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## Internal Audit Report

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### Campus Background Checks

Report No. SC-14-10  
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**Approved**  
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## I. EXECUTIVE SUMMARY

Internal Audit & Advisory Services (IAS) has completed an audit of campus background checks to examine existing requirements, evaluate the adequacy of campus governance, and determine the sufficiency of the existing campus background check processes in reducing the risk of personnel safety incidents on campus.

Overall, there was a considerable amount of background check activity occurring on campus, including live scan fingerprinting for criminal conviction, driver-employees' testing, and health screening, which provided a reasonable level of assurance in reducing the risk of a variety of personnel safety incidences on campus.

However, the governance and administration of these activities were fragmented, creating challenges in the efficiency of the operations and in insuring inclusion of the appropriate campus constituents. Inefficiencies were identified with the lack of automation for the live scan work flow and repository of documentation. In addition, there was an absence of governing authority over the administration of the driving safety programs, and the need to finalize a campus policy to fairly review the suitability of employment when a criminal history is revealed was observed.

In the case of Live Scan, some campus groups, such as staff were heavily checked, while other groups such as faculty were almost never checked.

The following observations requiring management corrective action were identified:

### A. Campus Background Check Governance

Campus background check governance is fragmented between campus units and types of background checks; it lacks sufficient overarching monitoring and coordination, and consistency in its application

### B. Inefficiencies in Live Scan Fingerprinting Operations

Opportunities exist for improving the efficiency, including timeliness, and effectiveness of the Live Scan fingerprinting process

### C. Suitability of Employment

The hiring manager has the final hiring decision for a prospective employee with a positive criminal record. There is no independent campus review to ensure fairness and consistency in the decision for suitability of employment.

### D. Campus Driver Safety Programs Governance

Governance over campus driver safety programs is fragmented between campus units, and lacks a sufficient level of monitoring and coordination. Campus voluntary inclusion of more drivers in these programs could provide additional safety.

Management agreed to all corrective actions recommended to address risks identified in these areas. Observations and related management corrective actions are described in greater detail in section III. of this report.

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## II. INTRODUCTION

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### Purpose

The purpose of this audit was to examine existing background checks requirements, evaluate the adequacy of campus governance, and determine the sufficiency of the existing campus background check processes in reducing the risk of personnel safety incidents on campus.

### Background

It is the responsibility of the University to protect the campus community and its assets, and to reduce as much as possible the likelihood of harmful incidences, such as criminal acts, driving accidents, health hazards, dangerous materials exposure and others. The term background check describes an ensemble of screenings whose mandatory aspect is determined by the University's assessment of risks associated with specific employment positions. These positions are captured in the University of California (UC) Critical Functions Guide that includes Federal and State requirements as well as specific UC requirements. Most of these screenings are conducted as part of the hiring process, and some need to be repeated throughout a person's employment at UC.

The Recruitment Management System (RMS) is used for staff recruitment and the Employee Request (ER) system is used for student-employees hiring. Both systems include templates allowing for the identification of critical duties and the subsequent request for varied types of background check. No such automated critical functions system exists for Volunteers or Academics.

The most common background checks conducted at UC Santa Cruz (UCSC) are:

- Live Scan Fingerprinting for Criminal Conviction (Live Scan): This process is owned by Staff Human Resources (Staff HR). Screening is done through the California Department of Justice (DOJ) and provides a criminal history with an added report from the Federal Bureau of Investigation (FBI) if out of state residency during the past 10 years. UCSC units fund this program.
- Driver-Employees Safety and Testing Programs:
  - Department of Motor Vehicles (DMV) Employer Pull Notice (EPN) Program: registration of driver-employees in this program alerts the employer of any motor vehicle violation and of any action taken against an employee driver's license during the time of employment. Required by the Commercial Motor Vehicle Safety Act, the administration of this program resides in the Transportation and Parking Services (TAPS) unit for campus commercial vehicles. Funding for this program comes from UC Office of the President (UCOP).
  - Department of Transportation Drug and Alcohol Testing Program: after an initial test upon hiring, driver-employees are subsequently tested on a quarterly random selection basis. This program is applied on campus to commercial vehicles drivers as required by Department of Transportation (DOT) regulations. TAPS administers

this program and uses the services of a third party, Industrial Health Services Network (IHSN). UCSC units fund this program.

- Health Screening: Under Federal and/or State regulations, health screenings and mandatory immunizations are monitored by the individual units.
- Verification of professional licenses, certification or degrees as well as references from previous employment is the responsibility of the hiring unit.
- Neither credit background checks nor social security checks are conducted on campus.
- NASA conducts its own extensive background check on UCSC employees working on their premises.
- The Police Department also has its own screening protocol for all employees working in the department.

Background checks are conducted upon hiring or re-hiring of staff, student-employees and volunteers, whenever assuming a critical position. The number of live scans completed is more than nine hundred each year.

The University of California does not require faculty and other academic personnel to be live scanned, except in rare and specific instances. There is no UC academic background check policy. The existing UC Background Check Policy for staff and student-employees is included in the *UC Personnel Policies for Staff Members*.

UCSC Staff HR has currently a Draft UCSC Background Check Policy<sup>1</sup> that includes the volunteer population. It also includes a section addressing campus decision process for suitability of employment when criminal history is revealed.

### Scope

We conducted preliminary interviews with the three central units most involved in monitoring the hiring process: Staff HR (for staff, volunteers and student-employees), Academic Personnel (for academics), and Career Center (for student-employees).

We reviewed the Live Scan process flow among campus units at the time of hiring, re-hiring, or re-classification for staff, volunteers and student-employees. The time frame for staff actions were Fiscal Years 2012 and 2013.

We reviewed the two driver-employees programs: the DMV Pull Notice and the Drug & Alcohol Testing for TAPS, Physical Plant, Fleet Services, Office of Physical Education, Recreation and Sports (OPERS), Mail Services and Dining Services.

We reviewed the health screening processes at the Health Center, Environmental Health & Safety (EH&S), Early Education Services (EES), Educational Partnership Center (EPC), Dining Services and Grounds Services.

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<sup>1</sup> [http://shr.ucsc.edu/procedures/background\\_policy/UCSC\\_BkgrdCk\\_Policy\\_DRAFT.pdf](http://shr.ucsc.edu/procedures/background_policy/UCSC_BkgrdCk_Policy_DRAFT.pdf)

We reviewed situations possibly requiring faculty background checks, spoke with Academic Personnel, the Physical & Biological Sciences (PBSci) Division, the Office of Sponsored Project (OSP), the Office of Research Compliance Administration (ORCA), and EH&S.

Finally, we contacted the Office for Diversity, Equity and Inclusion (ODEI) for issues of fairness in the de-selection process.

We did not review background checks related to professional licenses, certification or degrees and references verification.

**III. OBSERVATIONS REQUIRING MANAGEMENT CORRECTIVE ACTION**

<b>A. Campus Background Check Governance</b>						
Campus background check governance is fragmented between campus units and types of background checks; it lack sufficient overarching monitoring and coordination, and consistency in its application.						
<b>Risk Statement/Effect</b>						
A lack of oversight of the campus background check program contributes to operational inefficiencies, increases the risk of non-compliance, and reduces the chances of fairness in personnel actions related to decision on suitability of employment.						
<b>Recommendation/Agreement</b>						
<b>A.1</b>	<table border="1"> <tr> <td rowspan="4">The EVC will consider options for consolidating governance over some or all background check functions and applications.</td> <td>Implementation Date</td> </tr> <tr> <td>8/30/14</td> </tr> <tr> <td>Responsible Manager</td> </tr> <tr> <td>EVC</td> </tr> </table>	The EVC will consider options for consolidating governance over some or all background check functions and applications.	Implementation Date	8/30/14	Responsible Manager	EVC
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	8/30/14					
	Responsible Manager					
	EVC					

**A. Campus Background Check Governance – Detailed Discussion**

The existing governance structure over background checks is fragmented between various campus units engaged in often shared responsibilities depending on the population served (staff, academic, student-employees, and volunteers) and on the type of background check conducted (criminal, driving safety, health screening, credential verification). Without overarching campus guidance or program oversight, this fragmented organizational structure facilitates both occasional overlaps and/or neglect of responsibilities.

For example, Staff HR monitors the Live Scan Fingerprint (criminal history background check), for staff but not for volunteers and only partially for student-employees in a shared responsibility with Career Center; TAPS monitors the driver-employee background checks (DMV Employer Pull Notice Program and the Drug & Alcohol Testing Program), but not necessarily for all campus drivers and without the authority to ensure full participation and compliance. Compliance to health screening regulations is entirely monitored by the units whose function places them under such regulations (for example Health Center and Early Education Services). Up until a formal campus volunteer program is formulated, volunteers are not under any central monitoring.

Although Staff HR provides the live scan services to the campus, it does not have the authority over the live scan policies for the entire campus population and does not engage in the driver, health screening, or employee verification aspects of the campus background check program.

***The assurance that all required background checks have been completed before the employee is allowed to perform critical duties is almost entirely the responsibility of the hiring manager without a system providing a mean for second verification.***

Many of the background check processes, especially live scan and driver programs, are spread out over many different campus units without a unifying system that would support an efficient work flow. Informal local procedures have been created, but the complexity of process steps, diversity of population served and lack of integration leads to inefficiencies and a potential for non-compliance, as described in greater detail below:

### **Campus Population subject to Background Checks**

Not everyone on campus goes through an applicable criminal, driver, health screening, or credential verification background check. Several of the different types of background checks are briefly described below:

#### **Criminal checks:**

Criminal history background checks, done through DOJ Live Scan (Live Scan) are required for individuals (staff, student-employees and volunteers) under consideration for hire or appointment into critical positions. Once a person is Live Scanned, subsequent criminal convictions, if they occur, are reported to the campus on an ongoing basis until campus requires the DOJ to remove the employee off of their list.

The live scan fingerprinting program started on campus in September 2001. Campus personnel who were hired prior to that time were ink-fingerprinted, but are not included on the active DOJ list, which is a function of the live scan. ***As a result, there may be a substantial population on campus for whom convictions occurring subsequent to September 2001 would not be known by the University.***

Within the UC system and at UCSC, there is no background check policy for faculty and no mention of faculty background checks in the UCSC Academic Personnel Manual. ***Faculty and other academic personnel are almost never live scanned*** except in some instances when background checks may be required for Principal Investigators and their team, either associated with the terms and conditions of a research award, the use of controlled substances for research purpose or their participation in a program including youth under 18 years of age or minors. The Academic Personnel Office (APO) is looking at creating some guidelines that may be included in the upcoming Campus Background Check Policy, should such cases occur. (Refer to Appendix B for a discussion on Faculty and Other Academic Personnel Live Scans.)

***It is difficult to determine if volunteers are appropriately live scanned.*** Without a campus Volunteers Program (as identified in a recent audit), there is no campus entity to review the volunteer assignments in critical areas and determine required background checks. The decision to live scan a volunteer rests with his/her supervisor alone.

**Drivers- Employees Safety and Testing Programs**

Drivers of commercial vehicles requiring Class A & B licenses are required by law to be registered in the DMV Employer Pull Notice Program and in the Drug and Alcohol Testing Program upon hiring and throughout employment. In addition, this campus, as a precautionary measure, requires vanpools drivers to be part of the DMV Pull Notice Program even though their vehicles are below regulation. The population affected by the driving tests is mostly among staff and some volunteers or student-employees.

**Health Screening**

Health screenings are not University policies, but are mandated by governing agencies imposing certain types of check for certain positions. Individual units are subject to federal and state audits and manage their own compliance to regulations.

We did not observe any compliance concern indicators in our interviews with Health Center, Early Education Services (EES), Educational Partnership Center (EPC), EH&S and Dining Services. At this point, although a coordination of these screenings might bring benefits and reinforce assurance of compliance for some units, we did not see this as a priority for campus.

<b>B. Inefficiencies in Live Scan Fingerprinting Operations</b>		
Opportunities exist for improving the efficiency, including timeliness, and effectiveness of the Live Scan fingerprinting process.		
<b>Risk Statement/Effect</b>		
Addressing inefficiencies in Live Scan Operations would allow existing resources to be reallocated, eliminate useless screenings, provide better information over Live Scans that have been requested or completed, and insure that participation in the DOJ program has been properly terminated.		
<b>Agreements</b>		
<b>B.1</b>	<p>VC BAS will consider: converting the Live Scan process from a manual to an automated system; transferring the entire livescan process into one unit of Staff HR; and implementing a second live scan location.</p> <p>UC Path implementation and the corresponding review of a successor system for RMS affect the timing of the proposed dates for this agreement. The three actions in this agreement will be addressed in one review and will require deep engagement by the same subject matter experts that are currently dedicated to UC Path. In addition, until the standard operating procedures for hiring are finalized, a review of the LiveScan process would not be prudent. A review cannot begin until July 2015. As a result, the proposed implementation date for this agreement is December 2015.</p>	Implementation Date
		12/31/2015
		Responsible Manager
		VC BAS
<b>B.2</b>	<p>Staff HR AVC will consult with Campus Counsel and re-visit the possibility of making live scan mandatory upon hire.</p> <p>UCOP is currently reviewing proposed policy adjustments that could result in a systemwide decision on required background checks. The systemwide work could affect the content and timing of UCSC work on this topic.</p>	Implementation Date
		12/31/2014
		Responsible Manager
		AVC SHR
<b>B.3</b>	<p>SHR Compensation Unit will strengthen background check controls in the "Reclassification" and "Change of Duties Review" processes to ensure identification of need to either place employees on or remove from the DOJ active list, in:</p> <ul style="list-style-type: none"> <li>• reviewing and appropriately updating the two forms mentioned, and</li> <li>• including the Critical Designation Worksheet currently used for recruitment into these two processes.</li> </ul>	Implementation Date
		08/29/2014
		Responsible Manager
		AVC SHR

## B. Inefficiencies in Live Scan Fingerprinting Operations - Detailed discussion.

The following eight areas represent potential areas where efficiencies over the Live Scan fingerprinting operation could be improved:

### 1. Electronic Workflow

**Efficiencies could be gained by converting from a manual to an electronic work flow.** Key documents could be maintained in a central repository and routed to units who are engaged in the process, and background check status could be directly reviewed by those who have access to the system repository.

We have inquired about *how this activity could be implemented within system-wide UC Path, even if partially*. Design decisions are in the process of being made system-wide and it appears that additional screening could be developed and reports could be created to monitor live scan completion and follow up. Other decisions surrounding the tracking of work flow would need to be approved and confirmed.

### 2. Fingerprinting Process owned by one SHR unit only

**Workflow simplification could also be achieved if the entire process was placed under only one unit of Staff HR.**

The Live Scan (fingerprinting) workflow, triggered at Staff HR by a job offer made to an applicant for a critical position, is a manual (paper) process. It involves a number of interfaces between several units of Staff HR and other campus units by means of emails, campus mail or phone calls without help of automation. This opens many possibilities for process bottlenecks, loss of documentation and delays. Refer to (Appendix A.1 & A.2: Hiring Background Check Flowchart & Narrative Description of Hiring Background Check.)

The routing of key paper forms within SHR might be able to be eliminated with only one unit in charge of the **fingerprinting**, thus speeding up the process. Other small improvements may be obtained with the simplification of some basic process steps, such as eliminating the need for a volunteer or student employee to meet with SHR staff.

### 3. Mandatory Live Scans upon Hire

In the last five years, there has been an average of 950 live scans performed each year. Approximately 85% of the positions hired during this time were deemed critical. A substantial amount of staff time is spent in reviewing **job** descriptions for critical duties and determining whether a staff position is a critical position requiring a live scan. **If live scans became mandatory upon staff hire, it would save time and effort for all units involved in the hiring process. Also, the campus would have assurance that convictions would be reported equally for all.**

### 4. Live Scan station slow performance

We received some complaints about the live scan station, its location at Mail Services and the frequent operative delays. **Mail** Services is located upper campus, which is not always convenient

for applicants to reach and open hours are limited. In addition, we were informed that the Live Scan machine was often broken. Upon inquiry we found that the scanning machine has now been replaced by a new one, which is working well. In addition, a change has been made by the DOJ: the campus no longer has direct access to the DOJ, but has to go through an intermediary contracting firm. Adapting to new software has complicated and lengthened the process. Matters were reported to improve for this aspect as well.

Units who can only hire upon completion of the background check are the most impacted by delays in scanning, which for *some* resulted in the loss of their candidates who no longer could wait for an offer.

***It might be valid to consider a second live scan location on Staff HR premises to speed up the process.*** Students could *continue* to use the Mail Services location, which is convenient for them, and hired staff could be live scanned as part of their on-boarding process.

#### 5. **Lack of consistent follow-up**

It is the responsibility of the applicant to go to the live scan station and of the hiring supervisor to ensure that the live scan has been completed. No other system of follow-up exists; Staff HR receives the results of the live scan but, *without* the use of an automated system, lacks the resources to do any type of manual follow-up. ***An automated system could provide a report of new hires without scan results,*** and a consistent follow-up by the hiring supervisor could ensure live scan results were received and reviewed either prior to hire or quickly after hire. In this way the University would not run the risk of individuals performing critical duties without having completed their criminal history fingerprinting. ***UC Path design seems to be geared to allow for reports that could be used for follow-up. It might be good to maintain a strong request for such features.***

#### 6. **Redundancy of live scans**

During our limited testing we identified a number of individuals receiving multiple live scans, even with no interruption in employment. In some instances four to five live scans were performed for one person in a relatively short *amount* of time; one employee was live scanned 3 times in 4 months. The first live scan places the person on the active DOJ list; therefore subsequent live scans should not be needed in most cases. This may be an indication that the information on whether or not a person has had a live scan performed is lacking, inaccessible, or not used.

Up until two years ago, live scan information was not consistently recorded in the Personnel Payroll System (PPS). Also the lengthy and cumbersome process described in Appendices A.1 & A.2 does not allow for rapid posting of live scans after they have been carried out and prevents current updating, therefore opening the door for another live scan. ***An automated system with instant knowledge of live scan status as well as a decision to make live scans mandatory would help reduce occurrences of multiple live scans.***

We learned that Staff HR recommends employees who are changing positions be fingerprinted, even if the employee is on the active DOJ list. This comes out of a concern for cases where criminal convictions have been revealed at the beginning of a current employment. Hiring Managers are

the final authority determining **suitability** of employment; in providing systematic fingerprinting with every change of position, the review of the employee against required duties would be done anew from the perspective of the new manager and the new duties.

***This concern could be mitigated with the finalization of the UCSC draft policy on Background Check proposing to remove the suitability of employment decision from the hiring committees to a single campus committee.***

#### **7. DOJ “No Longer Interested” (NLI) Notification**

Live Scan fingerprinting allows the University to receive updates from the DOJ for any subsequent convictions during the time the employee or volunteer is working in a position deemed critical. When no longer in this **critical** position, the University is required by the California Penal Code to notify the DOJ that it is “No Longer Interested” (NLI) in receiving subsequent conviction information on this particular employee or volunteer. The hiring supervisor is responsible for filling out an NLI paper form and to sending it to SHR Employment who then notifies the DOJ to remove the person from the DOJ active list. The lack of automation makes it extremely complicated for this process to occur with efficiency or in compliance with the law.

When a staff person separates or a student employee graduates from the University, a Staff HR process ensures that their names are removed from the DOJ active list. A difficulty in compliance exists when there is a change in employment from a critical position to a non-critical position. The situation should theoretically be identified either by Staff HR or the Supervisor. However, it is not always easy to identify because there is **not** a reliable process within Staff HR for changes of position with or without reclassification. Compensation may be in a position to assist in the process.

Students by nature are such a transient population that there is no established system to take them off the list and back on the list in such small intervals of time up until graduation when they will be taken off of the list.

***It is not known how well the NIL procedure is applied for volunteers’ departure.***

#### **8. Control weaknesses in background checks for changes in job duty/reclassifications of position**

Whenever there is a change in job duties or a reclassification of positions, the need for a background check related to the new position must be carefully reviewed. The Compensation unit within Staff HR performs this **review**. A new screening request may become necessary or, as discussed in #7 above, the need to remove the staff person off of the DOJ list could be identified at that time.

To request a reclassification for an employee, the unit supervisor fills out an Employee Action Request form (EAR) and a Classification Review Supplemental Questionnaire. ***From our review of these two forms, there was insufficient emphasis placed on the importance of a background check status and no mention of it in the supplemental questionnaire.***

Both these forms could be reviewed, especially the supplemental questionnaire could be enhanced to provide improved control and to include questions such as:

- Is this position a critical position?
- Has this employee been already live scanned?
- Are any additional background checks required for this new classification?
- Should this person be removed from the DOJ active list?

***Also, it would be worthwhile for the Compensation Unit to include in the changes in job duty/reclassifications of position processes, the Critical Designation Worksheet currently used for the recruitment process.***

<b>C. Suitability of Employment</b>		
The hiring manager has the final hiring decision for a prospective employee with a positive criminal record. There is no independent campus review to ensure fairness and consistency in the decision for suitability of employment.		
<b>Risk Statement/Effect</b>		
There is a risk in having the hiring manager make such a decision alone on a matter in which he/she has much investment. If the hiring decision is made in isolation by one person in one unit, it is not possible to ensure that the same hiring standards will be applied with fairness throughout campus.		
<b>Agreements</b>		
<b>C.1</b>	Staff HR will finalize the UCSC Background Check Policy with the inclusion of a campus review process to determine the suitability of employment for all cases of criminal history being revealed.	Implementation Date
		12/31/2014
		Responsible Manager
		AVC SHR
<b>C.2</b>	Staff HR will revise and publicize guidelines for campus obligations regarding criminal conviction public records retention.	Implementation Date
		8/29/2014
		Responsible Manager
		AVC SHR

**C. Suitability of Employment – Detailed discussion**

Whenever a criminal background check reveals a past conviction for an applicant to whom a job offer has been made, the hiring manager consults with Staff HR and sometimes other parties regarding the suitability of employment for this particular individual and the type of duties he/she was to perform. After consultation, the final decision is in the hands of the hiring manager alone who has no obligation to follow the advice and recommendations received.

Although it does make sense that the manager who will be responsible for the person hired should be involved in the hiring decision, there are risks associated with not having a secondary approval over the hire:

- 1) The hiring manager who has invested time in the recruitment effort and who needs to have the position filled may not be considering all implications of the hire for the interest of campus at large; and
- 2) The uniformity of decision and of the application of United States Equal Employment Opportunity Commission (EEOC) guidelines for evaluating suitability of employment for similar cases on campus would be difficult to guarantee with different individual making this decision alone.

The need for a campus wide protocol to determine suitability of employment was identified several years ago as a risk to the campus and a draft campus background check policy was developed by Staff HR to address this risk. This draft policy contains a proposal for high level campus decision makers to be tasked with reviewing the suitability of employment in cases past criminal records were revealed by the live scan.

Staff HR Leadership is committed to move the policy forward to finalization. In this way, the responsibility for the final decision for suitability of employment would be taken off of the Hiring Manager and placed in the hands of a few campus leaders, assuring more uniformity and fairness across campus.

In addition, this solution could take away the current lack of privacy issue on the application regarding past conviction. It would allow campus to follow EEOC guidelines and to provide protection and fair hiring during the de-selection process to applicants who, up until now, indicate positive criminal records on their application. With the entire authority for suitability of employment removed from the hiring committee, this committee would not need to be made aware of a criminal past.

#### **Maintaining Criminal Conviction Records**

Records retention for individuals for whom a positive criminal live scan return occurred is dictated by the California Penal Code. Up until recently the DOJ records were to be destroyed as soon as the decision was made regarding suitability of employment. Since then, there has been some change within the Penal Code allowing for a selected type of records to be kept. This information has not yet been translated into guidelines and at this time there are no good resources for campus on what to retain and what not to retain.

<b>D. Campus Driver Safety Programs Governance</b>		
Governance over campus driver safety programs is fragmented between campus units and lacks a sufficient level of monitoring and coordination. Campus voluntary inclusion of more drivers in these programs could provide additional safety.		
<b>Risk Statement/Effect</b>		
Without adequate governance over the driving programs, the campus is at risk of being out of compliance with federal and state laws, and may be placing campus riders at risk.		
<b>Agreements</b>		
<b>D.1</b>	VC BAS will consider assigning Staff Human Resources as the process owner over the Drivers Safety Programs.	Implementation Date
		6/30/2015
		Responsible Manager
		VC BAS
<b>D.2</b>	The EVC will consider expanding the participation of campus drivers into the DMV Employer’s Pull Notice Program and/or in the Drug & Alcohol Testing Program.	Implementation Date
		8/30/14
		Responsible Manager
		EVC

**D. Campus Drivers Safety Programs Governance – Detailed Discussion**

**1. Drivers Safety Programs Governance**

University of California BUS-46 Policy on “Use of University Vehicles” and UCSC Policy on “Drivers and Drivers’ Public Driving Records” and Interim Policy on “Department of Transportation Drug & Alcohol Testing Program” regulate the varied controls and testing procedures for campus drivers operating specific types of vehicles requiring Class A or B driver license. UCSC Policy on “Drivers and Drivers’ Public Driving Records” also includes the possibility of extending the DMV Pull Notice System participation beyond DOT regulations for drivers identified by department heads “based on the requirements of the position to drive while on official University business”. Tests are to be performed at hiring, followed by the registration into one or two of the following programs:

- 1) the “DMV Employer’s Pull Notice (EPN) System”, and
- 2) the “Drug & Alcohol Testing Program”

Both programs are being serviced outside of the University: the former is directly contracted by UCOP to SambaSafety; the latter is contracted by campus to Industrial Health Services Network (IHSN) and charged to the campus units.

At this time both programs are administered by the Transportation and Parking Services (TAPS) unit; However, TAPS provides the testing services but does not have governance authority to provide coordination and monitor participation and compliance. It cannot create and manage

standard procedures, especially for disciplinary action. It is not informed of the hiring of a new driver in a unit. In case of a positive drug test return, the unit will be contacted but TAPS will not know of it. Therefore it will have no say in the procedures followed by the unit in terms of routing the person to the appropriate rehabilitation and performance management program. Without a governing oversight, compliance cannot be ensured.

It was also pointed out to us that if the hiring unit was waiting for the initial drug and alcohol test results before confirming hiring, it would save the University the obligation of the mandatory performance management in case of a positive results. TAPS has no authority to issue such directives to the participating units.

In addition, TAPS is home to a number of drivers who are to be registered in these programs, and it might seem more appropriate to reassign these programs to a neutral unit. The conversation of transferring these drivers programs from TAPS to Staff HR has made sense to both units for several years.

2. **Opportunity to strengthen drivers and campus safety by broadening the participation in these Programs.**

The Drug & Alcohol testing program required by the Department of Transportation (DOT) applies to drivers of certain types of vehicles, such as heavy equipment, refuse trucks, shuttle, etc... On campus, approximately 60 TAPS and Physical Plant employees are registered in this program. It is a campus expense.

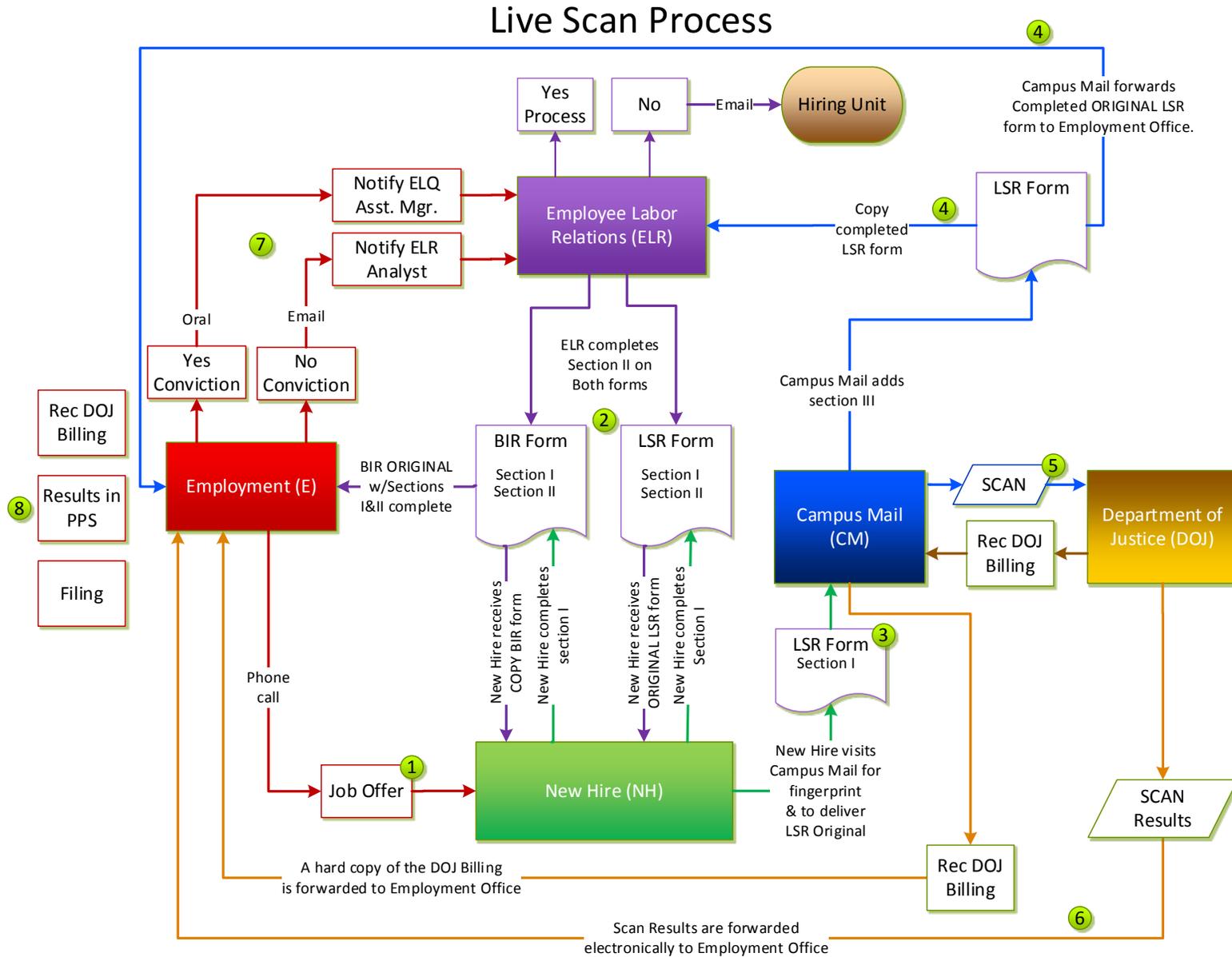
The DMV Pull Notice program is funded by UCOP, however the administrative costs associated to implementation are campus responsibility. It allows managers to be notified when: 1) a driver receives a driving citation, even when pulled over for using a cell phone or lack of seat belt, 2) driver licenses are up for renewal and 3) for some, when physical examinations are due. About 150 employees participate in this program

Some units, such as Mail Services and Office of Physical Education, Recreation and Sports (OPERS, whose size of vehicles is just under the regulated limit still opted to register their drivers in the Pull Notice Program. We believe this to be a sound safety measure.

***We also believe that other units on campus would benefit of a similar voluntary participation in this program, offering more safety controls.*** The need to be included in the Pull Notice program beyond the DOT requirement as recommended by the UCSC policy cited above, could be considered for example for units such as Dining Services, Media Services, Library, and Physical Plant for its trucks or vans assigned to custodians, electricians, plumbers, for example. These vehicles travel on campus roads populated by students often quite unaware of traffic. Outreach activities in K-12 schools including driving could also be reviewed for such participation.

In the same manner, the Drug & Alcohol Testing program could be considered for some drivers for whom it is not a DOT requirement such as ***OPERS drivers who take youth for long rides in recreational overnight trips.***

APPENDIX A.1 – Hiring Background Check Flowchart



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## APPENDIX A.2 – Narrative Description of Hiring Background Check Process

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***Requests and approval documentation are done by way of paper documentation travelling by campus mail or carried in person. Communication occurs by emails, phone calls or in person. There are multiple occasions for the documentation to be stopped or lost in its itinerary, and for communications to be missed or left unrecorded.***

***Bottlenecks and delays are frequent, time consuming for the staff and holding back important information during the recruitment process. In addition the paper filing becomes one of the main source of information of past background checks and is as difficult to access as it is to maintain updated.***

1. The SHR Employment unit calls the Applicant on behalf of the Hiring Supervisor to relay the job offer, which is conditional to appropriate background checks.
2. The Applicant then meets in person with an SHR Employees & Labor Relations unit (ELR) staff person. Both fill out their portion of two paper documents: the Background Investigation Request (BIR) and the Live Scan Service Request (LSSR). Copies are made and the four paper documents have each now their own route to follow.
3. The Applicant keeps for his own record the BIR copy and gives the original LSSR to Mail Services where he/she goes for live scan.
4. When done, Mail Services fills out its own portion of the LSSR, sends original to SHR ELR and a copy to SHR Employment.
5. The live scan performed at Mail Services is electronically sent to the DOJ.
6. SHR Employment retrieves the results of Live Scan from the DOJ website. These are the two only segments of the workflow performed electronically.
7. Whether the results of the scan are positive or negative, SHR Employment calls or speaks in person to notify either the SHR ELR Assistant Manager or Analyst who will then notify the Hiring Supervisor by phone or email. For confidentiality purpose, if criminal convictions are revealed, all communications on this matter are conducted orally and documentation is destroyed.
8. The last steps of the process are to be done by SHR Employment: upon return of the original BIR and the LSSR copy, these paper copies are filed in Employment file drawers; reconciliation of the DOJ billing after receipt from Campus Mail; and update of the Personnel Payroll System (PPS) to indicate completion of fingerprinting.

*Units involved by population served:*

Staff Hiring or Appointments: at least four units (two or three separate Staff HR units and two campus units) are involved in each live scan.

Staff Reclassifications: another SHR unit gets into the process loop: the Compensation unit.

Student-employees: two new units: the Career Center and the SHR Employment Operations Teams replace Staff HR ELR in the loop; the Hiring Supervisor takes on a larger portion role.

Volunteers: the process is similar to Staff Hiring, with larger role of Hiring Supervisor who does make the offer of the volunteer position.

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## APPENDIX B – Discussion on Faculty & Other Academic Personnel Live Scans

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As per UC Office of President “*Statistical Summary and Data on UC Students, Faculty, and Staff*” April 2013 data, UCSC had 2,281 academics (Teaching Faculty, Lecturers, Researchers and Student Assistants). This is just short of a third of the total UCSC employee headcount of 7,693. However, the academic community is not subjected to background check live scan screening in the same way the remaining 5,000 plus campus employees are.

There appears to have always been great opposition to this possibility on the academic side at the University of California, and except an academic status, ***it would be difficult to articulate a reason why faculty and other academics should be exempt from a comprehensive safety approach to the campus community.***

Although the number of criminal convictions found for academics may be expected to be low, it only takes one instance to create a harmful situation and an individual with greater education might be considered to have a greater capacity for sophisticated actions.

In the recent years, ***universities across the nation have come up with standardized background check processes*** that include faculty because of the presence of increasing risk with the exposure to students and social media.

For example, a number of universities have adopted policies requiring a criminal background check for all employees including faculty and other academic positions, includes: *Penn State, University of Michigan, Colorado, Kansas, Tennessee, Virginia, Vanderbilt and Montana State.*

Programs with minors represent areas of higher risk. For that reason, a number of universities have adopted policies requiring a criminal background check for faculty and academics when participating in programs with minors: *Tufts University, Saint Louis University, Indiana University and Marquette University.* These two lists are not exhaustive

In addition, at UCSC ***there is no systematic monitoring of academics working with minors.*** Professors are relied upon to inform the Academic Personnel Office (APO) of such occurrences. The APO Assistant Vice Chancellor is the California’s Child Abuse and Neglect Reporting Act (CANRA) Coordinator for UCSC. She recently made an announcement to the Academic Department Chairs requesting that their faculty let them know when they work with minors. Divisional AP representatives are also expected to inform APO of faculty involved in programs with minors. Two actions that will be required at UCSC:

- 1) Academics will be asked to sign the CANRA document attesting their understanding of their obligation according the Act.
- 2) Background checks would be done only if the program requests it.