

Procedure: 4.1.9p

Background Investigations

Revised: April 30, 2024; July 20, 2021; January 1, 2020; November 15, 2016; April 23, 2015; July 17, 2013; September 27, 2012, and March 1, 2012

Last Reviewed: May 19, 2025

Adopted: April 3, 2008



PURPOSE:

It is the policy of the Technical College System of Georgia (TCSG) that all reasonable measures will be taken to provide a safe and secure environment for employees, students, visitors, contractors, and other individuals working in, attending, and/or visiting any TCSG System Office work unit or Technical College. Based on this objective and as provided in the parameters of this procedure, a thorough background investigation shall be conducted in conjunction with a recommended candidate's initial employment with the TCSG System Office or any associated Technical College in a full- or part-time position. The investigation shall include post-offer criminal history records check and, as applicable, a post-offer credit history records check; a fingerprint records check; a motor vehicle records check. These activities must be successfully completed before a hiring decision is finalized.

The recommended candidate for a full-time P.O.S.T. certified law enforcement position shall also be required to successfully complete a post-offer State of Georgia mandated medical examination, psychological screening, and test for deception.

The background check for the recommended candidate for a full- or part-time salaried or hourly paid position serving in a Technical College's child care learning center shall also include a post-offer check of the Georgia Child Abuse Registry, the National Sex Offender Registry and, if the individual has lived in a state other than Georgia and/or a U.S. Territory and/or tribal land within the five (5) year period prior to their application for employment, a state fingerprint-based criminal history check and child abuse registry check for each of these state(s), territory(ies) or tribal land(s). The Georgia Department of Early Care and Learning shall undertake these checks.

All required background checks must be successfully completed before a hiring decision is finalized.

The successful completion of a criminal history records check will also be required of any contractor/employee of a contractor who works in a full-time or regular, part-time capacity at any Technical College, and whose work assignment(s) include direct contact with students and staff. Similarly, the Commissioner or Technical College president may require volunteers to undergo criminal history records check as a condition of service in this capacity. Any determination

should be based on the nature of an individual's assignments within the System Office or Technical College to include access to confidential information.

As provided in this procedure and absent a hiring decision made in response to an individualized assessment, an applicant subject to a post-offer criminal history records check and, as applicable, a fingerprint records check shall be ineligible for employment if they possesses a record of criminal conviction for certain identified offenses or is on probation or parole for these same offenses or, if their criminal history reflects one or more pending (non-adjudicated) criminal charge or one or more active arrest warrant.

II. RELATED AUTHORITY:

Governor Deal's February 23, 2015, Executive Order Child Care and Development Block Grant of 2014

O.C.G.A. Title 16, Chapter 6 – Sexual Offenses.

O.C.G.A. § 16-11-5 – Short Title

O.C.G.A. § 16-12.1.1 - Child, Family, or Group-Care Facility Operators Prohibited from Employing or Allowing to Reside or be Domiciled Persons with Certain Past Criminal Violations

O.C.G.A. § 16-11-5 – Short Title

O.C.G.A. Title 17 – Criminal Procedures

O.C.G.A. § 17-10-6.1 - Punishment for Serious Violent Offenders; Authorization for Reduction in Mandatory Minimum Sentencing

O.C.G.A. § 20-1A-30, et seq. – Definitions

O.C.G.A. § 35-3-30 et seq. – Definitions

O.C.G.A. § 42-8-60 et seq. – Probation Prior to Adjudication of Guilt; Violation of Probation; Review of Criminal Record by Judge

O.C.G.A. § 45-3-11 – Loyalty Oath — Persons Required to take Oath Generally

O.C.G.A. § 45-23-1 et seq. Drug-free Workplace Act of 1990

O.C.G.A. § 50-5-83 – Definitions; Requirements for State Purchasing Card Program

Rules of the Georgia Crime Information Center Council 15 U.S.C. § 1681

State Personnel Board Medical and Physical Examination Program Rules of the Department of Early Care and Learning

III. APPLICABILITY:

All work units and Technical Colleges associated with the Technical College System of Georgia.

IV. DEFINITIONS:

Applicant: An individual seeking employment with any System Office work unit or Technical College associated with the Technical College System of Georgia. This term also includes employees of other state agencies, or any college/university affiliated with the University System of Georgia, as well as current or former employees of the Technical College System of Georgia or any Technical College.

Arrest: The taking of an individual into custody by law enforcement personnel for the purpose of charging them with a crime/illegal act.

Background Investigation: may include a criminal history records (name) check, motor vehicle/driver's history investigation, military service investigation, employment history investigation, credit history investigation, and/or the review, verification, and/or the investigation of information provided on an applicant's resume, or employment application.

Business Day: Weekdays that administrative offices are open.

Comprehensive Background Check: as mandated by federal law, the Rules of the Georgia Department of Early Care and Learning require that any individual whose job duties include having personal contact with a child in a licensed child care learning program must satisfactorily complete all of the following before such service can begin: a national fingerprint-based criminal history record check; a state fingerprint-based criminal history check for every U.S. Territory, tribal land or state (other than Georgia) in which they have lived during the past five (5) years; a check of the Georgia Child Abuse Registry, a check of the National Sex Offender Registry; and, as applicable, the child abuse registry for every U.S. Territory, tribal land, or state (other than Georgia) in which they have lived in the past five (5) years..

Consumer Report: any communication of information by a consumer reporting agency regarding a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living when such information is used for employment or other purposes. When used in conjunction with a consumer report, the term "employment purposes" is defined as a report used for the purpose of evaluating a consumer for initial employment, promotion, reassignment, or retention.

Consumer Reporting Agency: The person (entity) who regularly assembles or evaluates consumer information and furnishes consumer reports to third parties for a fee or on a cooperative basis.

Conviction: The formal decision of a judge or jury which determines that an individual has committed the crime(s) for which they have been accused whether or not an appeal has been sought.

Crime: An act or omission which is prohibited by criminal law and punishable usually by fine or imprisonment.

Criminal Record: Encompasses the following information:

- Conviction of a Crime;
- Arrest, charge and sentencing for a crime where:
 - A plea of nolo contendere was entered to a charge;
 - First Offender Treatment without adjudication of guilt pursuant to the charge was granted;
 - Adjudication or sentence was otherwise withheld or not entered on the charge;
- Arrest and being charged for a crime if the charge is pending, unless the time for prosecuting such a crime has expired pursuant to the provisions of O.C.G.A. Title 17, Chapter 3.

Criminal History Records Check/Investigation: Information accessed from a computerized database at the state or federal level (GCIC and/or NCIC) to determine whether an individual has a criminal record.

Criminal History Record Information: Information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, or other formal criminal charges, to include any disposition arising there from including acquittal, sentencing, correctional supervision, and release.

Disposition: The final outcome of a criminal charge.

Fair Credit Reporting Act (FCRA): Federal law regulating the collection, dissemination, and use of consumer information, including consumer credit information. Consumer reporting agencies (CRAs) must adopt procedures that promote confidentiality, accuracy, relevancy, and proper use of consumer information. Employers (in almost all circumstances) are required to follow certain steps, including obtaining an individual's written consent before pursuing a consumer report from a consumer reporting agency.

Felony: The most serious criminal offenses which generally carries a minimum sentence/term of one (1) year or more in a correctional facility.

Fingerprint: For purposes of this procedure, an electronic image of a person's fingerprint.

First Offender Act (Probation of First Offenders): As provided in O.C.G.A. § 42-8-60, a discharge without court adjudication of guilt except for registration requirements under the state Sex Offender Registry and as otherwise provided in O.C.G.A. § 42-8-63.1. The defendant shall be discharged without court adjudication of guilt upon fulfillment of the terms of probation, upon release by the court prior to the termination of the sentence (e.g., probation) or, upon release from confinement. The discharge completely exonerates the defendant of any criminal purpose and shall not affect any of his or her civil rights or liberties. Additionally, upon discharge, the defendant shall not be considered to have a criminal conviction.

Georgia Crime Information Center (GCIC): A Division of the Georgia Bureau of Investigation which provides the intrastate communication of vital information relating to crimes, criminals, and criminal activity.

Misdemeanor: A crime, less serious than a felony, which is punishable by fine or no more than one (1) year in a correctional facility.

Name Check: A criminal record investigation using an individual's name and social security number as a basis for identification.

Nolo Contendere: a plea entered by a defendant (as an alternative to a pleading of guilty or not guilty) in response to being charged with a crime in which they neither admits to nor disputes the charge(s). A court will treat any such plea as an admission (of guilt) and proceed to find the defendant guilty as charged. A conviction arising from a *nolo* plea is subject to any and all penalties, fines, and forfeitures of a conviction from a guilty plea and can be considered as an aggravating factor in future criminal actions.

Nolle-Prosequi (Nol Pros): An entry made on the record by a prosecutor in a criminal case stating that they will no longer pursue the matter. An entry of nolle prosequi may be made at any time after charges are brought and before a verdict is returned or a plea entered.

Reviewing Manager: A manager charged with reviewing the performance plans and evaluations prepared by lower-level supervisor(s) in their direct line of supervision.

Satisfactory Determination: a written declaration by the Georgia Department of Early Care and Learning that the individual for whom a comprehensive background records check was performed, was found to have no criminal record and whose name did not appear on a registry which would preclude employment in a TCSG child care learning center.

Unsatisfactory Determination: a written declaration by the Georgia Department of Early Care and Learning that the individual for whom a comprehensive background records check was performed was found to have a criminal record and/or whose name did appear on a registry which would preclude employment in a TCSG child care learning center.

V. ATTACHMENTS:

Attachment: 4.1.9p.a1. Criminal History Information Release Form (Technical College)

Attachment: 4.7.2p.a2. Driver's History Consent Form

Attachment: 4.1.9p.a3. Fair Credit Reporting Act Disclosure

Attachment: 4.1.9p.a4. Summary of Rights Under the Fair Credit Reporting Act

Attachment: 4.1.9p.a5. GCIC Awareness Statement

Attachment: 4.1.9p.a6. Non-Criminal Justice Applicant's Privacy Rights

Attachment: 4.1.9p.a7. Privacy Act Statement

Attachment: 4.1.9p.a8. Pre-Employment Questionnaire for P.O.S.T.-Certified Positions

VI. PROCEDURE:

A. General Provisions:

1. All applicants are subject to a thorough background investigation as a part of the selection process to include the investigation, review, and/or verification of information provided on an employment application (e.g., an applicant's employment history, education history, and military service history). Additionally, every recommended candidate must successfully complete post-offer criminal history records check as a condition of initial employment with the TCSG System Office or any associated Technical College in any full- or part-time position. Absent extenuating circumstances and approval from the TCSG Executive Director, no candidate may be formally hired and begin work until all such checks/screenings have been completed and the candidate has successfully met all established hiring standards.

NOTE: Written statements made by an applicant on a System Office/Technical College employment application and the State of Georgia Security Questionnaire/Loyalty Oath will be deemed to have been made under oath as provided in state law. A material falsification or misrepresentation of information on these documents or any other hiring document may result in the withdrawal of an employment offer or, if already employed, dismissal. Current employees pursuing advancement opportunities or other positions who falsify employment related documents/forms shall also be subject to disciplinary action up to and including dismissal from employment.

2. An employing System Office work unit or Technical College shall provide a recommended candidate with a written, conditional offer of employment which communicates that the offer is contingent upon the candidate successfully completing the referenced criminal history records check and, dependent upon the position sought, one or more of the following: a credit history records check; a motor vehicle records check; a pre-employment drug test; a fingerprint records check; a psychological screening; a medical examination and a test for deception. NOTE: additional screening requirements governing a prospective employee of a Technical College's child care learning center are outlined below Paragraph VI.A.3.

The correspondence must advise the applicant or current employee that they may be determined to be ineligible for employment or, as applicable, subject to disciplinary action or separated from employment on the basis of information received in response to required inquiries and/or screening.

3. Child Care Learning Center Positions:

- a. The Rules of the Georgia Department of Early Care and Learning (DECAL) stipulate that before a new employee can be present at a child care learning center while children are present for care, they must have first received a satisfactory comprehensive background check determination from DECAL. Included among the positions subject to this screening are those in an instructional, administrative, administrative support, food service and, as applicable, a custodial or maintenance capacity.
- b. For purposes of this procedure, an applicant provided a conditional offer of employment for a full- or part-time position in a Technical College child care learning center must first successfully complete the TCSG-mandated criminal history records check. Provided the results are satisfactory, the individual must then undergo DECAL's comprehensive background check.
- c. Before employment can commence, a prospective employee and the director of the college's child care learning center must be in receipt of a satisfactory comprehensive background check determination letter from DECAL.
- d. Pursuant to DECAL Rules, all child care learning center employees referenced above must undergo a comprehensive background record check and receive a satisfactory determination from DECAL every five (5) years thereafter.
- e. Any applicant provided a conditional offer of employment who refuses to complete other registration requirements and/or who refuses to undergo a national fingerprint records check or who refuses to provide written consent for a check of the Georgia Child Abuse Registry, the National Sex Offender Registry or, as applicable, a state fingerprint-based criminal records check for each state, U.S. Territory or tribal land in which they have lived in the past five (5) years shall have their conditional offer of employment withdrawn.
- f. Any current employee who refuses to undergo a comprehensive background check as outlined in this procedure or who possesses a criminal record or placement on a referenced registry that would otherwise disqualify him/her from

working in a TCSG child care learning center will be released from employment pursuant to applicable State Board Policies and TCSG Procedures.

- g. The employing Technical College is responsible for all costs associated with the required comprehensive background checks for both prospective and current employees.
4. P.O.S.T. Certified Law Enforcement Positions:
- a. Applicants to be interviewed for a full- or part-time P.O.S.T. certified law enforcement position serving in a Technical College's campus police department shall complete a TCSG Pre-Employment Questionnaire (Attachment:4.1.9p. a8.) prior to the interview portion of the selection process. The Questionnaire is considered a pre-offer activity.
 - b. Following the delivery of a written conditional offer of employment, the selected candidate for a full- or part-time law enforcement position must participate in/successfully complete certain post-offer screening activities which may be in addition to, or which may compliment a Technical College's written selection process. These background investigations are to be conducted by the college's Police Chief or the TCSG Chief of Police, if hiring for a Chief's position.
 - c. The recommended candidate for a full-time law enforcement position must successfully complete a criminal history records check conducted by the college Police Chief, a medical/physical examination (in accordance with TCSG Procedure 4.6.1p., Medical and Physical Examinations), a pre-employment drug screening (in accordance with TCSG Procedure 4.8.1p1., Non-Federally Regulated Drug and Alcohol Testing), a motor vehicle records check, a psychological screening, and a test for deception.
- Part-time candidates who are employed full-time at other law enforcement agencies and are in good standing with their current agency and P.O.S.T. will be exempt from the aforementioned background check requirements, except pre-employment drug testing, criminal history, and motor vehicle records checks.
- 5. All current System Office or Technical College employees are subject to a criminal history records check prior to any promotion, change in employment status from part-time to full-time, movement/lateral transfer to a position deemed sensitive given the nature and scope of the individual's newly assigned duties, or for any other legitimate business reason as determined by the Commissioner or Technical College president. This provision shall be consistently applied within the System Office and each Technical College.
 - 6. A recommended candidate's criminal history records check shall be considered valid for a period of sixty (60) calendar days from the date of the final report. If the individual is not hired within the sixty (60) calendar day period, these activities must be repeated if the individual later becomes the recommended candidate for the same or a different position.
 - 7. As outlined in this procedure, a recommended candidate who has been convicted of certain misdemeanor or felony offenses is subject to being disqualified from

- employment for a period of five (5) years. The five (5) year period begins on the date of the most recent conviction, plea of nolo contendere, or release from incarceration, probation, or parole, whichever is later. NOTE: For a serious violent felony of an egregious nature, the period of disqualification may be extended beyond five (5) years.
8. A formal discharge under the provisions of O.C.G.A. § 42-8-60, et seq., (Probation of First Offenders), is not a conviction of a crime under Georgia Law and may not generally be used to disqualify a person in any application for employment or subsequent appointment in the public or private sector, with the exception of individuals applying for employment if child care center. For these applicants, certain offenses (child molestation; sexual battery; enticing a child for indecent purposes; sexual exploitation of a child; pimping; pandering; and/or incest) will disqualify the applicant from employment.
 9. Any current employee who is found to have falsified or misrepresented information on employment-related form(s) or document(s), to include past criminal conviction(s) or other background investigation standards established/administered by a public or private clinical/internship/externship site or agency (e.g., a hospital, medical center, laboratory, etc.) is subject to disciplinary action up to and including dismissal from employment.
 10. Contractors and/or employees of a contractor who work in a full-time or regular part-time capacity in a Technical College setting and whose work assignments include direct contact with students and staff (e.g., bookstore operations, custodial operations, food service operations) must meet the same criminal history standards as an applicant or any employee subject to the provisions of this policy.
 11. Contractors and/or employees of a contractor whose work assignments in a Technical College setting are temporary/time-limited and/or seasonal/sporadic in nature (e.g., grounds maintenance, construction projects, maintenance, installation, repair, or service-related duties/tasks, etc.) are not subject to the provisions of this procedure.
 12. Pursuant to Executive Order 02.23.15.03, Implementing "Ban the Box" Hiring Policies, no employment application utilized by the System Office, or a Technical College may require an applicant to disclose past convictions for criminal or traffic offenses, with the exception of applications for positions that have been identified and sensitive government positions.
 13. If an applicant provided a conditional offer of employment is initially determined to be ineligible for employment (i.e., a targeted exclusion) on the basis of their documented criminal history, the System Office or Technical College human resources director/coordinator must complete an individualized assessment before finalizing the decision. In response to this decision, the applicant must be provided with a pre-adverse action notice and a copy of their consumer report or as applicable, the GCIC/FBI criminal history information which led to the decision.
 14. An individual who would otherwise be disqualified from employment on the basis of their criminal history may, nonetheless, be recommended for appointment following completion of an individualized assessment. Any such recommendation must be

submitted, in writing, to the Commissioner by the Technical College president or, as applicable, a System Office hiring official. No hiring decision can be finalized until the Commissioner and/or their designee has reviewed the submitted information and, if appropriate, authorized the appointment in writing.

15. Any costs associated with required background screening activities will be the responsibility of the employing Technical College or the TCSG System Office work unit, as appropriate.

B. Employment Restrictions:

1. Absent a hiring exception made in response to an individualized assessment as provided in this procedure, there is a mandatory disqualification period from employment for a period of five (5) years from the date of the most recent conviction, plea of *nolo contendere*, or release from incarceration, probation, or parole, whichever is later, for any of the following crimes/categories of crimes:

Felony Convictions

- a. Offenses designated as a serious violent felony in O.C.G.A. § 17-10-6.1, e.g., murder or felony murder, armed robbery, kidnapping, rape, aggravated child molestation, aggravated sodomy, aggravated sexual battery, as well as other felony offenses involving violent behavior, such as arson, aggravated battery, kidnapping, reckless conduct causing bodily harm, robbery, voluntary manslaughter, involuntary manslaughter, cruelty to children in the second or third degree;
- b. Other sexual offenses referenced in O.C.G.A. Title 16, Chapter 6 including incest, sodomy, statutory rape, child molestation, enticing a child for indecent purposes, and sexual exploitation of children;
- c. Criminal attempt when the crime attempted is any of the crimes referenced in the above subparagraphs.
- d. Any other felony conviction related to the area of assignment (e.g., theft by taking, theft by deception, theft by shoplifting, theft by conversion, financial transaction fraud/forgery, deposit account fraud, identity fraud, etc.), when the position sought involves access to financial resources including, but not limited to, cash and Purchasing Cards; and,
- e. Any offense committed in another jurisdiction which, if committed in Georgia, would be one of the enumerated criminal offenses referenced in these subparagraphs.

Misdemeanor Convictions

- a. Pursuant to the provisions of O.C.G.A. § 20-1A-30 et seq., O.C.G.A. § 16-12.1.1, or as referenced in other, corresponding statutes, an applicant pursuing a position in a Technical College's child enrichment center/group day care home who has been convicted of or has entered a plea of *nolo contendere* to or, as

applicable, has been adjudicated a delinquent for certain misdemeanor offenses when the victim is a minor. These offenses include simple battery, simple assault, or family violence battery; cruelty to children; criminal attempt (when the victim is a minor); and contributing to the delinquency, unruliness, or deprivation of a minor.

- b. Any other misdemeanor conviction related to the area of assignment (e.g., theft by taking, theft by deception, theft by shoplifting, etc.), when the position sought involves access to financial resources including, but not limited to cash and Purchasing Cards;
- c. Any offense committed in another jurisdiction which, if committed in Georgia, would be one of the enumerated criminal offenses referenced in these subparagraphs.

NOTE: In circumstances pertaining to a conviction for a violent felony offense that is so egregious given the nature of the crime, the period of disqualification may be extended beyond the five (5) year period referenced above. Any such extension may only be considered after completion of an individualized assessment as outlined in this procedure. Before a decision to extend the disqualification, period is finalized, a Technical College president or the System Office deputy/assistant commissioner should consult with the TCSG General Counsel.

2. Drug-Related Convictions:

- a. Pursuant to the provision of the Drug-free Public Workforce Act of 1990, the following minimum sanctions are to be imposed on applicants who have been convicted of a criminal drug offense. Note: for purposes of administration, a “conviction” includes the acceptance of a guilty plea by the court:
 - i. Any person who has been convicted for the first time under the laws of Georgia, the United States, or any other state, of any criminal offense involving the manufacture, distribution, sale, or possession of a controlled substance, marijuana, or a dangerous drug is ineligible for any public employment for a period of two (2) years from the date of conviction; and,
 - ii. Any person who has been convicted two (2) or more times under the laws of Georgia, the United States, or any other state of any criminal offense involving the manufacture, distribution, sale or possession of a controlled substance, marijuana, or a dangerous drug is ineligible for any public employment for a period of five (5) years from the most recent date of conviction.

3. Active Arrest Warrant s or Pending Criminal Charges:

- a. An applicant cannot commence employment if:
 - i. They have an active arrest warrant for any felony or misdemeanor offense referenced in Paragraph VI.B.1 or a drug-related offense referenced in Paragraph VI.B.2.; or,

- ii. They have a pending, non-adjudicated charge for any felony or misdemeanor offense referenced in Paragraph VI.B.1 or a drug-related offense referenced in Paragraph VI.B.2.
- b. The disqualification will apply until such time as the applicant has successfully cleared an outstanding arrest warrant or a, pending, non-adjudicated charge referenced above by providing a copy of the disposition or documentation that the arrest warrant has been cleared.

C. Motor Vehicle Records (MVR) Checks:

1. As provided in the TCSG procedure governing Driver Qualifications, an applicant provided a conditional offer of employment for any full- or part-time position that would require the incumbent to drive a state, rental, or personal vehicle on State of Georgia business must, as a condition of employment: possess a valid driver's license, consent to a Motor Vehicle Records (MVR) Search/Check to ensure that their driving history records are consistent with established driving standards; and, complete the accompanying Driver's History Consent Form (Attachment:4.7.2p.a2.).

NOTE: If the applicant refuses to sign the Driver's History Consent Form, their conditional offer of employment will be withdrawn.

2. An applicant shall not be considered for a position meeting the above referenced driving requirements if they possesses a suspended or revoked Driver's License.
3. An applicant whose driving history reflects two (2) "at fault" motor vehicle accidents in the three (3) year period immediately preceding their application for employment; who possesses eight (8) or nine (9) violation points on their driving record; or, who has been convicted of Driving Under the Influence (DUI) or Driving while Intoxicated (DWI) within six (6) months of their application for employment must, as a condition of employment:
 - a. complete a driver safety video offered by or through the Georgia Department of Administrative Services (DOAS) or a similar organization; and,
 - b. successfully complete a defensive driving course offered through a Defensive Driving School certified by the Georgia Department of Driver's Services (or comparable course in their state of residence) within sixty (60) days of their date of employment. The cost of the Defensive Driving Course will be responsibility of the applicant/employee; or,
 - c. in response to a DUI or DWI conviction or plea of nolo contendere, successfully complete a DUI Alcohol or Drug Use Risk Reduction Course through a provider certified by the Georgia Department of Driver's Services (or comparable course in their state of residence) within sixty (60) days of their date of employment unless completion of the course was previously mandated by the court of jurisdiction as a part of sentencing. The cost of the course will be the responsibility of the applicant/employee. NOTE: any newly hired employee who fails to meet these conditions within the established time period shall be dismissed from employment.

4. An applicant whose driving history reflects three (3) or more “at fault” motor vehicle accidents in the three (3) year period immediately preceding their application for employment, or ten (10) or more current violation points may not be employed in any position for which driving on a frequent or infrequent basis is a condition of employment.
5. Any current employee in a position not subject to the requirements of the Driver Qualification Procedure who subsequently receives a conditional offer of employment for a position subject to the provisions of this procedure must have their driving history records reviewed. Any employee who refuses to sign the accompanying Driver’s History Consent Form will not be considered further for the position and may be subject to disciplinary action.

D. Credit History Records Checks:

1. Pursuant to the provisions of O.C.G.A. § 50-5-83, an applicant provided a conditional offer of employment for a position requiring an incumbent to use a Purchasing Card (i.e., P-Card) must, as a condition of employment, undergo both criminal history records check and a credit history records check.
2. The credit history of a recommended candidate may also be investigated when the duties of the identified position include responsibility for handling money, managing financial transactions or related duties or, when appropriate, for those positions charged with overseeing these activities. Care must be taken to ensure that the investigation and any subsequent employment-related decision is made consistent with applicable provisions of the Fair Credit Reporting Act (FCRA), the Consumer Credit Protection Act, and the Bankruptcy Reform Act.
3. As referenced above, an applicant provided a conditional offer of employment for a full- or part-time P.O.S.T. certified law enforcement position serving in a Technical College’s campus police department may be required to undergo a credit history investigation as a condition of employment. Any such requirement shall be consistently applied as provided in a Technical College’s written selection process.
4. In conjunction with these requirements, the applicant shall be provided with a disclosure stating that a consumer report containing may be obtained for employment purposes prior to obtaining the report and be provided a copy of the Summary of Rights Under the Fair Credit Reporting Act.
5. If the applicant refuses to sign the Credit Information Release/Fair Credit Report Act Disclosure Form, their conditional offer of employment will be withdrawn.

E. Notification and Authorization Requirements:

1. All vacancy announcements/notices shall incorporate a statement advising potential applicants of the background investigation requirements for the designated position.
2. During the selection process, each applicant to be interviewed for a given position, shall be notified of the specific background investigation requirements for the position sought and that successful completion of each screening activity is considered a condition of employment.

3. An applicant provided a conditional offer of employment must provide authorization to permit the System Office or the employing Technical College to conduct a criminal history record check and, as applicable, a motor vehicle records check, a credit history records check, a fingerprint records check (Attachment 4.1.9pa1.). Applicants must also provide authorization for any medical or psychological examination and pre-employment drug-screening, in accordance with related procedures.
4. An applicant whose background investigation is conducted using the State of Georgia's contracted consumer reporting agency must be provided with a disclosure stating that a consumer report containing may be obtained for employment purposes prior to obtaining the report (Attachment 4.1.9p.a3.).
5. An applicant whose background investigation is conducted using information obtained through the Georgia Crime Information Center and/or the Federal Bureau of Investigation Criminal Justice Information Services Division must be provided with a notification of Applicant Privacy Rights (Attachment 4.1.9p.a6.) and the current Privacy Act Statement published by the FBI (Attachment 4.1.9p.a7.).
6. Any applicant who refuses to provide the required authorizations or who refuses to undergo one or more of the required screening activities will have their conditional offer of employment withdrawn.
7. Any current employee who fails to comply with the requirements of this section will have their conditional offer of employment withdrawn and may be subject to disciplinary action.

F. Background Checks Required by a Clinical/Internship/Externship Site or Agency:

1. Employees in certain positions, such as health sciences faculty, who supervise students in a clinical/internship/externship site or agency may be required (as a condition of employment) to undergo additional background screening(s) (e.g., a criminal history records check) as dictated by a public or private clinical/internship/externship site or agency (e.g., a hospital, medical center, laboratory, etc.). These may include an inquiry with the HHS Office of the Inspector General, Exclusion Program; Inquiry with the General Services Administration Excluded Parties List System (EPLS).
2. An employee who is denied entry to a clinical/internship/externship site or agency on the basis of the results of these additional screening requirement(s) and cannot perform the essential functions of their job, may be subject to disciplinary action up to and including dismissal from employment as provided in the State Board policy governing Positive Discipline or, as applicable, the TCSG procedure governing Adverse Employment Actions.

G. Individualized Assessment:

1. In response to preliminary decision to exclude an applicant from employment on the basis of their documented criminal history (i.e., a targeted exclusion based on the hiring parameters in this procedure), the System Office or Technical College human

resources director/coordinator must complete a three-step individualized assessment to include:

- a. Formal written notice provided to the applicant indicating that they may be excluded from employment because of past criminal conduct. This pre-adverse action notice shall be initiated pursuant to Fair Credit Reporting Act (FCRA) guidelines or as applicable, the Rules of the Georgia Crime Information Center or the Federal Regulations governing the exchange of FBI identification records.
 - i. The FRCA requires that a copy of the consumer report obtained from the State of Georgia's contract consumer reporting agency and used to exclude the applicant from employment be provided to the applicant, along with the Summary of the Consumer's Rights under the FCRA (Attachment: 4.1.9p.a4).
 - ii. GCIC and FBI regulations require that the contents of the criminal history record information that was used in the hiring decision, along with information outlining the procedures to change, correct, or update the record information.
- b. The applicant must be provided an opportunity to demonstrate that the decision/exclusion does not properly apply to him/her, e.g., that they was not properly identified in the conviction record or that the conviction records are otherwise inaccurate.

NOTE: The applicant must be provided a reasonable amount of time, and not less than 5 business days, to identify any inconsistencies or inaccuracies in the report and begin the process of correcting their record.

- c. The applicant must be provided an opportunity to submit additional information that reflects that the parameters of the procedure and their exclusion is not job-related and consistent with business necessity. The supporting information may include:
 - i. the specific circumstances surrounding the offense/conduct;
 - ii. the number of offenses for which the applicant was convicted;
 - iii. the applicant's age at the time of the conviction or, as applicable, at their release from incarceration;
 - iv. any evidence that the applicant has held similar employment since the conviction/incarceration without engaging in further criminal conduct;
 - v. the length and consistency of the applicant's employment history before and after the criminal offense;
 - vi. the success of rehabilitation efforts to include education and training;
 - vii. employment or character references provided by the applicant or other information regarding their fitness for the position; and, as applicable,
 - viii. whether the individual is bonded under a federal, state, or local bonding program.

2. If an applicant fails to provide additional information in response to the pre-adverse action notice within the specified time, the System Office or Technical College may

proceed to finalize the employment decision without such information and disqualify the applicant from employment consistent with the provisions of this procedure.

3. If an applicant does respond to the pre-adverse action notice and provide information for consideration as outlined above, all submitted information should be considered before a final eligibility determination is made. The analysis should also include a further review of such factors as the nature and gravity of the offense or conduct, the passage of time since the offense/conduct and/or the completion of the sentence; and the nature of the job sought (e.g., the nature of the assigned job duties, the identification of the job's essential functions; and, the circumstances under which the job is performed to include the level of supervision, oversight, contact with others, and the workplace environment). The human resources director/coordinator may elect to meet with the applicant/employee to discuss these matters.

H. Authorization to Employ an Applicant with a Disqualifying Criminal History:

1. If, after completion of the individualized assessment, it is determined that an exception to the hiring prohibitions outlined in this procedure should be pursued, any such recommendation must be submitted, in writing, to the Commissioner by the Technical College president or, as applicable, a System Office hiring official. The request should include a synopsis of the applicant's past criminal history and the accompanying rationale.
2. No hiring decision can be finalized until the Commissioner and/or their designee makes a determination and, if approved, has authorized the appointment in writing.
3. A request for a hiring exception shall not be approved if such a decision conflicts with an existing statutory hiring exclusion.

I. Notification of Adverse Hiring Decision

1. If an applicant is subsequently denied employment due to their criminal history/conduct, they must be notified of this decision in writing.
2. In instances in which an adverse action notice is based on a consumer report generated by the State of Georgia's contract consumer reporting agency, the notice must include a description of the action taken; the name, address and toll-free telephone number of the consumer reporting agency providing the report; a statement that the consumer reporting agency did not make the decision to take the adverse employment action and is unable to provide the applicant the specific reasons why the action was taken; notice of the applicant's right to obtain a free copy of the report from the consumer reporting agency within sixty (60) days of the notice; and, notice of the applicant's right to dispute the accuracy and/or completeness of any information contained in the report with the consumer reporting agency.
3. In instances in which an adverse action notice is based on criminal history information obtained directly from the GCIC/FBI, the applicant must be informed of all information pertinent to the decision to include the contents of the record and the effect the record had on the decision. Additionally, the applicant should be provided with a copy of the criminal history record used in making the determination, if not already provided. NOTE: If, after reviewing the information, an applicant believes that

their record is incorrect or incomplete in any respect and desires that changes, corrections or updating of the alleged deficiency be made, they should make application directly to the agency which contributed the questioned information.

4. Any disciplinary action imposed on a current employee on the basis of an arrest and/or one or more subsequent convictions(s), pleas(s) of nolo contendere, etc. for one or more criminal offense(s) must follow applicable provisions of the State Board policy governing Positive Discipline and/or, as applicable, the TCSG procedure governing Adverse Employment Actions.

J. Maintenance of Criminal History Records

1. All records pertaining to a candidate's or an employee's criminal history must be maintained separately and stored in a locked cabinet.
2. Areas in which the information is processed and handled must be out of public view and restricted to authorized personnel in the performance of their official duties.

K. Access to Criminal History Information

1. Criminal history records and other related information will only be accessible to authorized System Office/Technical College staff.
2. Any employee who has access to review or process a request for GCIC criminal history records/investigation reports must sign a GCIC Awareness Statement (Attachment 4.1.9p.a5.) and complete any required training requirements prior to gaining access to criminal history record information. The Rules of the GCIC require signed Awareness Statements to be placed in each employee's official personnel file.
3. Criminal history records will not be released or otherwise disseminated or disclosed to unauthorized individuals or employees.
4. An employee's unauthorized access to and/or release of an applicant's or other staff member's criminal history information to unauthorized individuals may subject the employee to disciplinary action up to and including dismissal from employment.
5. The Georgia Crime Information Act (O.C.G.A. 35-3-38) establishes specific criminal penalties for the unlawful access of the criminal justice system or dissemination of criminal history information.

VII. RECORD RETENTION:

All records shall be maintained in accordance with the Georgia Records Retention Schedule maintained by the Georgia Archives, University System of Georgia.

Criminal history records must be retained for seven (7) years.

NOTE: Pursuant to statute and the accompanying Rules of the Georgia Department of Early Care and Learning (DECAL), documentation which reflects that a satisfactory fingerprint record check determination was received before a prospective child enrichment center/group day-care home employee

begins working with children must be maintained on-site by the center/group day care home director in a separate file. The documentation is available for inspection by a DECAL representative, upon request. Similar information must be maintained on all current employees of a center/group day-care home.

Attachment: 4.1.9p.a1.

Technical College System of Georgia/_____ Technical College

Notice to Applicants/Authorization to Release Background Information

I _____ (PRINT NAME) understand that I am being considered for employment with TCSG/Technical College and that an investigation of my background will be conducted as part of the selection process. Dependent upon the position I have applied for, the background investigation may include, but is not limited to, a review and/or verification of my criminal history records, motor vehicle/driver's history records, employment history, education records, references, consumer credit reports, and information contained in my employment application, resume, and State of Georgia Security Questionnaire/Loyalty Oath. I understand that I am required to disclose on the State of Georgia Security Questionnaire/Loyal Oath any conviction or **plea of nolo contendere** for any crime, including drug-related offenses and traffic offenses (e.g., driving under the influence) where the fine was greater than \$35.00.

I understand that the information obtained will not be used in violation of any federal or state law, rule, or regulation, and that before any adverse employment action is taken based upon a review/the results of any consumer credit report and/or investigative consumer report, I will be provided with a copy of the report, as well as a summary of the accompanying consumer's rights. I understand that any information obtained during the investigation, including the falsification and/or misrepresentation of any statement of material fact on my resume, employment application, or other required state forms, may remove me from further consideration for the position for which I applied; may result in the withdrawal of an employment offer previously extended; or, may result in termination if employed prior to completion of this process.

I understand that my consent for a background investigation is voluntary; however, I also acknowledge that my refusal to provide such authorization will remove me from further consideration for the position for which I applied. In recognition of this requirement, I hereby, authorize TCSG/Technical College to obtain any criminal history information (including motor vehicle/driver's history) that may be maintained on me by any federal, state, or local criminal justice agency. I further permit TCSG/Technical College to obtain information pertaining to my education, prior employment history, etc. as noted above.

I fully release TCSG/Technical College and its employees, my current and/or former employer(s), and all other contributing parties or sources from whom any information is obtained, from any and all claims, actions, or liability related to this or any subsequent investigation of my background. If employed, I understand that this authorization shall remain in effect throughout my employment with the Technical College System of Georgia or any of its associated technical colleges and shall permit the TCSG/Technical College to obtain information pertaining to my criminal history and/or driver's history records at any time for valid business reasons, including but not limited to a prospective promotion, transfer, or other change in the terms and conditions of my employment.

If employed, I understand that I am required to report all arrest(s) and the subsequent disposition of such arrest(s), e.g., dismissal, convictions, etc., to my immediate supervisor and/or reviewing manager within forty-eight (48) hours of, or two (2) business days following the date of the arrest and/or final disposition.

Personal Data

Print Full Name:

Last

First

Middle

(Maiden)

Other Names Used in the Past:

Address (Street and/or P.O. Box):

City:

State:

ZIP:

Social Security Number:

-

-

Date of Birth (mm/dd/yyyy):

/

/

Gender: ☐ Male ☐ Female

Place of Birth:

Race:

☐ White

☐ Black

☐ Hispanic

☐ American Indian

☐ Other:

Height:

Weight:

Eye Color:

Hair Color:

Applicant's Signature:

Date:

HR Representative:

Date:

Sworn and Subscribed Before Me:

This _____ day of _____ 20_____

My Commission Expires: _____

Notary Public Signature and Seal



Driver's History Consent Form

I hereby authorize the System Office of the Technical College System of Georgia (TCSG) or _____ Technical College to receive a copy of my Georgia driver's history information (i.e., a Motor Vehicle Report) from the Georgia Department of Driver Services or comparable agency/department in my state of residence in conjunction with my application for employment or, if employed, for use relative to the performance of my official duties. I understand that my authorization shall remain in effect throughout my employment with the TCSG System Office or any associated technical college and shall permit System Office/technical college to obtain this information at any time for any valid business reason or pursuant to an applicable State Board of Technical College System of Georgia policy or procedure.

Print Full Name: _____

_____	_____	_____
Sex	Date of Birth	Driver's License Number

_____	_____
Signature	Date

Fair Credit Reporting Act Disclosure

Disclosure

The Technical College System of Georgia and/or its affiliate colleges may obtain a consumer report (commonly known as a background report) and/or investigative consumer report from a consumer reporting agency for employment purposes. The consumer report may include information concerning your employment history, education, qualifications, character, general reputation, personal characteristics, criminal record, motor vehicle record, mode of living and/or credit standing and indebtedness. This information may be obtained from public and/or private sources.

A consumer report and/or an investigative consumer report may be obtained in processing your application for employment, or at any time during your employment period, as authorized by state law and/or the Fair Credit Reporting Act (FCRA). Should an investigative consumer report(a consumer report in which the above types of information are obtained through personal interviews) be requested, you will have the right to obtain a complete and accurate disclosure of the nature and scope of the investigation requested and a written summary of your rights under the Fair Credit Reporting Act.

In the event that information from a consumer report obtained about you from a consumer reporting agency is used in whole or in part in making an adverse decision with regard to employment, you will be provided with a copy of the consumer report and a description in writing of your rights under the law.

Acknowledgement

I acknowledge my rights under the Fair Credit Reporting Act and receipt of the FCRA Disclosure Statement.

Applicant's Signature: _____

Date: _____

HR Representative: _____

Date: _____

Attachment 4.1.9pa4

Para información en español, visite www.consumerfinance.gov/learnmore o escribe a la Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.

A Summary of Your Rights Under the Fair Credit Reporting Act

The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records). Here is a summary of your major rights under FCRA. **For more information, including information about additional rights, go to www.consumerfinance.gov/learnmore or write to: Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.**

- **You must be told if information in your file has been used against you.** Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment – or to take another adverse action against you – must tell you, and must give you the name, address, and phone number of the agency that provided the information.
- **You have the right to know what is in your file.** You may request and obtain all the information about you in the files of a consumer reporting agency (your “file disclosure”). You will be required to provide proper identification, which may include your Social Security number. In many cases, the disclosure will be free. You are entitled to a free file disclosure if:
 - a person has taken adverse action against you because of information in your credit report;
 - you are the victim of identity theft and place a fraud alert in your file;
 - your file contains inaccurate information as a result of fraud;
 - you are on public assistance;
 - you are unemployed but expect to apply for employment within 60 days.

In addition, all consumers are entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies. See www.consumerfinance.gov/learnmore for additional information.

- **You have the right to ask for a credit score.** Credit scores are numerical summaries of your credit-worthiness based on information from credit bureaus. You may request a credit score from consumer reporting agencies that create scores or distribute scores used in residential real property loans, but you will have to pay for it. In some mortgage transactions, you will receive credit score information for free from the mortgage lender.

- **You have the right to dispute incomplete or inaccurate information.** If you identify information in your file that is incomplete or inaccurate, and report it to the consumer reporting agency, the agency must investigate unless your dispute is frivolous. See www.consumerfinance.gov/learnmore for an explanation of dispute procedures.
- **Consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information.** Inaccurate, incomplete, or unverifiable information must be removed or corrected, usually within 30 days. However, a consumer reporting agency may continue to report information it has verified as accurate.
- **Consumer reporting agencies may not report outdated negative information.** In most cases, a consumer reporting agency may not report negative information that is more than seven years old, or bankruptcies that are more than 10 years old.
- **Access to your file is limited.** A consumer reporting agency may provide information about you only to people with a valid need – usually to consider an application with a creditor, insurer, employer, landlord, or other business. The FCRA specifies those with a valid need for access.
- **You must give your consent for reports to be provided to employers.** A consumer reporting agency may not give out information about you to your employer, or a potential employer, without your written consent given to the employer. Written consent generally is not required in the trucking industry. For more information, go to www.consumerfinance.gov/learnmore.
- **You may limit “prescreened” offers of credit and insurance you get based on information in your credit report.** Unsolicited “prescreened” offers for credit and insurance must include a toll-free phone number you can call if you choose to remove your name and address from the lists these offers are based on. You may opt out with the nationwide credit bureaus at 1-888-5-OPTOUT (1-888-567-8688).
- The following FCRA right applies with respect to nationwide consumer reporting agencies:

CONSUMERS HAVE THE RIGHT TO OBTAIN A SECURITY FREEZE

You have a right to place a “security freeze” on your credit report, which will prohibit a consumer reporting agency from releasing information in your credit report without your express authorization. The security freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. However, you should be aware that using a security freeze to take control over who gets access to the personal and financial information in your credit report may delay, interfere with, or prohibit the timely approval of any subsequent request or application you make regarding a new loan, credit, mortgage, or any other account involving the extension of credit.

As an alternative to a security freeze, you have the right to place an initial or extended fraud alert on your credit file at no cost. An initial fraud alert is a 1-year alert that is placed on a consumer’s credit file. Upon seeing a fraud alert display on a consumer’s credit file, a business is required to take steps to verify the consumer’s identity before extending new credit. If you are a victim of identity theft, you are entitled to an extended fraud alert, which is a fraud alert lasting 7 years.

A security freeze does not apply to a person or entity, or its affiliates, or collection agencies acting on behalf of the person or entity, with which you have an existing account that requests information in your credit report for the purposes of reviewing or collecting the account. Reviewing the account includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements.

- **You may seek damages from violators.** If a consumer reporting agency, or, in some cases, a user of consumer reports or a furnisher of information to a consumer reporting agency violates the FCRA, you may be able to sue in state or federal court.
- **Identity theft victims and active duty military personnel have additional rights.** For more information, visit www.consumerfinance.gov/learnmore.

States may enforce the FCRA, and many states have their own consumer reporting laws. In some cases, you may have more rights under state law. For more information, contact your state or local consumer protection agency or your state Attorney General. For information about your federal rights, contact:

TYPE OF BUSINESS:	CONTACT:
1.a. Banks, savings associations, and credit unions with total assets of over \$10 billion and their affiliates b. Such affiliates that are not banks, savings associations, or credit unions also should list, in addition to the CFPB:	a. Consumer Financial Protection Bureau 1700 G Street, N.W. Washington, DC 20552 b. Federal Trade Commission Consumer Response Center 600 Pennsylvania Avenue, N.W. Washington, DC 20580 (877) 382-4357
2. To the extent not included in item 1 above: a. National banks, federal savings associations, and federal branches and federal agencies of foreign banks b. State member banks, branches and agencies of foreign banks (other than federal branches, federal agencies, and Insured State Branches of Foreign Banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act. c. Nonmember Insured Banks, Insured State Branches of Foreign Banks, and insured state savings associations d. Federal Credit Unions	a. Office of the Comptroller of the Currency Customer Assistance Group 1301 McKinney Street, Suite 3450 Houston, TX 77010-9050 b. Federal Reserve Consumer Help Center P.O. Box 1200 Minneapolis, MN 55480 c. FDIC Consumer Response Center 1100 Walnut Street, Box #11 Kansas City, MO 64106 d. National Credit Union Administration Office of Consumer Financial Protection (OCFP) Division of Consumer Compliance Policy and Outreach 1775 Duke Street Alexandria, VA 22314
3. Air carriers	Asst. General Counsel for Aviation Enforcement & Proceedings Aviation Consumer Protection Division Department of Transportation 1200 New Jersey Avenue, S.E. Washington, DC 20590
4. Creditors Subject to the Surface Transportation Board	Office of Proceedings, Surface Transportation Board Department of Transportation 395 E Street, S.W. Washington, DC 20423
5. Creditors Subject to the Packers and Stockyards Act, 1921	Nearest Packers and Stockyards Administration area supervisor
6. Small Business Investment Companies	Associate Deputy Administrator for Capital Access United States Small Business Administration 409 Third Street, S.W., Suite 8200 Washington, DC 20416
7. Brokers and Dealers	Securities and Exchange Commission 100 F Street, N.E. Washington, DC 20549
8. Federal Land Banks, Federal Land Bank Associations, Federal Intermediate Credit Banks, and Production Credit Associations	Farm Credit Administration 1501 Farm Credit Drive McLean, VA 22102-5090
9. Retailers, Finance Companies, and All Other Creditors Not Listed Above	Federal Trade Commission Consumer Response Center 600 Pennsylvania Avenue, N.W. Washington, DC 20580 382-4357 (877)

**GEORGIA CRIME INFORMATION CENTER
AWARENESS STATEMENT**

Access to Criminal Justice Information, as defined in GCIC Council Rule 140-1-.02

(amended), and dissemination of such information is governed by state and federal laws and GCIC Council Rules. Criminal Justice Information cannot be accessed or disseminated by any employee except as directed by superiors and as authorized by approved standard operating procedures which are based on controlling state and federal laws, relevant federal regulations, and the Rules of the GCIC Council.

O.C.G.A. 35-3-38 establishes criminal penalties for specific offenses involving

obtaining, using, or disseminating criminal history record information except as permitted by law. The same statute establishes criminal penalties for disclosing or attempting to disclose techniques or methods employed to ensure the security and privacy of information or data contained in Georgia criminal justice information systems.

The Georgia Computer Systems Protection Act (O.C.G.A. 16-9-90 et seq) provides for

the protection of public and private sector computer systems, including communications links to such computer systems. The Act establishes four criminal offenses, all major felonies, for violations of the Act: Computer Theft, Computer Trespass, Computer Invasion of Privacy, and Computer Forgery. The criminal penalties for each offense carries maximum sentences of fifteen (15) years in prison and/or fines up to \$50,000.00 as well as possible civil ramifications. The Act also establishes Computer Password Disclosure as a criminal offense with penalties of one (1) year in prison and/or a \$5000.00 fine.

Georgia operates the Georgia Criminal Justice Information System Network.

Crime Information Center in compliance with O.C.G.A. 35-3-31. All databases accessible via CJIS Network terminals are protected by the Computer Systems Protection Act. Similar communications and computer systems operated by municipal/county governments are also protected by the Act.

By my signature below, I acknowledge that I have read and understand this Awareness Statement.

Print Name:

Signed:

Date:

Witnessed:

Date:

Attachment: 4.1.9p.a6.

Non-Criminal Justice Applicant's Privacy Rights

NONCRIMINAL JUSTICE APPLICANT'S PRIVACY RIGHTS

As an applicant who is the subject of a national fingerprint-based criminal history record check for a noncriminal justice purpose (such as an application for employment or a license, an immigration or naturalization matter, security clearance, or adoption), you have certain rights which are discussed below. All notices must be provided to you in writing. ¹ These obligations are pursuant to the Privacy Act of 1974, Title 5, United States Code (U.S.C.) Section 552a, and Title 28 Code of Federal Regulations (CFR), 50.12, among other authorities.

- **You must be provided an adequate written FBI Privacy Act Statement (dated 2013 or later) when you submit your fingerprints and associated personal information. This Privacy Act Statement must explain the authority for collecting your fingerprints and associated information and whether your fingerprints and associated information will be searched, shared, or retained. ²**
- **You must be advised in writing of the procedures for obtaining a change, correction, or update of your FBI criminal history record as set forth at 28 CFR 16.34.**
- **You must be provided the opportunity to complete or challenge the accuracy of the information in your FBI criminal history record (if you have such a record).**
- **If you have a criminal history record, you should be afforded a reasonable amount of time to correct or complete the record (or decline to do so) before the officials deny you the employment, license, or other benefit based on information in the FBI criminal history record.**
- **If agency policy permits, the officials may provide you with a copy of your FBI criminal history record for review and possible challenge. If agency policy does not permit it to provide you a copy of the record, you may obtain a copy of the record by submitting fingerprints and a fee to the FBI. Information regarding this process may be obtained at <https://www.fbi.gov/services/cjis/identity-history-summary-checks> and <https://www.edo.cjis.gov>.**
- **If you decide to challenge the accuracy or completeness of your FBI criminal history record, you should send your challenge to the agency that contributed the questioned information to the FBI. Alternatively, you may send your challenge directly to the FBI by submitting a request via <https://www.edo.cjis.gov>. The FBI will then forward your challenge to the agency that contributed the questioned information and request the agency to verify or correct the challenged entry. Upon receipt of an official communication from that agency, the FBI will make any necessary changes/corrections to your record in accordance with the information supplied by that agency. (See 28 CFR 16.30 through 16.34.)**
- **You have the right to expect that officials receiving the results of the criminal history record check will use it only for authorized purposes and will not retain or disseminate it in violation of federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.³**

¹ Written notification includes electronic notification, but excludes oral notification.

² <https://www.fbi.gov/services/cjis/compact-council/privacy-act-statement>

³ See 5 U.S.C. 552a(b); 28 U.S.C. 534(b); 34 U.S.C. § 40316 (formerly cited as 42 U.S.C. § 14616), Article IV(c);
28 CFR 20.21(c), 20.33(d) and 906.2(d).

DERECHOS DE PRIVACIDAD DE SOLICITANTES - JUSTICIA, NO CRIMINAL

Como solicitante sujeto a una indagación nacional de antecedentes criminales basado en huellas dactilares, para un propósito no criminal (tal como una solicitud para empleo o una licencia, un propósito de inmigración o naturalización, autorización de seguridad, o adopción), usted tiene ciertos derechos que se entablan a continuación. Toda notificación se le debe proveer por escrito.¹ Estas obligaciones son de acuerdo al Privacy Act of 1974, Title 5, United States Code (U.S.C.) Section 552a, y Title 28 Code of Federal Regulations (CFR), 50.12, entre otras autorizaciones.

- Se le debe proveer una Declaración de la Ley de Privacidad del FBI (con fecha de 2013 o más reciente) por escrito cuando presente sus huellas digitales e información personal relacionada. La Declaración de la Ley de Privacidad debe explicar la autorización para tomar sus huellas digitales e información relacionada y si se investigarán, compartirán, o retendrán sus huellas digitales e información relacionada.²
- Se le debe notificar por escrito el proceso para obtener un cambio, corrección, o actualización de su historial criminal del FBI según delineado en el 28 CFR 16.34.
- Se le tiene que proveer una oportunidad de completar o disputar la exactitud de la información contenida en su historial criminal del FBI (si tiene dicho historial).
- Si tiene un historial criminal, se le debe dar un tiempo razonable para corregir o completar el historial (o para rechazar hacerlo) antes de que los funcionarios le nieguen el empleo, licencia, u otro beneficio basado en la información contenida en su historial criminal del FBI.
- Si lo permite la política de la agencia, el funcionario le podría otorgar una copia de su historial criminal del FBI para repasarlo y posiblemente cuestionarlo. Si la política de la agencia no permite que se le provea una copia del historial, usted puede obtener una copia del historial presentando sus huellas digitales y una tarifa al FBI. Puede obtener información referente a este proceso en <https://www.fbi.gov/services/cjis/identity-history-summary-checks> y <https://www.edo.cjis.gov>.
- Si decide cuestionar la veracidad o totalidad de su historial criminal del FBI, deberá presentar sus preguntas a la agencia que contribuyó la información cuestionada al FBI. Alternativamente, puede enviar sus preguntas directamente al FBI presentando un petición por medio de <https://www.edo.cjis.gov>. El FBI luego enviará su petición a la agencia que contribuyó la información cuestionada, y solicitará que la agencia verifique o corrija la información cuestionada. Al recibir un comunicado oficial de esa agencia, el FBI hará cualquier cambio/corrección necesaria a su historial de acuerdo con la información proveída por la agencia. (Vea 28 CFR 16.30 al 16.34.)
- Usted tiene el derecho de esperar que los funcionarios que reciban los resultados de la investigación de su historial criminal lo usarán para los propósitos autorizados y que no los retendrán o diseminarán en violación a los estatutos, normas u órdenes ejecutivos federales, o reglas, procedimientos o normas establecidas por el National Crime Prevention and Privacy Compact Council.³

¹ La notificación por escrito incluye la notificación electrónica, pero excluye la notificación verbal.

² <https://www.fbi.gov/services/cjis/compact-council/privacy-act-statement>

³ Veá 5 U.S.C. 552a(b); 28 U.S.C. 534(b); 34 U.S.C. § 40316 (anteriormente citada como 42 U.S.C. § 14616), Article IV(c); 28 CFR 20.21(c), 20.33(d) y 906.2(d).

Attachment: 4.1.9p.a7. Privacy Act Statement

Privacy Act Statement

This privacy act statement is located on the back of the [FD-258 fingerprint card](#).

Authority: The FBI's acquisition, preservation, and exchange of fingerprints and associated information is generally authorized under 28 U.S.C. 534. Depending on the nature of your application, supplemental authorities include Federal statutes, State statutes pursuant to Pub. L. 92-544, Presidential Executive Orders, and federal regulations. Providing your fingerprints and associated information is voluntary; however, failure to do so may affect completion or approval of your application.

Principal Purpose: Certain determinations, such as employment, licensing, and security clearances, may be predicated on fingerprint-based background checks. Your fingerprints and associated information/biometrics may be provided to the employing, investigating, or otherwise responsible agency, and/or the FBI for the purpose of comparing your fingerprints to other fingerprints in the FBI's Next Generation Identification (NGI) system or its successor systems (including civil, criminal, and latent fingerprint repositories) or other available records of the employing, investigating, or otherwise responsible agency. The FBI may retain your fingerprints and associated information/biometrics in NGI after the completion of this application and, while retained, your fingerprints may continue to be compared against other fingerprints submitted to or retained by NGI.

Routine Uses: During the processing of this application and for as long thereafter as your fingerprints and associated information/biometrics are retained in NGI, your information may be disclosed pursuant to your consent, and may be disclosed without your consent as permitted by the Privacy Act of 1974 and all applicable Routine Uses as may be published at any time in the Federal Register, including the Routine Uses for the NGI system and the FBI's Blanket Routine Uses. Routine uses include, but are not limited to, disclosures to: employing, governmental or authorized non-governmental agencies responsible for employment, contracting, licensing, security clearances, and other suitability determinations; local, state, tribal, or federal law enforcement agencies; criminal justice agencies; and agencies responsible for national security or public safety.

As of 03/30/2018

Declaración de la Ley de Privacidad

Esta declaración de la ley de privacidad se encuentra al dorso del [FD-258 tarjeta de huellas digitales](#).

Autoridad: La adquisición, preservación, e intercambio de huellas digitales e información relevante por el FBI es autorizada en general bajo la 28 U.S.C. 534. Dependiendo de la naturaleza de su solicitud, la autoridad incluye estatutos federales, estatutos estatales de acuerdo con la Pub. L. 92-544, Órdenes Ejecutivas Presidenciales, y reglamentos federales. El proveer sus huellas digitales e información relevante es voluntario; sin embargo, la falta de hacerlo podría afectar la terminación o aprobación de su solicitud.

Propósito Principal: Ciertas determinaciones, tal como empleo, licencias, y autorizaciones de seguridad, podrían depender de las investigaciones de antecedentes basados en huellas digitales. Se les podría proveer sus huellas digitales e información relevante/biométrica a la agencia empleadora, investigadora, o responsable de alguna manera, y/o al FBI con el propósito de comparar sus huellas digitales con otras huellas digitales encontradas en el sistema Next Generation Identification (NGI) del FBI, o su sistema sucesor (incluyendo los depósitos de huellas digitales latentes, criminales, y civiles) u otros registros disponibles de la agencia empleadora, investigadora, o responsable de alguna manera. El FBI podría retener sus huellas digitales e información relevante/biométrica en el NGI después de terminar esta solicitud y, mientras las mantengan, sus huellas digitales podrían continuar siendo comparadas con otras huellas digitales presentadas a o mantenidas por el NGI.

Usos Rutinarios: Durante el procesamiento de esta solicitud y mientras que sus huellas digitales e información relevante/biométrica permanezcan en el NGI, se podría divulgar su información de acuerdo a su consentimiento, y se podría divulgar sin su consentimiento de acuerdo a lo permitido por la Ley de Privacidad de 1974 y todos los Usos Rutinarios aplicables según puedan ser publicados en el Registro Federal, incluyendo los Usos Rutinarios para el sistema NGI y los Usos Rutinarios Generales del FBI. Los usos rutinarios incluyen, pero no se limitan a divulgación a: agencias empleadoras gubernamentales y no gubernamentales autorizadas responsables por emplear, contratar, licenciar, autorizaciones de seguridad, y otras determinaciones de aptitud; agencias de la ley locales, estatales, tribales, o federales; agencias de justicia penal; y agencias responsables por la seguridad nacional o seguridad pública.

A partir de 30/03/2018

Attachment: 4.1.9p.a8. Pre-Employment Questionnaire for P.O.S.T.-Certified Positions

	Technical College System of Georgia Law Enforcement Pre-employment Packet	
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The hiring process for law enforcement positions with Technical College System of Georgia member colleges is an extremely competitive endeavor that requires our agency to identify the most highly qualified applicants for employment. Our community expects and demands that we employ only those individuals who possess the highest degree of impeccability in terms of personal background, judgment, maturity, integrity, and credibility. Therefore, the Technical College System of Georgia, along with its Technical Colleges and work units, conduct background investigations on all potential law enforcement candidates, inquiring into their suitability for employment. The information requested herein is necessary in order to conduct this investigation.

The importance of the accuracy and thoroughness of your responses to the questions contained within this document are vital. The omission of information, or indications of deception, will not be tolerated, and in all probability, will result in your removal from this and future employment processes with this agency.

Instructions

Read each question carefully.

Answer each and every question completely and accurately. If an item does not apply to you, please write "N/A" for "Not Applicable" to convey that the item was not overlooked. Incomplete questionnaires WILL NOT be accepted.

Additional space is provided for answers that require clarification or further explanation. Be sure to notate the correlating question number.

Ensure that you have signed your legal name, and notarized where applicable.

	Technical College System of Georgia Certified Law Enforcement Pre-employment Questionnaire	
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Full Name: _____

Position Applied For: _____ Full Time ☐ Part Time ☐

SSN: _____ DOB: _____

Address: _____

City: _____ State: _____ ZIP: _____

Home Phone: _____ Cell Phone: _____

Email Address: _____

Please answer the following questions. It is important that all questions be answered accurately and completely. For questions requiring additional explanation, an extra page is attached. Please indicate the question number for any additional explanations.

Background Investigation Requirements

	Yes	No
1. Are you willing to undergo a thorough background investigation as a part of the selection process for a campus police position, to include a review of your employment history, the contacting of your identified personal references, and as applicable, your military history?	☐	☐
2. Are you willing to undergo a criminal history records check, a fingerprint records check, and a driver's history records check?	☐	☐
3. Are you willing to undergo a pre-employment drug test and, and if subsequently employed, be subject to random drug testing?	☐	☐
4. As a condition of employment, are you willing to undergo a psychological examination to include a written assessment and personal interview, if required?	☐	☐
5. As a condition of employment, are you willing to undergo a State of Georgia required medical examination?	☐	☐

General Information

	Yes	No
6. Are you willing to work rotating shifts (day or evening), and, if needed, weekends and holidays?	☐	☐
7. Are you willing to interact with individuals from various cultural, ethnic, and socioeconomic backgrounds?	☐	☐
8. Are you willing to tolerate verbal abuse and insults without letting them interfere with your ability to carry out assigned duties and responsibilities?	☐	☐
9. Are you willing to physically intervene, if necessary, to stop arguments and fights, even when the situation could potentially involve a risk of harm to yourself or others?	☐	☐
10. Have you ever been disciplined by your current or any former employer because of behavior, conduct, or attendance concerns, to include a suspension without pay, a demotion, or a salary reduction? If yes, please provide details.	☐	☐
11. Have you ever been dismissed from employment or asked to resign by an employer? If yes, please provide details.	☐	☐
12. The Rules of the Peace Officer Standards and Training Council require each certain peace officers to qualify annually with his/her firearms. Are you willing to maintain the required level of proficiency, even if this involves practicing on your own time and purchasing your own ammunition and range time?	☐	☐
13. Are you currently or have you ever been placed under investigation by the Georgia P.O.S.T. Council or other state's LE Authority Board/Council for alleged misconduct or for any other reason? If yes, please provide details and the outcome.	☐	☐

Drug and Alcohol Use – if you answer yes to any of these questions, please provide additional details.

	Yes	No
14. Have you ever consumed any alcoholic beverage or used any form of illegal drug while working?	☐	☐
15. Have you ever used an illegal drug, including, but not limited to, crack, cocaine, opiates, or heroin? If yes, what is the most recent date of use:	☐	☐
16. Have you ever used any prescription drug prescribed to another user?	☐	☐
17. Have you ever been involved in the sale, distribution, or manufacture of any illegal drug?	☐	☐

Criminal History – if you answer yes to any of these questions, please provide additional details.

	Yes	No
18. Have you ever been convicted of any felony offense to include a plea of nolo contendere?	☐	☐
19. Have you ever been convicted of any misdemeanor offense to include a plea of nolo contendere?	☐	☐
20. Have you ever been convicted of a domestic violence or family violence offense to include a plea or nolo contendere?	☐	☐
21. Do you have any pending domestic violence or family violence charges?	☐	☐

22. Have you ever had a domestic violence protection order issued against you? ☐ ☐
23. Have you been convicted of DWI or DUI in the past 5 years to include a plea of nolo contendere? ☐ ☐
24. Do you have any pending criminal charges against you, to include DWI, or DUI? ☐ ☐

Driver History

- | | Yes | No |
|---|--------------------------|--------------------------|
| 25. Do you currently possess a valid driver's license issued by the State of Georgia? | ☐ | ☐ |
| 26. Do you currently possess a valid driver's license issued by a state other than Georgia? | ☐ | ☐ |
| 27. Has your driver's license ever been suspended or revoked for any reason? If yes, please provide details. | ☐ | ☐ |
| 28. Have your driving privileges ever been restricted? If yes, please provide details. | ☐ | ☐ |
| 29. Do you have any outstanding traffic citations at this time? If yes, please provide details. | ☐ | ☐ |
| 30. Have you had any "at fault" motor vehicle accidents in the past five years? If yes, please provide details. | ☐ | ☐ |

Additional Explanations. Please indicate the question number. If no additional explanations are needed, strikethrough this page.

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

[illegible]

Education

Colleges, Universities, Technical, or Vocational Schools Attended:

Name	Degree Earned (Yes/No)	Major	Minor	Degree

High School(s):

Name	Location (City/State)	Graduate (Yes/No)

GED/High School Equivalency:

Equivalency Diploma Awarded: Yes ___ No ___ NA ___ If yes, Date Test was Administered: _____

Name and Address of State Authority Issuing the Diploma:

Work History within the Past Fifteen Years Beginning with most Recent:

Name of Employer: _____

Physical Work Address:

Supervisor's Name: _____

Supervisor's Phone:

Dates of Employment:

Name of Employer: _____

Physical Work Address:

Supervisor's Name: _____

Supervisor's Phone:

Dates of Employment:

Name of Employer: _____

Physical Work Address:

Supervisor's Name: _____

Supervisor's Phone:

Dates of Employment:

Name of Employer: _____

Physical Work Address:

Supervisor's Name: _____

Supervisor's Phone:

Dates of Employment:

Name of Employer: _____

Physical Work Address:

Supervisor's Name: _____

Supervisor's Phone:

Dates of Employment:

Name of Employer: _____

Physical Work Address:

Supervisor's Name: _____

Supervisor's Phone:

Dates of Employment:

Name of Employer: _____

Physical Work Address:

Supervisor's Name: _____

Supervisor's Phone:

Dates of Employment:

Places of Residence within the Past Ten Years:

Physical Address	City	County	State	Zip Code	How Long?
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Personal References (Must include a minimum of three (3) personal references which do not include family or previous or current employers or co-workers.)

_____ Last Name Known	First Name	Middle Name	Years
_____ Address Phone		Home Phone	Cell
_____ Last Name Known	First Name	Middle Name	Years
_____ Address Phone		Home Phone	Cell
_____ Last Name Known	First Name	Middle Name	Years

Address
Phone

Home Phone

Cell

Military History

Have you previously served in the military or are you currently in active duty status? Yes ____ No ____

NOTE: Questions 2-6 are applicable ONLY to Veterans to include current members of the National Guard or other military reserve unit.

Branch of Service: _____ Highest Rank Held: _____ Total Years of Military Service: _____

As applicable, was your discharge honorable? Yes ____ No ____

If discharged from military service for any reason other than honorable, please explain:

During service, were you ever court-martialed, tried on charges or, the subject of a summary court, deck court, company punishment, or any other form of disciplinary action? Yes ____ No ____

If yes, explain:

If you are presently a member of the National Guard or any military reserve unit:

Name of Unit

Location of Unit

Major Responsibilities:

If you are a member of the National Guard or any military reserve unit, list and describe any disciplinary action(s) taken against you. If no such actions have been taken, please enter a N/A below.

Statement of Completion

I acknowledge that I have read and understand each question on this questionnaire. I hereby certify that each and every statement made on this questionnaire is true and complete to the best of my knowledge and that all responses have been made in good faith. I further understand that making a false or misleading statement on this document, and failure to answer a question truthfully, or an omission of information of material fact may result in my disqualification from further consideration for the position for which I have applied.

I further understand that the information provided by me on this questionnaire and the information concerning me that is obtained during a background investigation may be subject to public disclosure pursuant to applicable provisions of the Georgia Open Records Act.

Print Name

Signature

Date

Technical College System of Georgia

Criminal History and Driver History Waiver

This form must be completed in full. Please print all requested personal information.

As it pertains to potential employment with _____ Technical College, this wavier provides my consent for a full and complete disclosure of my driver's history and criminal history to include, as applicable, a fingerprint records check. I understand that if subsequently employed, this waiver will remain in effect throughout my employment with any work unit or Technical College associated with the Technical College System of Georgia. I further understand that additional report(s) may be requested for any valid business reason including, but not limited to, a prospective promotion, transfer, or, for any other change in the terms and conditions of employment.

_____ Last Name Name	_____ First Name	_____ Middle
----------------------------	---------------------	-----------------

Former Names (i.e., maiden name(s), nickname(s))

_____ Last Name Name	_____ First Name	_____ Middle
----------------------------	---------------------	-----------------

_____ Last Name Name	_____ First Name	_____ Middle
----------------------------	---------------------	-----------------

_____ Street Address Code	_____ City	_____ State	_____ Zip
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Social Security Number: _____ Date of Birth _____

Gender: _____ Race: _____ Height: _____ Weight: _____ Hair Color: _____ Eye Color: _____

Please describe any and all tattoos providing detail as to the design of the tattoo(s) and location on body.

I do hereby authorize the Chief of Police or his/her designee of _____ Technical College to obtain my full and complete criminal and driver history record from the GCIC and NCIC databases. I further agree to undergo a fingerprint record check, if required, for the position sought.

Applicant Signature

Printed Name

Date

Technical College System of Georgia

Authorization to Release Personal Information Form

I understand that in order to determine my suitability for employment as a law enforcement officer with _____ Technical College, the College must make a thorough investigation of my personal history and background.

I do hereby authorize the release of all records pertaining to my personal history, background, academic and employment history to any authorized agent of _____ Technical College, whether the records are of a public, private, or confidential nature. I understand that my consent may involve areas of moral character, professional reputation, credit history, employment history (including but not limited to performance appraisals, grievances, complaints, and disciplinary history), military history, and education verification.

I understand that the information obtained through a personal history background investigation developed directly or indirectly, in whole or in part, upon this release authorization will be considered in determining my suitability for employment. I understand that I will not receive a copy of the information obtained through this investigation. Further, I am not entitled to know its content and waive any and all rights to the inspection or review of any information compiled in reference to my application for employment.

I hereby give my consent to _____ Technical College to solicit, obtain, inspect and copy (as necessary) any and all information, records, and documents needed to complete a background investigation relative to my possible employment. I also authorize and request every person, previous employer, firm, corporation, agency, court, association, or institution having control of any requested document(s), record(s), or other information pertaining to me to furnish them to the TCSG System Office or the requesting technical college.

I hereby release and forever discharge every previous employer, person, firm, corporation, agency, court, association or institution furnishing such factual information from any and all liability arising out of providing these materials, documents, or information to the TCSG System Office or the identified technical college.

I hereby release and forever discharge the State Board of the Technical College System of Georgia, its members individually and the officials, agents and employees of the Technical College System of Georgia (to include the System Office and all associated technical colleges) from any and all claims, demands, rights, and causes of action of whatever kind arising from or by reason of any injury, damage or the consequences thereof, resulting from or in any way connected with the background investigation conducted in regard to my possible future employment.

I understand that the acceptance of this Release, Waiver of Liability and covenant Not to Sue by the State Board of the Technical College System of Georgia shall not constitute a waiver, in whole or in part, of sovereign immunity by said Board, its members, officers, agents and employees of the Technical College System of Georgia's System Office or its technical colleges.

A photocopy of this release form shall be considered valid, just as an original.

I hereby certify that I am at least 18 years of age and suffering under no legal disability and that I have read and understood the above.

Applicant Signature

Printed Name

Date

State of: _____

County of: _____

Sworn and subscribed before me this _____ day of _____, 20 _____

Notary Public

Expiration