

MISSOURI STATE BOARD OF EDUCATION AGENDA ITEM:**September 2014**

CONSIDERATION OF ADOPTION OF PERSONNEL POLICY 000-090,
EMPLOYEE BACKGROUND CHECKS

STATUTORY AUTHORITY:

Section 161.092 and 168.133, RSMo.

Consent
ItemAction
ItemReport
Item

DEPARTMENT GOAL NO. 4:

The Missouri Department of Elementary and Secondary Education will improve departmental efficiency and operational effectiveness.

SUMMARY:

To ensure the integrity of state government and provide for the safety of students, clients, and staff, the Department will conduct background checks on employees as a condition of their employment or continued employment.

The attached policy authorizes the State Board of Education to implement employee background checks on all current and newly hired employees.

PRESENTER(S):

Ron Lankford, Deputy Commissioner, Financial and Administrative Services, Mark Allan Van Zandt, General Counsel, and Bryan Howard, Director, Human Resources, will assist in the presentation and discussion of this agenda item.

RECOMMENDATION:

We recommend that the State Board adopt the Personnel Policy 000-090, Employee Background Checks, as presented.



PERSONNEL POLICIES AND PROCEDURES

Adoption Date:	Approved By: State Board of Education
Policy No: 000-090	Section: Standards of Conduct and Employee Corrective Action
Pg. 1 of 2	Subject: Employee Background Checks

I. PURPOSE

To ensure the integrity of state government and provide for the safety of students, clients, and staff, the Department will conduct background checks on employees as a condition of their employment or continued employment.

II. SCOPE

This policy applies to all Department employees. Disability Determination Services and State Operated Schools will continue to follow their own internal background check policies.

III. POLICY

- (A) Effective September 2014, all current and newly hired employees will be required to undergo a Missouri Automated Criminal History Site (MACHS) Open Record/Name Search background check. After the initial background check, a MACHS check will be conducted on Department employees every other year. Completion of a MACHS check is a condition of employment and continued employment.
- (B) Background check results will be reviewed by Human Resources, the appropriate Office Assistant Commissioner and Deputy Commissioner, to determine if the person is eligible for employment or continued employment with the Department. If circumstances warrant, the Deputy Commissioner may forward the result to legal counsel for review.

IV. PROCEDURES

- (A) An individual offered employment with the Department will be required to sign a Background Check Notification Form consenting to a background check as a condition of employment. The offer of employment will be withdrawn from individuals refusing to consent to the background check.
- (B) New employees may not travel to a school facility or meet with a client unsupervised until the result of their background check is known.

- (C) As a condition of continued employment with the Department, employees must notify Human Resources of their respective Office if they have been convicted of, pleaded guilty to, or have been found guilty of any felony or misdemeanor regardless of whether or not sentence is/was imposed. Notification must be made no later than five (5) business days after the event.
- (D) In determining whether a criminal history bars someone from employment or continued employment with the Department, the following factors will be considered:
- The nature and gravity of the offense or conduct;
 - The time that has passed since the offense, conduct and/or completion of the sentence; and
 - Responsibilities of the position in relation to offense or conduct.
- (E) For non-probationary employees the determination that a criminal history bars continued employment is grievable at the first level pursuant to DESE Personnel Policy 400-420.
- (F) Results of an employee's background check will be maintained by Human Resources.