

Procedure 21.a: Background Check

Responsible Office: Human Resources

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A. Purpose and Scope

In Accordance with [Personnel Policies for Staff Members \(PPSM\) 21-Selection and Appointment](#), and UC Irvine Procedure 21, this procedure implements background check processes to ensure fair hiring decisions based upon comprehensive job-related information and to prioritize the health and safety of the UC Irvine community, property, and information.

This procedure provides for mandatory pre-employment background checking for all employment categories, including but not limited to: current staff appointed into positions or assigned duties which require background checks, Campus and UC Irvine Health staff, non-employee volunteer, and intern appointments (henceforth “appointment”) for positions which perform the critical functions defined in [PPSM 21](#) (§ V. Critical Positions).

This procedure also provides instructions when a background check returns potentially disqualifying information (PDI) and opportunity to respond.

B. Authority and Responsibility

Department heads and supervisors are responsible for ensuring that background checks are requested in accordance with applicable University policies and procedures.

Talent Acquisition (TA) is responsible for reviewing, decisioning, and maintaining confidentiality of any potentially disqualifying information. If needed, TA will consult with Workforce Relations and/or the Human Resources Business Partner (HRBP) or local HR representative.

If a position has critical or sensitive functions, a hiring authority and/or department designee will designate this in the job posting.

C. Guidelines

1. Background checks may only be initiated after the selected candidate has been identified and a conditional job offer is made.
2. Background checks may include but are not limited to: employment eligibility, employment history, conviction history, national sex offender search, education, credit history, driving history, or professional licenses report, health care sanctions, prohibited

and restricted parties, review of Department of Motor Vehicles records; Department of Justice clearance, final administrative or judicial decisions issued within the last seven years regarding sexual harassment, and drug testing as required by law.

3. Background checks may be completed by the Department of Justice (DOJ), FBI, contracted third-party vendor, DMV, Consumer Reporting Agency, and/or Human Resources (HR) or University personnel.

D. Procedures

Background Check Requirement Notification

1. Background Check During Recruitment:
 - a. The application for employment as well as the job posting site will carry appropriate language stating that a pre-employment/appointment background check will be conducted prior to hire.
 - b. The Hiring Manager or assigned HR Representative provides a conditional offer of employment, informing the applicant that they have been identified as the selected candidate, upon successful completion of a background check.
2. Background Check Due to Change in Duties:
 - a. The department works with their assigned HR Representative when critical duties are being added to an existing position or during reclassification, or when there is a job description update.
 - b. The supervisor should discuss the anticipated duties with the employee and inform the employee that a background check is required prior to the assignment of such duties and that if negative job-related information is received pertaining to the anticipated duties, they will not be assigned
 - c. The department notifies the employee prior to beginning the background check and coordinates the background check process with TA (Note: Background checks may be, but are not required to be, conducted by an outside vendor.)

Background Check Results Review

1. Background check reports, which may include conviction or non-conviction information, are received/accessed by TA.
2. The report(s) is reviewed, along with the job posting, resume and employment application by TA and WR.
3. The nature of the offense is reviewed in accordance with established UC Irvine Guidelines and applicable laws, including that the date of the offense is within seven (7) years unless

otherwise established by law, the number of offenses, the recency of the offense, and how the offense is potentially related to general employment and/or the specific job duties.

4. When necessary, the HR Business Partner and/or local HR Representative will be consulted to better assess potential organizational risk. Issues will be escalated to the senior leader of the department or business unit and/or UC Irvine Campus Counsel, as necessary.

Background Check Results Determination

1. If no potentially disqualifying information (PDI) is received and/or if the candidate/employee provides sufficient evidence of mitigation and/or rehabilitation, the hire/reclassification/position update may move forward.
2. If the information returned may result in disqualification, TA Operations will utilize the Pre-Adverse Action process and notify the candidate/employee of an intent to rescind the offer/eligibility of employment/continued employment. The notice shall inform the candidate of their right to dispute the disqualification within five (5) business days. The TA Operations team will manage all written communications with the individual in these situations, in accordance with FCRA and other laws.
3. If the candidate/employee does not respond within (5) business days, TA shall issue a notice of final disqualification of eligibility for employment/appointment for the position.
4. If the candidate/employee informs the University that they dispute the disqualification, they may provide evidence of mitigation or rehabilitation within (5) business days.
5. HR Business Partner or local HR Representative, TA, and WR review the information submitted by the candidate to determine whether it sufficiently establishes mitigation or rehabilitation, in accordance with policy and/or applicable bargaining agreement.
 - a. If the candidate/employee has established sufficient mitigation/rehabilitation to eliminate risk, the University shall proceed with the hiring process.
 - b. If the candidate/employee fails to establish sufficient evidence of mitigation/rehabilitation, and/or the PDI presents unacceptable risk, the University shall issue a final notice of disqualification from eligibility for employment/appointment in the position, or assignment of critical duties

Subsequent Incident Notification

1. Once candidates/current employees are cleared through any required background check system they are enrolled in the applicable ongoing active notification program, accordingly. Upon enrollment, the University shall receive subsequent report information regarding DMV and Subsequent Arrest Notification (SAN).

- a. For employees in positions that require driving, the employee is enrolled in the DMV Employee Pull Notice Program after successfully satisfying the preemployment condition of having an active driver's license.
 - b. Access to subsequent arrest information is strictly controlled. Failure to properly protect the confidentiality of information obtained from the DOJ can incur penalties under [California Penal Code Section. 11140, 11142, and 11143](#).
2. If the University receives notice of subsequent information which may disqualify a current employee from continued employment, TA, WR, and assigned HR Representative will review to assess information, as detailed above, in "Background Check Results Review", to determine next steps.

Post Employment

Once an employee is separated from UC Irvine, TA Operations will de-enroll the employee from the applicable subsequent incident notification system, and these notifications will no longer be received.

Record Keeping

Human Resources serves as the Office of Record for any records or other information generated by background checks. The material will be maintained in accordance with state and federal laws as well as university policies and procedures on privacy ([see Section 720-11](#)), and will be disposed of in accordance with the [UC Records Retention Schedule](#).

E. References

Personnel Policies for Staff Members:

- [Policy 20](#), Recruitment
- [Policy 21](#), Appointment
- [Policy 36](#), Classification of Positions
- [Policy 70](#), Complaint Resolution

Personnel Procedures for UC Irvine Staff Members:

- [20](#), Recruitment
- [21](#), Appointment
- [36](#), Classification of Positions

UC Business and Finance Bulletin

- [BUS-49](#) Cashiering Responsibilities and Guidelines

F. Forms & Resources

- [UC Records Retention Schedule](#)

- UC Irvine Administrative Policies & Procedures, [Section 720-11](#), Privacy of and Access to Information (Excluding Student Records) - Guidelines