

## Office of Management Budget Risk Management Division

### CRIMINAL HISTORY BACKGROUND CHECKS FOR PEOPLESOFT ACCESS

#### **Authority and Responsibility**

The Director of the Office of Management and Budget (OMB) requires a FBI criminal history background check for applicants and employees who have access to personal information in the State's PeopleSoft system. [N.D.C.C. § 12-60-24](#) and Public Law (Pub. L.) 92-544.

[OMB Fiscal and Administrative Policy 112 Employee Criminal History Background Checks](#) designates the Risk Management Division of OMB (Risk Management) with the responsibility for coordinating the background checks with the Bureau of Criminal Investigations (BCI) division of the State Attorney General.

Pursuant to [OMB Fiscal Policy 112](#):

The policy applies to an applicant or existing employee that is requesting access or additional access to roles in PeopleSoft that have been previously identified in the following forms

- ConnectND HRMS Security Access Request ([SFN 54176](#))
- ConnectND Financials Security Access Request ([SFN 54418](#))
- FIN/HCM Business Intelligence Security Access Request ([SFN 59165](#))

This policy does not apply to existing state employees:

- If they are transferring from one state agency to another, have had no break in service, and had the FBI criminal history background check. They are not required to have another one.
- If an employee is taking on additional duties or adding additional roles to their access and they had a prior FBI criminal history background check and the employee currently has access to specific roles that have been identified in the forms listed above.

#### **Fingerprint Submissions and Fingerprint Card Processing**

The Agency Human Resources (HR) Contact shall be responsible for facilitating the background check process with the applicant and/or employee (applicant) and Risk Management.

Applicants must be made aware of the background checks procedures.

- Applicants for positions that meet the criteria in OMB Fiscal Policy 112, should be informed of the background check requirement in the job announcement.

- Current employees who are seeking to transfer to a new position or being assigned additional duties that include access to “personal information”, should also be notified of this requirement.

The Agency HR Contact should notify Risk Management:

- When an individual requires a background check and/or
- If an applicant has voluntarily disclosed a conviction as a final applicant selected for an interview.

The Agency HR Contact and applicant will need the following:

- ✓ **SFN 60688, Criminal History Record Check Request:** Applicant must provide **consent** for fingerprinting and authorization for the release of criminal history record information. Agencies also must give the applicant notification of his/her **privacy rights**.
  - The form can be provided to the applicant to complete the section titled “*To Be Completed By Subject of Record Check*” and to sign/date. Applicant can return the completed form with the other fingerprint card(s)/documentation.
  - **DO NOT** change any of the pre-filled information on the form. Include the Agency HR Contact name, phone number, agency name and number in the *Comments/ Miscellaneous* box of the section titled *To Be Completed By Agency*.
  - **DO NOT** make or retain copies with the applicant’s personal identifying information.

TO BE COMPLETED BY AGENCY		
Mail to Attention of Dawn Moen	Telephone Number 701-328-7582	
Agency Name OMB - Risk Management Division	Originating Agency Identifier (ORI) ND920270Z	
Address 1600 E. Century Ave, Suite 4	Email Address dmmoen@nd.gov	
City Bismarck	State ND	ZIP Code 58503
<b>Comments/Miscellaneous</b> <b>Provide Agency HR Contact Name, Phone Number, Agency Name and Number</b>		

- ✓ **Fingerprinting:** Applicants must be provided fingerprint cards with OMB’s ORI (originating agency identifier). Notify Risk Management if your agency needs cards.
  - Fingerprinting Methods:
    - ♦ *Ink Method:* ND Office of Attorney General, Bureau of Criminal Investigation (NDBCI) requires two fingerprint cards.
    - ♦ *LiveScan* (electronic): NDBCI requires one fingerprint card. If the technician provides an acknowledgment form, submit it with the fingerprint card. This method is recommended for quality and efficiency purposes.
  - Fingerprinting Services:

- ◆ HR Contacts arrange the fingerprinting services for the applicant, including payment.
- ◆ Risk Management does not require or recommend specific fingerprinting vendors or services.
- ✓ **North Dakota Highway Patrol (NDHP) fingerprinting:** If your agency will be utilizing the North Dakota Highway Patrol fingerprinting service within the capitol complex please have your agency's card contact State ID key card person enter a work request through the [NDHP Online Form](#).
  - The applicant must take a valid ID with them and the Criminal History Record Check Request form. The NDHP will print off a process completion form. If for some reason the process completion form does not print, then please write the Process Control Number (PCN) on the Criminal History Record Check Request form.

Process Control Number (PCN)

- Forward the completed Criminal History Record Check Request form and process completion form (if available) in a sealed envelope to Risk Management.

To prevent delays, the cards must have all of the required information. See Fingerprint Card example of required information.

- ✓ **SFN 61501, Fingerprint Verification Form:** Provide the **Verification** form to the applicant for the fingerprint technician to complete at the time of fingerprinting.

Applicants must provide a valid, unexpired form of government-issued photo identification during the application process and prior to fingerprinting to verify their identity. Accepted forms of primary and secondary identification have been approved through the [National Crime Prevention and Privacy Compact Council Identity Verification Program Guide](#).

- ✓ **Sealable Envelopes ~ Protection of Fingerprint Card(s):** Chain of custody procedures are maintained to protect the integrity of the applicant's fingerprints prior to submission to the ND BCI.

- Provide the applicant with a non-transparent, sealable envelope to give to the fingerprint technician for placement of the Fingerprint Verification and fingerprinted card(s). The technician should place the completed fingerprint card(s) in the envelope, seal the envelope, and sign/initial the seal. The applicant must return the sealed envelope to the Agency HR Contact. ***If the returned envelope appears to have been opened or tampered with, the process must be repeated.***
- Agency HR Contacts in Bismarck area: Upon receipt of the sealed envelope from the applicant, place the un-opened, sealed envelope and the completed Criminal History Record Check Request form in another sealable envelope and forward to Risk Management.

- Agency HR Contacts outside of the Bismarck area/out-of-state: Upon receipt of the sealed envelope from the applicant, place the un-opened, sealed envelope and the completed Criminal History Record Check Request form in another sealable envelope and mail to Risk Management. Due to the nature of the content, these documents should be mailed with a tracking number.
- **DO NOT** bend, fold or staple the fingerprint card(s)/documentation.

**Review, Submission and Communication of Results**

Upon receipt of the sealed envelope, Risk Management will review the documents to ensure proper completion and will submit the following to NDBCI in a sealed envelope, with an authorized personnel’s initials on the seal:

- Criminal History Record Check Request form; and
- Applicant’s fingerprint card(s)

Risk Management will retain a copy of the Request form and will place it, along with other fingerprint documentation, in a “pending” folder and secure it inside a locked file cabinet. Only authorized personnel have access to this locked file cabinet.

FBI/NDBCI will process the record check request and provide one of 3 different responses:

- 1) **Non-Identification** – No matching fingerprints found,
- 2) **Identification** – Matching fingerprints were found and the rap sheet is provided, or
- 3) **Rejection** – Fingerprints have been rejected, generally for poor quality prints.

The fingerprint responses/results from the FBI/NDBCI are delivered to Risk Management in a sealed envelope. Only Risk Management authorized personnel will open mail that contains criminal history record information. Results shall only be used for the purposes outlined and authorized in this policy and shall **not** be discussed or disseminated to non-authorized personnel.

- Fingerprint results of 1) *Non-Identification* and 2) *Identification* will be reviewed and evaluated by authorized personnel. Risk Management will issue written notification of its determination to the Agency HR Contact and to the OMB Fiscal Division.
- Fingerprint results of 3) *Rejection* will require the fingerprinting process to be repeated, at no additional cost. If the FBI rejects the second fingerprints, there is an option to conduct a name search. Risk Management and the Agency HR Contact will discuss this option and how to proceed.

The applicant has the right to request a copy of his/her criminal history record. Risk Management can provide a copy **ONLY** to the applicant. Any copy shall be identified and stamped as COPY and logged as secondary dissemination.

If the applicant wants to challenge the criminal history records, he/she can begin the challenge process through the appropriate contacts:

- To challenge the North Dakota criminal history record: The applicant can contact NDBCI Criminal History Records Section at 701-328-5500 or review the ND Administrative Rules, Article 10-13-07.
- For a copy of an FBI criminal history record: Contact the FBI at 304-625-5590 for information about the record review and challenge process set forth in 28 CFR 16.30-16.34. Additional information can be found at [www.fbi.gov](http://www.fbi.gov) under [Identity History Summary Checks](#).

### **Handling/Retention of Records**

Authorized personnel are responsible for safeguarding the confidentiality of the information at all times and may not disclose or allow access to the information to anyone except authorized personnel. All criminal history record information is secured in a locked filing cabinet and retained pursuant to the Risk Management record retention policy. Only authorized personnel are allowed access to the filing cabinets. The filing cabinet is locked throughout the day to prevent unauthorized access and the keys to the filing cabinet are kept secure by authorized personnel.

For additional information, see *OMB, Risk Management's Criminal History Record Information Policy*.