

Office of Human Resources
State of Louisiana
Division of Administration

JOHN BEL EDWARDS
GOVERNOR



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COMMISSIONER OF ADMINISTRATION

DIVISION OF ADMINISTRATION

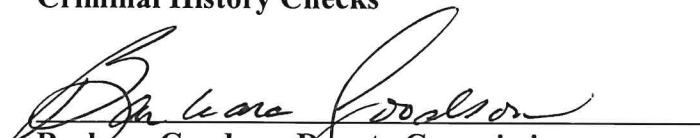
PERSONNEL POLICY NO. 78

EFFECTIVE DATE: December 3, 2019

PREVIOUS VERSIONS: March 20, 2006; November 3, 2006; December 1, 2006;
February 22, 2007; March 21, 2007; July 23, 2007;
August 16, 2007; July 13, 2009; January 4, 2010;
March 18, 2010; April 7, 2011

SUBJECT: Criminal History Checks

AUTHORIZATION:


Barbara Goodson, Deputy Commissioner

I. POLICY:

The policy of the Division of Administration (DOA) is to hire and promote applicants with the qualifications and backgrounds appropriate to the requirements of the position to be filled. Many offices within DOA employ individuals who regularly access privileged, confidential and sensitive information, or whose job duties could adversely impact their own or other's safety and well-being. Prudent business practice requires that applicants competing for these positions, referred to as security-sensitive or safety-sensitive, undergo criminal history checks prior to hiring, and periodically thereafter as required by state and federal law.

II. PURPOSE:

This policy serves to place applicants and employees on notice that they may be required to undergo a criminal history check prior to or during employment with the DOA, identify the positions subject to such checks, and establish procedures to evaluate an applicant's criminal history prior to a final Offer of Employment being made.

III. APPLICABILITY:

This policy applies to all DOA employees, but not to all positions utilized by the DOA; rather, the requirements of this policy apply only to security-sensitive and safety-sensitive positions.

This policy most frequently applies to applicants seeking initial employment with the DOA. However, this policy also applies to existing DOA employees selected to fill security-sensitive or safety-sensitive position via promotion, demotion, reassignment or detail to special duty. Additionally, certain employees of the Office of Technology Services are required by law to submit to criminal history checks on a periodic basis.

IV. DEFINITIONS:

Conditional Offer of Employment - The preliminary written proposal to employ which requires that the applicant submit to and pass a criminal history check.

Conditional Offer Consultation - The standardized process within Human Resources wherein documents are signed and the selected applicant is informed of the conditions which must be satisfied prior to receiving an Offer of Employment.

Offer of Employment - The appointing authority's approval to hire a qualified applicant who has satisfied all conditions and requirements set forth in the Conditional Offer of Employment.

Criminal History Check - The search of an applicant's state and/or federal criminal history records by the Office of State Police after execution of a Conditional Offer of Employment.

Security-Sensitive Positions - Those positions determined by Human Resources to have access to privileged, confidential, or sensitive information such as personnel, medical, financial, payroll, and tax documentation, who collect and process money, who support or administer computer systems, or process Criminal Justice Information and REAL ID Data.

Safety-Sensitive Positions - Those positions determined by Human Resources to require the operation of equipment or access to restricted areas.

V. PROCEDURE:

Job postings for the security-sensitive or safety-sensitive positions state that applicants are subject to a criminal history check.

Following the interview process, the section shall fully complete a Conditional Offer of Employment ("COE"). For the positions identified as security-sensitive or safety-sensitive, the COE shall clearly state that the position to be filled requires a criminal history check.

During the Conditional Offer Consultation, the applicant will sign the COE and documentation required to authorize a criminal history check.

Louisiana State Police will perform the criminal history check. For certain positions, fingerprinting and additional identifying information may be required.

If the criminal history check does not reveal any past criminal behavior, the section will continue the hiring process.

If the criminal history check reveals a criminal record, Human Resources and management personnel will evaluate the information provided and confer with the appointing authority to determine whether the applicant will be recommended for employment. In making this determination, Human Resources will consider the job requirements, nature of the offense, age at the time of the offense, time passed since the offense, the sentence imposed and the applicant's overall criminal history and employment records.

NOTE: The Offer of Employment shall not be made until the foregoing process has been completed and the applicant's appointment has been finally approved by the appointing authority. Under no circumstance may the applicant begin working prior to completion of this process.

VI. EXCEPTIONS:

Exceptions to the requirements of this policy will be granted only for compelling reasons as determined by Human Resources in consultation with management personnel and the appointing authority.

VII. VIOLATIONS:

Employees found to have violated this policy may be subject to disciplinary action, up to and including dismissal.

VIII. QUESTIONS:

Questions regarding this policy should be directed to Human Resources.