

Background Investigation and Fingerprinting: Frequently Asked Questions

- 1. Are we permitted to hire a person during the time his/her background investigation is being processed?**

Only if Risk Services grants permission to conditionally employ a person pending the outcome of the background investigation process. This process may involve Risk Services consulting with the Director of Human Resources. Under no circumstances may the employee supervise youth or have access to criminal records of others until the criminal history/identity investigation is successfully cleared. If the results of the ANR background investigation indicate that the person is not eligible for the position in which he or she is employed, the provisional employee will have the opportunity to clarify the report with DOJ/FBI and to provide additional evidence to the responsible ANR unit administrator within two weeks. If not resolved satisfactorily, ANR must immediately release the person from this provisional employment.

- 2. Can a new employee or volunteer have supervisory responsibility for youth or access to criminal records employee only before the background investigation is completed?**

No.

- 3. If I am both an ANR/CE volunteer, as well as an ANR employee whose position description does not include contact with youth or access to criminal records of others, who initiates the background investigation?**

The county where you are serving as a volunteer.

- 4. If “supervision” is by a classroom teacher, but ANR staff or volunteers are participating in the teaching, must the ANR staff have a background clearance?**

If ANR staff/volunteers are teaching in classrooms where a classroom teacher is present, a background investigation is not required because the teacher is supervising the youth.

- 5. Who will pay for the cost of fingerprinting for employees?**

The Regional Director (or other appropriate administrative office) is responsible for paying all costs associated with the background investigation of ANR employees.

- 6. What happens when ANR County personnel or a volunteer invites non-ANR personnel/volunteer to attend our programs?**

In this case, the ANR personnel are responsible for supervision of the youth and the guest would not have to be fingerprinted.

Background Investigation and Fingerprinting: Frequently Asked Questions

7. Why should prospective and current employees/volunteers be fingerprinted?

The fingerprint process is a standard requirement for ANR employees supervising youth and is provided for by California law. The University checks the prospective employee's work history, salary, background, and/or education, as appropriate, as well as criminal history related to sex, drugs, or certain violent crimes.

8. Will fingerprinting screen out 100 percent of potential problems?

No. The fingerprint process will only "red flag" convictions in the specific areas listed in the California Penal Code. This method is not a 100 percent guarantee that potential problems will be detected, nor is any other process we have. Having this process is, however, a significant deterrent. The process will help to reject an applicant if his/her records show they are a danger to youth and will likely keep more individuals with questionable backgrounds from applying for a position.

9. What will happen if I am a current employee/volunteer responsible for the supervision of youth, a hiring authority, or an employee who reviews background check information and I refuse to be fingerprinted?

Refusal to comply with UC policies and procedures will result in reassignment or termination.

10. What happens to the employees' fingerprint records?

After the hiring decision is made or a decision is made regarding an existing employee, the records are destroyed, in accordance with Department of Justice requirements.

11. What do I do about rejected prints?

When DOJ rejects scanned fingerprints as unreadable, a mechanism exists within DOJ to facilitate the resolution of this problem. If DOJ is aware that a second set of fingerprints for an individual is being submitted, a manual clearance based on a name search, SSN and Driver's License Number will be conducted if this second print submission is still unreadable. Thus, we now only need to submit prints for each individual a maximum of two times. Note that this second submission must involve a rescanning of the individual's fingers. The original prints cannot be resubmitted.

Any second submission needs to alert DOJ to treat the submission differently than a first time submission. Rejected prints come back with an original ATI Number recorded on the form. When resubmitting another set of fingerprints, indicate the original ATI Number from

Background Investigation and Fingerprinting: Frequently Asked Questions

the first rejection on the second submission. If the prints are again unreadable, DOJ will conduct a manual search automatically.

12. What are some of the more common reasons that fingerprint submissions are rejected?

Livescan and fingerprint card submissions can be returned by DOJ/FBI for a variety of missing information pieces ranging from fees or billing information, through DOJ assigned number and employer address, to missing applicant information. This latter category is the most common problem with the missing information often being legible fingerprints, signature of applicant, complete name and residence address of applicant, reason for fingerprints (applicant type and title), and other necessary information (e.g., SSN, Sex, Height, Weight, Eye Color, DOB, Place of Birth). Careful completion of the card or live scan request avoids the unnecessary delays associated with rejected submissions.

13. Who do I contact when I have questions about the fingerprinting process or DOJ/FBI processing?

The ANR Office of Risk Services (ORS) will coordinate the responses to questions that arise. Queries can be e-mailed to Risk Analyst/Custodian of Criminal Records Kimberly Rodegerdts at karodegerdts@ucanr.edu

A list serve will be maintained by ORS for questions and answers so that commonly expressed concerns and solutions can be shared with others.

14. We have an ORI Number, do we need a mail code number?

Yes. To receive electronic notification of a volunteer background investigation you must request a mail code number for electronic fingerprint clearance notification.

15. Does the Department of Justice (DOJ) accept faxed copies?

No, faxed copies are not accepted. There are no exceptions.

16. Where can I find the Livescan (electronic fingerprinting) application on line?

The blank form is on the California Attorney General's website at:

http://ag.ca.gov/fingerprints/forms/BCII_8016.pdf

For a list of Live Scan sites go to: <http://ag.ca.gov/fingerprints/publications/contact.php>

Background Investigation and Fingerprinting: Frequently Asked Questions

You can also find Live Scan forms partially completed with ANR-specific information on the Risk Services website under Background Investigation Manual:

http://ucanr.org/sites/risk/Background_Investigation_Manual/

17. What will happen to my Livescan application if there is missing information and/or forms?

It will be returned to you and will not be processed by the DOJ.

18. Should I keep a copy of all documents sent to DOJ?

Yes, you should retain a copy of all documents sent to DOJ.

19. Who can I contact at DOJ if I have additional questions about volunteers?

Contact the DOJ fingerprint processing unit, currently Rita Godvold, at (916) 227-3838. However, each county is assigned a Field Representative. Rita will provide you with your representative's contact information.

20. When were UCCE offices required to file for Subsequent Arrest Notification?

Some counties had undergone DOJ audits and filed for SAN prior to the call, however the call went out to the Regional Directors in March of 2006. The goal was that all counties would have applied to the DOJ by October 1, 2006.

21. Is there any information available to UCCE County Directors about the Subsequent Arrest Notification process? If yes, where do I find the information?

You may contact the ANR Office of Risk Services for specific information, and you may also find the contract for Subsequent Arrest at <http://ag.ca.gov/fingerprints/forms/subarr.pdf>

22. Is there a process to follow if a county receives a Subsequent Arrest Notification for a volunteer?

Yes, you should contact the Statewide 4-H Office, your Regional Office, and ANR Office of Risk Services.

23. Who do I contact if I need help regarding a Subsequent Arrest Notification?

You should contact the Statewide 4-H Office.

Background Investigation and Fingerprinting: Frequently Asked Questions

24. What is the policy about how to maintain Subsequent Arrest Notification records?

A confidential business record will be maintained that indicates all active volunteers who have received a background clearance from the California DOJ and the date of this clearance. All fingerprint cards, returned by the California DOJ, as well as all DOJ faxed or emailed notices on applicant clearance must be destroyed after recording the DOJ results as a confidential business record in the local office.

The following information must be retained as part of the confidential business record:

A. Name of applicant

B. Date received and type of response from DOJ (clearance/non-clearance)

C. Type of application (original or resubmission)

D. Original ATI number

E. Level of service:

1. Basic DOJ clearance

2. Follow-up service

3. FBI clearance

25. When a volunteer is not reappointed or terminated, what process does the UCCE county office follow?

The County Office issues a letter of non-reappointment or termination. Examples are included in this binder. The State 4-H Office is notified in a blind copy. The letter outlines procedures for volunteers to return any property or banking account information to the county office. The volunteer is relieved of his/her leader card.

26. How long should a UCCE county office keep DOJ (clearance and subsequent arrest notification) information on file?

Any criminal record information that is reported during the DOJ clearance or under Subsequent Arrest Notification is confidential and should be destroyed after it is reviewed. However, you should retain identification information (i.e. items A-E in Question 24 above) as a part of the confidential business record as long as the volunteer is active or for two years after the volunteer is no longer in service.

27. The Live Scan form is a three-part form. Should the UCCE County office keep a copy of the Live Scan form if a volunteer returns it to the UCCE county office?

Yes, as it has all the information needed that is mentioned in Question 24 above. However, you should delete the DOB, SS# and Drivers License information.

**Background Investigation and Fingerprinting:
Frequently Asked Questions**

For more information, contact

ANR Risk Services
<http://ucanr.edu/risk>

Risk Services
University of California
2801 Second Street
Davis, CA 95618
Phone: 530-750-1383
risk@ucanr.edu