

Background Screening Program Standards for Capital Projects

Dated: April 2017

Purpose

The University of Connecticut (“UConn”) is committed to providing a high quality, secure and safe learning and working environment for its students, workforce, clients and visitors. These standards establish consistent standards for background screenings and are intended to support the verification of credentials, criminal history and other related information needed to assist UConn in meeting its commitments.

Definitions

“Background Screening– Program” or “Program” – means a background screening program administered in accordance with UPDC’s Capital Project Background Screening Program Standards. A copy of the standards is attached.

“Contractor” – means the General Contractor, Trade Contractor, Construction Manager or Design -Builder in charge of a phase of a capital project that is required to have a background screening program.

“Consultant” – means the Architect, Engineer or other Professional who has on-site duties on a capital project that is required to have a background screening program.

“Project” – means a capital project that is required to have a background screening program.

“Worker” – means any consultant, contractor, subcontractor, employee or agent who receives, or seeks to receive, compensation for on-site work on a capital project that is required to have a background screening program.

Background Screenings

Whenever UConn requires a Contractor or Consultant to implement a Background Screening Program, the Contractor or Consultant shall implement and administer the Program in accordance with the standards set forth below. The Contractor or Consultant shall be responsible, at its sole expense, for the operation of the Program.

Any Worker assigned to a capital project that is required to operate a Program shall undergo a background screening. Background screenings must be completed each time a Worker is assigned to a new capital project regardless of past background screening results.

Standards

When required by UConn, a Contractor or Consultant shall maintain and administer a Background Screening Program. Each Program shall, at a minimum, use the following standards for background screenings:

1. Utilize a nationally recognized background screening company to conduct background screenings.
2. Conduct a Social Security Number verification/past address trace.
3. Conduct sex offender registry searches at the county level in every jurisdiction where the candidate currently resides or has resided.
4. Conduct the following criminal background checks:
 - a. federal criminal history record search for felony and misdemeanor convictions covering, at a minimum, the last seven years in all states lived in; *and*
 - b. a statewide or county level criminal history record search for felony and misdemeanor convictions covering, at a minimum, the last seven years in all states lived in.
5. Issue monthly reports certifying the Contractor or Consultant has undertaken the required background screenings in compliance with these standards.
6. Prohibit any disqualified Worker, as defined below, from working on a Project.
7. Provide a screening and verification process at the Project site to prevent any disqualified Worker from entering and working on the site.
8. Cooperate with UConn in the event UConn elects to conduct an audit of compliance with these standards.

Disqualification

1. Standards

- a. A Worker shall be automatically disqualified from working on a Project if:
 - i. Worker knowingly provides inaccurate information in his or her application;
 - ii. Worker refuses to complete the screening process; or
 - iii. Worker's Social Security number and legal name do not match.

- b. No Worker shall be disqualified until the Contractor or Consultant has first considered: (1) the nature of the crime and its relationship to the job (and including the job's duties) for which the person has applied; (2) information pertaining to the degree of rehabilitation of the convicted person; and (3) the time elapsed since the conviction or release. Contractor or Consultant may also consider compelling mitigating circumstances such as strong evidence of rehabilitation and/or a lengthy period of time since the conviction with no subsequent convictions.

- c. Subject to the consideration in subsection b. above, a Worker should be disqualified from working on a Project if a conviction for any of the below offenses are discovered:
 - i. Sex Offenses.
 - o Examples include but are not limited to: child molestation, rape, sexual assault, sexual battery, prostitution, solicitation, indecent exposure, lewd or lascivious act, etc.

 - ii. Felonies.
 1. All Felony Violence Offenses within the past 7 years.
 - o Examples include but are not limited to: murder, manslaughter, aggravated assault, battery, stalking, carjacking, kidnapping, robbery, aggravated burglary, arson, stealing firearms, risk of injury, hate crimes, terrorism, etc.
 2. Two or more Non-Violent Felony Offenses within the past 10 years.
 - o Examples include but are not limited to: drug offenses, theft, larceny, embezzlement, fraud, endangerment, trafficking of narcotics, etc.

 - iii. Misdemeanors.
 1. Three or more Misdemeanor Violence Offenses within the past 15 years.
 - o Examples include but are not limited to: simple assault, battery, domestic violence, hit & run, etc.

2. A combination of five or more Felony or Misdemeanor Offenses within the past 15 years.
- d. Decisions to disqualify a Worker from a Project must be made on a case-by-case basis in accordance with state and federal law including the *EEOC Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions*.

Workers' Rights

1. Pre-Action Letter

The Contractor or Consultant shall follow the national Fair Credit Reporting Act (FCRA) regulations regarding the privacy of information provided by Workers. Therefore, if a Worker is going to be disqualified from working on a project, a pre-action letter must be sent to the Worker directly along with a copy of the report and the Right to Appeal procedures stated below. The Worker will have a five-day appeal period.

2. Right to Appeal

A Worker that is aggrieved by a decision to disqualify them from working on a Project can appeal the decision by submitting a written request for appeal directly to the Contractor or Consultant. Appeals will be limited to claims that the findings of the background screening were erroneous or the findings were correct but the disqualification improper.

- a. If the appeal is based on an erroneous findings claim, the Worker shall provide a detailed explanation and any supporting documentation showing why the findings are incorrect;
- b. If the appeal is based on an improper disqualification claim, the Worker shall:
 - i. acknowledged the validity of the findings;
 - ii. provide a detailed explanation outlining why the screening decision should be reconsidered, including any context or mitigating circumstances concerning the offenses; *and*
 - iii. provide a letter from the Worker's employer, if any, that states their support of the appeal and the reasons for same.

Appeals submitted without an acknowledgement or the employer's support, when applicable, will be deemed incomplete.

If an appeal is granted, the Contractor or Consultant shall document its decision and include the rationale for its decision. A copy of the decision must be maintained by the Contractor or Consultant for three years from the date of the Project's completion or as required by law, whichever is longer. A copy of such decisions shall be made available to UConn upon request.

Conflicts

In the event that these standards conflict with a federal or state law, including the Fair Credit Reporting Act and its regulations, the Contractor or Consultant shall comply with the federal or state law and notify UConn of the conflict.