[*Pre-Adverse Action Notice*](#)