

HUMAN RESOURCE POLICY

#25B (EMP)

PRE & POST CONDITIONAL EMPLOYMENT OFFER REQUIREMENTS

Approved by: Personnel Board 4/24/2014

City Council 5/13/2014

Mayor of Omaha: Jean Stothert
City Council President: Pete Festersen
Human Resources Director: Mikki Frost

Pursuant to the Omaha Municipal Code, Section 23-65, this document is a Human Resource policy of the City of Omaha. Please check the City's website, <http://www.cityofomaha.org/humanresources/public-documents/hr-policies> for the latest version of this policy. Where no policy or guideline exists or if there are questions on this policy, please contact the Assistant Human Resources Director/Labor Relations Director in the Human Resources Department.

Purpose:

Chapter 23 of the Omaha Municipal Code and applicable union contracts contain provisions relative to the filling of City positions and for determining merit and fitness of the candidate for a particular job opening. The purpose of this policy is to set forth administrative policies and procedures consistent with Chapter 23, union contracts and class specifications to conduct job related pre-employment inquiries and evaluations into the background of candidates selected to fill city positions.

Definitions:

Candidate: The person who has been identified by the hiring department for final consideration to fill the open position.

Conditional Offer: A written offer of employment with the City of Omaha extended to a candidate after the completion of the Tier 1 inquiries, subject to and conditioned upon the successful completion of the Tier 2 evaluations as set forth below. A conditional offer of employment may later be revoked.

Final Offer: A written offer of employment after all pre-employment inquiries and evaluations has been successfully completed.

New Hire: A candidate who has passed all of the pre-employment inquiries and evaluations, has been cleared for employment by the Human Resources Department, and has accepted the City's final offer.

Tier 1 Inquiries: Non-medical inquiries into the candidate's background conducted before a conditional offer has been extended to the candidate including:

- verification of employment history;
- verification of educational attainment;

- review of driving record;
- credit check;
- criminal background check; and,
- any additional non-medical inquiries as required.

Tier 2 Evaluations: Evaluations of the candidate's job related medical background and conditions performed after a conditional offer has been extended to the candidate. These evaluations may include:

- medical history;
- drug test;
- hearing test;
- functional capacity evaluation;
- psychological test;
- vision test; and,
- any additional medical evaluations as required.

Policy:

It is the policy of the City of Omaha to conduct pre-employment background inquiries and evaluations on the candidates chosen by the hiring department to fill the identified position, to assure that the candidate possesses the merit and fitness for the position, and/or does not create an unreasonable and foreseeable risk to the City, its employees or the public.

A candidate may be disqualified from consideration for employment if the information discovered because of the Tier 1 inquiries and/or Tier 2 evaluations establishes that the candidate does not possess the merit and fitness for the position and/or he/she creates an unreasonable and foreseeable risk to the City, its employees or the public.

GENERAL PROCEDURES

Applicability

It is the intent of this policy to only conduct background checks on candidates sufficient to determine the candidate's suitability for the position that they are seeking to fill. It is not the intent of this policy to require background checks on existing employees during the term of their employment unless background checks are required to maintain a required license (i.e. a Commercial Drivers License or CDL), there is a change in position and/or requirements, or there is sufficient basis to investigate the employee's background as determined by the Human Resources Director.

New Hires: This policy shall apply to all candidates for a City position, including Mayoral appointments (i.e. candidate has not been previously employed by City).

Internal Positions: As a rule, this policy will not apply to internal changes in status of a current City employee within a current position, unless otherwise required by the hiring department manager and/or the Human Resources Director to determine the suitability of the candidate to fill the position.

This policy will apply if:

- If a candidate is a current City employee and is being considered for a position with different requirements from the candidate's current position (i.e. moving from position that is clerical to position that involves physical labor);
- If there has been a substantial break in service (i.e. rehire of seasonal or re-employment); or,
- If a current seasonal, part-time, or unclassified employee is hired into a full-time classified position.

Candidates for sworn police and fire positions have a more extensive background investigation and pre-employment process administered by the hiring department and the Human Resources Department prior to employment.

Candidate's Responsibilities

Candidates are expected to identify and monitor an email account for directions from the City to comply with the required pre-employment processes. Failure to timely comply with these directions or failure to schedule or attend the required appointments may result in disqualification or delay in a start date.

Candidates are expected to timely provide any documentation requested by the Human Resources Department or the hiring department during the hiring process. Failure to provide the information requested in a truthful, timely, accurate, and complete manner may result in disqualification, revocation of a conditional offer of employment or termination.

Hiring Department's Responsibilities

City hiring departments are expected to comply with the pre-employment checklist provided by the Human Resources Department (as may be amended from time to time) and to prepare the appropriate forms and online processes and approvals to initiate the pre-employment inquiries and complete the hiring process.

Unless approved by the Human Resources Director, no candidate shall be extended a final offer of employment until the Human Resources Department has approved the pre-employment inquiries and evaluations and the candidate is cleared for hire.

The hiring department shall be responsible for the job specific orientation and on- the-job training.

Human Resources Department Responsibilities

The Human Resources Department will identify which job-related pre-employment inquiries and evaluations are required for each position. The extent of such pre-employment inquiries and evaluations will depend on the requirements of the position as set forth in the class specification and other factors, some of which are: nature and

duration of the job, job licensure requirements, and the extent of the candidate's employment history.

All City job postings shall contain the following notice to applicants:

“The City of Omaha reserves the right to conduct pre-employment inquiries or evaluations on candidates for employment as it determines are appropriate for the particular position. Pre-employment inquiries may include without limitation: verification of employment history and educational attainment; review of driving, credit, and criminal convictions; hearing, drug, functional capacity, psychological, vision and medical tests; and/or any other relevant background information deemed appropriate to determine the suitability of the applicant for the position. Failure to provide the information requested in the application and hiring process in a truthful, timely, accurate, and complete manner may result in disqualification, revocation of a conditional offer of employment or termination.”

In consultation with the hiring department, the Human Resources Department shall analyze the results of the pre-employment inquiries and evaluations and make a determination as to whether the candidate should be hired for the identified position.

Timing of Pre-Employment Inquiries

Tier 1 inquiries as set forth above will be conducted prior to the extension of a conditional offer of employment to the chosen candidate.

Tier 2 evaluations as set forth above shall be conducted only after the extension of a conditional offer of employment to the chosen candidate.

Tier 1 Inquiries

- *Employment History:* The relevant employment history identified by the candidate such as dates of employment and work history shall be verified to the extent possible by the Human Resources Department, the hiring department, and/or the City's approved qualified contractor.

Oftentimes, candidates have previously been employed by the City and have a recent work record with the City. In these instances verification of previous employment may not be necessary, but the hiring departments are required to communicate with the candidate's previous City supervisor prior to hire to assure that the candidates has a favorable work record with the City.

- *Educational Attainment:* Candidates may be required to provide any certificates, transcripts, or documentation requested to verify their identified educational attainment.

- *Consumer Credit Checks:* The Human Resources Department may order credit checks where the employee will be responsible for handling money or financial records and information. In compliance with the Fair Credit Reporting Act (FCRA), a disclosure/authorization form must be completed and signed by each candidate prior to conducting a credit check. In addition, candidates will be informed in writing if/when an inquiry into their financial status is conducted. The Human Resources Department will respond in writing to questions that the candidate may have about the nature and scope of the inquiry. Before taking adverse action based in whole or in part on the credit report, the Human Resources Department will provide to the candidate to whom the report relates both a copy of the report and a description in writing of the rights of the candidate under the FCRA. A candidate may be disqualified if the consumer credit check indicates that his/her credit history would adversely impact upon his/her merit and fitness to perform the duties of the position.
- *Criminal Background Check:*
 - *Candidate:* Criminal background checks will be conducted on candidates who are new hires and for internal positions as set forth above.
 - *Release:* Each candidate must complete and sign a release statement authorizing the City to investigate his/her criminal record. Failure of the candidate to supply the information requested on the release or failure to self-report his/her criminal convictions in an accurate, truthful, and complete manner may result in disqualification, revocation of the conditional offer of employment or termination.
 - *Jurisdiction:* A criminal record search as deemed appropriate by the Human Resources Department will be conducted by the Human Resources Department, the City's approved outside contractor, or the Omaha Police Department. The Human Resources Director may also require a more extensive criminal record check and subsequent investigation of a candidate based on any relevant information provided to the City.
 - *Review Criteria:* Any criminal convictions within the last seven (7) years, or longer if deemed appropriate by the Human Resources Director to determine suitability of the candidate, shall be evaluated by the Human Resources Director (who may consult with the hiring department manager and the City Attorney or designee) on a case-by-case basis to determine whether the criminal convictions of the candidate would:
 - adversely impact upon the candidate's merit and fitness to perform the duties of the position, and/or,
 - create an unreasonable and foreseeable risk to the City, its employees or the public.

This review should consider the level of trust, autonomy, and supervision inherent in the position, as well as the disposition, severity, nature, and time elapsed since the conviction; age at the time of the conviction; work history and other circumstances or mitigating factors. The fact that the candidate did or did not honestly self-report his/her criminal convictions should also be considered. The job-related reasons for disqualifying a candidate will be noted by the Human Resources Director.

If it is determined that the candidate should be disqualified from the hiring process because of his/her criminal convictions, the candidate will be so notified in writing. The candidate will have the opportunity to review the records upon which the decision has been made and submit in writing to the Human Resources Director any extenuating circumstances which he/she believes should be considered. The decision of the Human Resources Director (who may consult with the hiring department manager and the City Attorney or designee) shall be final and not subject to any appeal.

Tier 2 Evaluations

The City will extend a conditional offer of employment to the candidate in accordance with the American for Disabilities Act (ADA) (See City Human Resource Policy “Reasonable Accommodations in Employment”) prior to requiring a medical examination or making medical related inquiries of the candidate. After a conditional offer is made to a candidate, the City will contract with qualified contractors and/or medical providers to perform the following job related medical evaluations to determine the candidate's suitability for the job:

- *Medical History:* A description of the candidate's medical history may be required to determine if the candidate has any medical history or conditions that might impact his/her ability to perform the essential functions of the job or to document baseline medical conditions.
- *Drug:* Effective January 1, 2015, a pre-employment drug test shall be conducted on all candidates for all City positions pursuant to the City's guidelines (See, City Human Resource Policy “Drugs and Alcohol”).
- *Hearing:* For those jobs that require a certain level of hearing to perform an essential job function or positions in work areas that could expose the candidate to loud noises, a hearing evaluation may be required.
- *Functional Capacity Evaluation:* For those positions that require a certain level of physical requirements as an essential job function, an evaluation of the candidate's ability to perform those physical functions may be required.
- *Vision:* For those positions that require a certain level of vision to perform an essential job function, a vision evaluation may be required.

- In addition to the above medical inquiries, certain positions may require more extensive medical/physical examinations and/or psychological evaluations.

A conditional offer of employment may be withdrawn when any Tier 2 evaluation reveals that the candidate cannot perform the essential job functions of the position or the City cannot provide a reasonable accommodation (See, City Human Resources Policy “Reasonable Accommodations in Employment”).

Final Offer

Once the results of the pre-employment inquiries and evaluations have been reviewed and approved by the Human Resources Department, the hiring department will be notified and a Final Offer letter will be sent to the candidate. Such Final Offer letter will confirm the position, pay, start date, and identify an orientation time and the documents that will be required to be brought or completed at new hire orientation.

Start Date

After approval to hire is given by the Human Resources Department, a new full-time hire shall start on the first day of a new pay period. The Human Resources Director must approve all exceptions to this rule.

New Hire Orientation

Each new full-time hire must attend a new hire orientation conducted by the Human Resources Department on the designated first day of employment. No full-time new hire shall begin work until after attending this orientation. The Human Resources Director must approve all exceptions to this rule.

Documentation

Each new hire shall promptly return new hire paperwork and documentation to the Human Resources Department. The Human Resources Department will retain such paperwork and documentation in the employee’s personnel file. No new hire shall begin work until the Human Resources Department receives all paperwork and documentation. The Human Resources Director must approve all exceptions to this rule.