General

1. **With the implementation of Workday, what is the new process for initiating background checks (online third-party and/or fingerprinting)?**
A Talent Acquisition Consultant must initiate the required background check(s) based on the position and/or job duties. Review the Background Check Package Selection Tool for further information and consult with the Background Check Coordinator (BCC) for policy and position requirements.

2. **My college/unit had a background check program before the January 3, 2021 Policy 4.15 revision. How will this impact our process?**
Effective January 3, 2021, existing unit specific background check programs must not be used. The revised policy outlines the minimum requirements and additional searches that must be conducted for specific positions and/or job duties to ensure university standardization and consistency. If the position and/or job duties are not specified with the Background Check Package Selection Tool, units must assess the need for any background check not mandated by this policy and seek approval from the BCC in conjunction with the Office of Legal Affairs. Any such requests must be consistent with this policy, have a business justification, and be approved by the BCC in conjunction with the Office of Legal Affairs prior to the processing of the background check.

3. **What do I do if a candidate granted a visa has already received a background check through the U.S. Department of State?**
Candidates who received a background check through the consulate process with the U.S. Department of State for their visa must have a criminal background check in their home country in addition to the U.S. 'domestic' package when required to complete an online third-party vendor background check. All candidates are subject to an international criminal search regardless of visa status.

4. **What is a Sterling Talent Solutions background check and who should it be requested for?**
The university's preferred online third-party vendor for non-employment background checks (i.e. contractors, consultants, third party staffing employees, etc.) is Sterling Talent Solutions. Similar to First Advantage, Sterling is a third-party background check vendor that utilizes personal identifying information which is obtained from the individual through an online application. This system is designed specifically as a self-pay service for non-employees who are required to cover the cost of their own background checks.

5. **How can my unit/college assess the need for a background check on a non-employee?**
Policy 4.15, Background Check requires background checks to be conducted on non-employees for specified workforce. Review the Non-Employee Background Check Standards for more information.

Services

6. **What is the difference between a fingerprint background check and an online third-party background check?**
Both fingerprinting (also referred to as BCI, FBI or BCI/FBI) and an online third-party background check are "background checks". The main differences are the methods with which to gather the information to run the searches and the agency that runs the searches. A fingerprint background check requires an individual to go to an agency and have a fingerprint image scan done. The fingerprint background check is completed through the State of Ohio Bureau of Criminal Investigation. A third-party vendor background check uses personal identifying information which is obtained from the individual through an online application.

7. **How do I know if a fingerprint background check and/or an online third-party background check will be required for those specified in Policy 4.15, Section II-Requirements?**
Positions within the Ohio State Wexner Medical Center, Health System, or any other Ohio State patient care facility, will be required to complete a BCI/FBI fingerprint background check to remain compliant with applicable laws, regulations, and other standards. There may be other positions that require a fingerprint background check per federal, state, or local laws and regulations. Unit human resource professionals must coordinate with hiring managers to

ensure these background checks are conducted and/or work with the necessary parties (e.g., governmental licensing, regulatory agencies, etc.) to ensure compliance.

Positions that are not covered by specific federal, state, or local laws and regulations for a fingerprint background check will be required to complete an online third-party vendor background check.

8. **Will a candidate be required to complete an online third-party background check <u>in addition</u> to the fingerprint background check if they are the final candidate for a Wexner Medical Center and/or Health System position?**
    Candidates for the Wexner Medical Center (includes East Hospital, Heart Hospital, Comprehensive Cancer Center, etc.) will only need to complete the BCI/FBI requirement, as outlined below. The First Advantage requirement will not be warranted for a hospital position unless additional (non-criminal) searches are required for the position. Stand-alone searches as listed below can be requested, when needed.

9. **Will a candidate be required to complete an online third-party background check if they are and/or have already completed a fingerprint background check as stated in the Activities and Programs with Minor Participants, Policy 1.50?**
    Yes. Positions that are required to complete an online third-party background check per Policy 4.15, who will also have care, custody, and control of minor participants as stated in the Activities and Programs with Minor Participants, Policy 1.50, will be required to have both the fingerprint background check in addition to the online third-party vendor check. Policy 4.15 and Policy 1.50 act independently and do not supersede each other.

10. **Where can I find more information about background check services?**
    You can visit the OHR background check webpage at **https://hr.osu.edu/services/background-checks/** for general background check information. For specific services:
    First Advantage, **https://hr.osu.edu/services/background-checks/first-advantage/**
    BCI/FBI Fingerprint, **https://hr.osu.edu/services/background-checks/bci-fbi/**
    Sterling Talent Solutions, **https://hr.osu.edu/services/background-checks/sterling/**

<u>Requirements</u>

11. **Is a background check required for positions classified as interim?**
    Any interim appointment to a leadership position requires background checks. Leadership positions include: president; provost; senior vice presidents; vice presidents; vice provosts; deans; senior fiscal officers; senior human resource professionals; individuals on President's Council, President's Cabinet, and/or Senior Management Council including: associate vice president and director of Athletics, chief information officer, chief investment officer, secretary of the Board of Trustees, and secretary-University Senate.

    For any interim appointment that is not a leadership position, decisions to conduct a background check should be based upon a change in responsibilities and/or access requirements. Any such requests must be consistent with this policy, have a business justification, and be approved by the BCC in conjunction with the Office of Legal Affairs prior to the processing of the background check.

12. **We are planning on hiring a candidate into a non-regular status position (e.g. temporary, intermittent, term, visiting fellow). Are we required to conduct a background check on this person?**
    Yes. Non-regular status positions such as temporary, term, associated faculty, intermittent, and visiting fellow appointments are required to have a background check.

13. **Do we need to conduct a background check every time an intermittent employee is re-hired?**
    Yes. A background check must be conducted on intermittent employees each time they are rehired.

14. **Do we need to conduct a background check when an employee returns from a disability separation?**
    Yes. A disability separation is a break in university employment.

15. **Do we need to conduct a background check on an employee who is subject to a reduction in force?**
Yes. If an employee exercises her/his displacement rights and is placed into a new position that would otherwise require a background check per Policy 4.15, then a check is required to be conducted.

16. **Is a background check required when an incumbent is being reclassified?**
No. A background check is not required when an incumbent is reclassified into a different title.

17. **How long are the results of a background check valid?**
The results may be valid for as long as the employee remains in the position and title. Periodic background checks or "rechecks" may be conducted in accordance with the Fair Credit Reporting Act (FCRA), and other federal, state, or local laws and regulations, as needed, in consultation with the Office of Human Resources.

Internal candidates, or candidates for interim positions, who have had a background check within the past 12 months are not required to have a new background check unless additional searches are required by the position description or responsibilities. The additional searches must be conducted prior to the time of the transfer. The BCC should review previous background check results in relation to the position for which the candidate is being considered.

Fingerprint background checks for individuals who work in positions with care, custody, and control of minors, per policy 1.50 are valid for 4 years. Individuals in these roles must have a new background check conducted every 4 years. For additional guidance, contact the Minors Policy Coordinator at minorspolicy@osu.edu.

Process

18. **How do I pay for a background check that OHR conducts on my candidate?**
Your college/unit should submit a blanket eRequest for the fiscal year to internal vendor "OHR Background Checks". The eRequest should include the chartfield(s) you would like background checks charged against. OHR pays the outside vendor directly and will submit an interdepartmental billing/journal upload monthly to the college/unit.

19. **Why isn't specific information contained within the background check report communicated directly to the hiring manager?**
This information is not shared to protect the privacy of candidates and to minimize bias in employment decisions.

20. **Can an individual start employment or involvement (i.e. volunteering, non-employee appointment) prior to the background check being completed?**
No. An individual cannot begin until the background check is complete and it is determined that the individual has successfully passed the background check.

Convictions/Adverse Action

21. **What if a candidate or employee discloses negative information regarding past criminal offenses? What types of questions can or cannot be asked?**
Hiring managers should not ask the candidate additional questions, but instead contact the BCCs to follow up with the individual. Due to the laws and regulations that apply to hiring practices and criminal convictions, it is important the university have consistent and appropriate follow up with the candidate.

22. **Can a hiring manager ask a candidate about criminal convictions either listed or not on the background check application?**
The hiring manager should not ask the candidate about any criminal convictions. If the hiring manager has questions about any disclosed or undisclosed convictions, she/he should discuss their questions with the unit HR Business Partner and BCC. The BCC should follow up with the candidate if necessary. If a candidate indicates that a criminal record was expunged, no further questions should be asked about it.

23. **If an *internal* candidate's background check reveals information that could potentially preclude them from the position, does the background check coordinator have an obligation to communicate this to the candidate's home unit?**

The Office of Human Resources will provide guidance since communicating with the candidate's home department may depend on a variety of factors (e.g. type of information found, when the conviction occurred, relation of the information to the candidate's current job, policy violation, etc.).

24. **What happens if an *internal* candidate fails to disclose or fails to provide truthful, accurate, and complete information regarding criminal conviction?**
The internal candidate may be ineligible for hire for the current position and may be prohibited from remaining in their current position or from future employment consideration. Contact the Office of Human Resources for guidance.

Records

25. **What are the record retention guidelines for background check documents?**
The Office of Human Resources Record follows a specific schedule for background checks. Retention of results varies depending on the series.

Programs and/or Regional Campus's with individuals who work in positions with care, custody, and control of minors may have fingerprint results on-site, per policy 1.50 guidelines. Record retention guidelines will be included on the unit specific schedules of those units required to retain copies of documents.

Please contact the BCC at HR-Backgroundchecks@osu.edu if you would need guidance on retention of historical background check documents.

26. **Where should I keep the background check consent form and background check results?**
Consent forms and results should be maintained by the BCC in a secured file. This file should be separate from the personnel file and separate from other documents generated by the selection process. Storage can be electronic via the third-party vendor web-based system or in hard copy as outlined above.

Miscellaneous

27. **Are background check results subject to the Ohio Public Records Act?**
Background check results from a third-party vendor (consumer agency) are considered public records. Background check results from the Ohio Bureau of Criminal Investigation (BCI) or Federal Bureau of Investigation (FBI) may be considered public records.

28. **If a search firm is used to fill a position requiring a background check under Policy 4.15 and the firm conducts one, does the policy still apply?**
If a search firm conducts a background check as part of their screening process, the university will not conduct its own background check provided that the firm is in compliance with the required checks mandated by Policy 4.15. Confirmation of the approved background check must be provided to the BCC from the search firm. If the firm is not in compliance, then the university will conduct its own background check.

29. **Where can I obtain additional information?**
Visit https://hr.osu.edu/policies-forms Policy 4.15
Visit https://hr.osu.edu/services/background-checks/
Contact Office of Human Resources, HR-BackgroundChecks@osu.edu

History

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