



Georgia Department of Education

Policies and Procedures

Policy Title:	<i>Fingerprinting and Background Checks for Employment, State Schools</i>		
Policy Number:	<i>SS-5008 Descriptor Code-GBD-2</i>		
Release Date:	<i>10-08-02</i>	Last Revised:	<i>11-22-03</i>

Purpose

To describe the process to initiate criminal record and background investigations and reporting results of such investigations for applicant selected for employment at the State Schools. Also, to describe the consequences of criminal convictions and failure to report any arrests, charges, or criminal convictions by current employees of the State Schools and by applicants for employment with the State Schools.

Applicability

This policy applies to all applicants for employment with the State Schools.

Definitions

Nolo Contendere: A plea by a defendant in a criminal prosecution that without admitting guilt subjects the defendant to conviction as in the case of a guilty plea but that does not bar denial of the truth of the charges in another proceeding (as a civil action based on the same acts).

Policy

As a condition of employment, all applicants for employment with State Schools are required to disclose the following information: any arrest, charge, or conviction for any crime, except for minor traffic offenses where the fines were \$35.00 or less. This includes any drug-related charges, any charges related to driving under the influence, first offender pleas (regardless of whether the record has been expunged), and pleas of nolo contendere. All applicants/nominees selected for employment are required to sign a notice for release of information which includes the penalties for falsification of information. Applicants/nominees who fail to disclose this information and/or who refuse to sign the release form will be immediately disqualified from employment. Applicants will be ineligible for employment with State Schools if convicted of any of the following crimes: any felony; simple battery when the victim is a minor; contributing to the delinquency of a minor; sexual offenses; criminal attempt when the crime attempted is any of the crimes specified above; or

any other offenses committed in another jurisdiction which, if committed in this state, would be one of the above enumerated crimes. No applicants with pending criminal charges will be hired. Current State Schools employees are required to report pending criminal charges in writing to the DOE Human Resources office and further report in writing when a disposition of the charge is made. Failure to report a pending criminal charge and/or the disposition of the charge will result in disciplinary action up to and including dismissal from employment. If an employee is convicted of a crime delineated in this policy, appropriate action shall be taken to immediately terminate the employee. Any employee discovered as providing false information on the employment application and/or the Security Questionnaire/Loyalty Oath may immediately be terminated for failing to be truthful during the employment process. If any discrepancies in employment history are discovered, the DOE Human Resources office will determine on a case-by-case analysis whether the documented record is demonstrably related to the duties of the position and/or the security and safety of the State Schools prior to the decision to the employment of the individual.

General Provisions

1. Nominees selected for employment must sign the 'Authorization for Release of Information and Notice of Penalties for Falsification' form. For all nominees for employment with the State Schools, this form should be attached to the 'Personnel Action Request' and forwarded to the DOE Human Resources office.
2. All applicants for employment with State Schools shall be notified that criminal background checks shall be conducted on nominees selected for employment.
3. Nominees for employment with the State Schools are required to be fingerprinted as part of the background investigation process. Two fingerprint cards will be sent to the Georgia Bureau of Investigation (one of which is forwarded to the Federal Bureau of Investigation) for a criminal records check.
4. The DOE Human Resources office will notify the supervisor when the investigation is completed. If the background investigation results in the discovery that an applicant was convicted of any of the crimes listed above, the Director of Human Resources will take action to terminate the employment process.
5. Records pertaining to the background investigation will become part of the employee's official personnel file.

Procedure for employees of State Schools to report criminal charges

1. Section I of the “State School Employee Report of Criminal Charge” form must be completed by the employee and returned to his/her respective personnel technician by the end of the next business day following the date of the criminal charge(s).
2. The State School will retain the original form and fax a copy to the DOE Human Resources office.
3. The personnel technician must track the court date.
4. After final disposition of the charges, the employee must meet with the personnel technician to complete Section II.
5. The complete original document must be sent to the DOE Human Resources office by the State School.
6. The “State School Employee Report of Criminal Charges” form will become part of the employee’s personnel file.

**Authority and/or
Cross-Reference**

- O.C.G.A. 35.-3-38 and 49-2-14
- HB 1187
- State Schools *Reports of Criminal Charges* Policy (SS-3002)