

## 109 EMPLOYMENT BACKGROUND INVESTIGATIONS

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## **A. Purpose**

The Immokalee Fire Control District reserves the right to conduct background investigations on job applicants. This is done to ensure that individuals who join the District's workforce are well qualified, have a strong potential to be productive and successful, and have honestly presented their background and qualifications as outlined in their application materials. The District will conduct the background investigations in accordance with the Fair Credit Reporting Act.

## **B. Scope**

The job applicant background investigations authorized in this policy shall apply to the hiring of all District employees and volunteer firefighters.

In addition, this policy does not pertain to the verification of a job applicant's education, business/occupational license status, previous work history or personal references. These verifications should continue to be completed by staff prior to making a conditional offer of employment to the job applicant.

## **C. Responsibility**

The Fire Chief or his designee will initiate all background investigations covered by this policy. The Fire Chief or his designee will be the primary liaison to the investigating agencies and upon receipt of the investigation results will notify the appropriate bureau head as to whether the job applicant has met the District's hiring criteria. In the event a job applicant does not meet the District's hiring criteria, the Fire Chief or his designee will provide appropriate notice to the job applicant in accordance with applicable laws.

## **D. Job Applicant Background Investigations**

Job applicant background investigations are performed only after a conditional offer of employment has been made and the job applicant has been informed in writing of the investigation and has authorized such. If the job applicant refuses to authorize the investigation, the conditional offer of employment will be rescinded.

All job applicant background investigations will consist of at least the following searches:

1. State-Wide Criminal Background Search - A search of a state's criminal records database consisting of felonies and/or misdemeanors.
2. Social Security Number Search - A search which provides name, date issued and state, as well as up to the last three (3) addresses.
3. Wants and Warrants Search - A search to determine if the job applicant is wanted by a state or federal authority or has an outstanding warrant at a state or federal level.

4. Sexual Offender/Predator Search - A search to determine if the job applicant has been designated as a Sexual Offender/Predator under Florida law.
5. Social Networking Sites Search - A search of social networking sites.
6. Motor Vehicle Report Search - A search of the issuing state's driver license database in order to determine license validity, violations and points. This search is performed for any job applicant that has been offered employment in a position in which they would be authorized to drive a District vehicle or their own vehicle while conducting District business.
7. Previous Drug and Alcohol Testing Records Search - A search of a job applicant's previous Department of Transportation (DOT) regulated employer's drug and alcohol testing records within the last three (3) years.
8. Consumer Credit Search - A search of a job applicant's consumer credit history. This search is performed for any job applicant that has been offered employment in a position that involves the handling of cash and/or checks on a reoccurring basis.

#### **E. Adverse Job Applicant Background Investigation Results**

In reviewing and analyzing the State-Wide Criminal Background Search, the District considers:

- The nature and gravity of the offense or conduct;
- The time that has passed since the offense, conduct and/or completion of the sentence; and
- The nature of the job held or sought.

For firefighter positions, the District also considers whether the applicant has an arrest awaiting final disposition, has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or has been adjudicated delinquent and the record has not been sealed or expunged for, any offense prohibited under Florida Statute Section 435.04(2) or similar law of another jurisdiction. Further, the District considers whether the applicant has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense that constitutes domestic violence as defined in Florida Statute Section 741.28, whether such act was committed in this state or in another jurisdiction.

The District may also make an individualized assessment when reviewing background investigation results with respect to a record of criminal activity including, but not limited to:

- The facts or circumstances surrounding the offense or conduct;
- The number of offenses for which the individual was convicted;
- Age at the time of conviction, or release from prison;

- Evidence that the individual performed the same type of work, post-conviction, with a different employer, with no known incidents of criminal conduct;
- The length and consistency of employment history before and after the offense or conduct;
- Rehabilitation efforts;
- Employment or character references and other information regarding fitness for the position applied for;
- Whether the individual is bonded under a federal, state, or local bonding program.

Based on the foregoing, the job applicant's conditional offer of employment may be rescinded if the screening results are not satisfactory to the District including, but not limited to, any of the following situations:

1. Any false statement or omission of material facts in the job application materials.
2. Conviction of any felony offense during the seven (7) years prior to the date of employment or the perpetration of an act that would constitute any felony offense, whether criminally prosecuted or not.
3. Conviction of two (2) or more alcohol/drug related offense(s) during the ten (10) years prior to employment.
4. Conviction of drug related offense(s) during the five (5) years prior to employment.
5. Conviction of any misdemeanor drug offenses from five (5) to seven (7) years prior to the date of employment will be reviewed on a case by case basis to determine employment eligibility.
6. Conviction of alcohol related offense(s) during the three (3) years prior to employment.
7. Conviction of any misdemeanor alcohol related offenses from three (3) to seven (7) years prior to the date of employment will be reviewed on a case by case basis to determine employment eligibility.
8. Conviction of any misdemeanor crimes of violence during the seven (7) years prior to the date of employment will be reviewed on a case by case basis to determine employment eligibility.
9. Conviction of any crime involving moral turpitude, fraud, dishonesty, embezzlement or violence in the workplace during the seven (7) years prior to the date of employment.
10. Job applicant is classified as a Sexual Offender/Predator.

11. Conviction of any crime or other offenses deemed relevant to the position applied for will be reviewed on a case by case basis.
12. The perpetration of an act that would constitute any offense listed within this document, whether criminally prosecuted or not, bears the same weight as if the applicant had been convicted.
13. All offenses listed within this document are not withstanding any suspension of sentence or withholding of adjudication.
14. Job applicant has current arrests and/or pending charges. At such time that the current arrests and/or pending charges are cleared, the job applicant may be eligible for hire.
15. Job applicant's previous arrests involving dispositions other than convictions will be reviewed on a case by case basis.
16. Job applicant is wanted by a state or federal authority or has outstanding warrants by a state or federal authority.
17. Conviction of Driving Under the Influence, Refusal to Submit to a Breathalyzer, conviction of Reckless Driving, or non-contested uniform traffic citation for Reckless Driving during the five (5) years prior to the date of employment if the job applicant has been offered a position that requires driving.
18. Uniform Traffic Citation for leaving the scene of an accident during the five (5) years prior to the date of employment.
19. Driver's license suspended more than once or revoked for traffic violations during the three (3) years prior to the date of employment, if the job applicant has been offered a position that requires driving.
20. Accumulation of more than twelve (12) points on a driver's license during the three (3) years prior to the date of employment or accumulation of more than eighteen (18) points on a driver's license during the four (4) years prior to the date of employment if the job applicant has been offered a position that requires driving.
21. Two (2) or more failure to pay traffic fines during the three (3) years prior to the date of employment.
22. Two (2) or more seat belt violations during the three (3) years prior to the date of employment.
23. A driving record during the seven (7) years prior to the date of employment that demonstrates repeated offenses and flagrant disregard for traffic laws

if the job applicant has been offered a position that requires driving.

24. A positive drug/alcohol test result from a previous DOT regulated employer during the three (3) years prior to the date of the employment.
25. The District has determined or discovered any additional information, circumstances or factors of any kind, which may negatively impact the District and/or the applicant's job performance and which the District is permitted to consider in accordance with applicable law.

#### **F. Background Investigation Results Received Prior to Employment Start Date**

All background investigation results with the exception of the Previous Drug and Alcohol Testing Search and the Wants and Warrants Search must be received and properly reviewed prior to any job applicant starting employment with the District. Considering the amount of time it may take to receive the results of these searches, it is permissible to start a job applicant if these search results are not available. It is noted that if these search results are adverse in accordance with this policy then the employee will be immediately terminated upon receipt of the results.

**APPROVED AND ADOPTED BY THE BOARD OF FIRE COMMISSIONERS OF THE  
IMMOKALEE FIRE CONTROL DISTRICT ON JULY 16, 2015.**

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Patricia Anne Goodnight, Chair

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Paul Anderson, Jr., Fire Chief/District Manager