

## **PRE-HIRE PROCEDURES**

### **1. Conditional Offer of Employment**

a. The hiring authority, with the approval of the Department Director, will make a conditional offer of employment to any candidate selected to fill a City position. The conditional offer will be contingent upon the results of a background investigation, driving history check, and/or drug screen as applicable to the position.

b. The hiring department may start employment, to provide training, of a selected candidate before the position is vacant. A training period will not exceed two (2) weeks unless a written request is submitted to and approved by the Human Resources Director (hereinafter referred to as Director).

c. City employees who receive a conditional offer from a different department must provide a fourteen (14) day notice to their current department supervisor prior to serving in the new position. If both departments agree, the notice period may be shortened.

### **2. Background Investigation**

a. For the protection of current City employees, members of the public, and minors who use or volunteer at City facilities, the City will administer background investigations on all prospective City employees. Background investigations will only be conducted after a candidate accepts a conditional offer of employment. Candidates must sign

relevant waivers, consent forms, and other related documents and provide fingerprints. Candidates who do not sign the required documents or provide fingerprints will not be considered for employment. If a candidate is unable to physically provide fingerprints, alternative methods will be used.

b. Background investigations may include, but are not limited to work history, criminal record, driving history, education, references, medical history, or social media in accordance with federal and state law. Information obtained through a background investigation will not be used to discriminate against any candidate based on any legally protected characteristic.

c. Human Resources will conduct criminal record checks. The Director or designee will access and review a candidate's results and provide the hiring manager and Department Director with a summary of the relevant information. If the results produce a finding, the Director, hiring manager, and Department Director will conduct an individualized assessment. The assessment will include the: (1) number, nature, and gravity of the offense(s) or conduct; (2) time that has passed since the occurrence(s) and/or completion of a sentence; and (3) nature of the position held or sought by the candidate. The candidate will be allowed the opportunity to provide supporting and/or explanatory information. The Director and Department Director will jointly decide whether to accept or dismiss the candidate based on the results of the assessment. If a joint determination cannot be made, the matter will be referred to the Mayor and/or Chief Administrative Officer to render a final decision.

### **3. Drug Screen**

a. All candidates for full-time or safety-sensitive positions will be asked to submit to a drug test at a City-designated collection facility. This also applies to internal candidates who have not completed a drug screen within six (6) months. The following job categories are not subject to pre-employment drug testing: sports officials and referees, library clerk/pages, non-driving interns, non-safety-sensitive part-time positions, and seasonal employees who will not drive or operate equipment.

b. To be hired, candidates must successfully pass the drug screen. Refusal to consent to a pre-employment drug test or positive, adulterated, or substituted test results will nullify any conditional offer of employment. If any of these circumstances apply, the candidate will not be eligible for application or appointment consideration to any City position for a minimum period of six (6) months. (Personnel Policy 37 – Substance Abuse for more information.)

### **4. Medical Examination**

a. Prior to being hired for a regular full-time position, a candidate may also be required to successfully pass a physical examination given by a designated health care provider. Medical examinations will only be conducted (and medical questions will only be asked) after a candidate has accepted a conditional offer of employment. Medical examinations are only required for specific classifications based on business necessity and will be administered by the hiring department. Candidates who do not submit to a physical examination as directed will be disqualified from consideration for employment.

All medical history information and physical examination results are confidential and will only be reviewed on a case-by-case basis to determine the candidate's ability to perform the essential job duties.

b. The Genetic Information Discrimination Act (GINA) prohibits employers from requesting, requiring, or purchasing genetic information about applicants or employees, except in very narrow circumstances, and prohibits the use of genetic information when making employment decisions, which include hiring, advancement, compensation, and other terms, conditions, and privileges of employment. If a candidate has not accepted a conditional offer of employment, then no questions about the genetics of the candidate or candidate's family, genetic tests or services, family medical history, or any other genetic information will be asked about for other job-related purposes.

##### **5. Disqualification Based on Results**

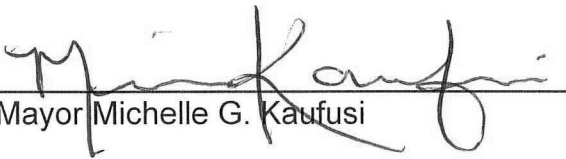
a. The City will send written notification of background disqualification reason(s) to candidates based on the contact information in their application.

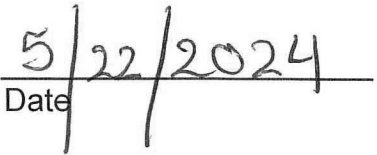
b. If a candidate believes an error has been made in a background investigation method, that candidate may file a written request for review with the Director. This request must be submitted within ten (10) business days of receiving the notification. In addition to this request, the candidate may follow the criminal background challenge procedures for Utah BCI results and FBI results as outlined in the documents provided to the candidate.

**6. Periodic Background Investigations**

a. The City may review Utah State Court records on any employee every five (5) years after hire or as needed. The City will review Utah DMV records of all employees monthly.

b. If this review reveals a job-related issue that may interfere with the employee's ability to perform safely, efficiently, or successfully in the City position, the Director will inform the Department Director who will take appropriate action.

  
Mayor Michelle G. Kaufusi

  
Date