



Employment Policies for the State of North Dakota

CRIMINAL HISTORY RECORD INFORMATION

Effective Date: 09/01/2020

NOTE: This policy is only applicable to non-law enforcement agencies

The State of North Dakota, as the employer, may conduct criminal history record checks on potential or current employees, and reserves the right to conduct additional record checks as a condition of continued employment if deemed necessary. This policy is applicable to Criminal History Record Information (CHRI) and fingerprint-based requests through the North Dakota Bureau of Criminal Investigation (NDBCI). A state agency may only conduct criminal history records checks if express authority has been provided by state or federal law.

The state agency must have a user agreement in place with NDBCI to request any CHRI.

The agency must identify specific positions that will have access to the CHRI. The name of those employees residing in those positions must be reported to NDBCI. If there are any updates to personnel NDBCI needs to be made aware of those changes. Authorized personnel will be given access to view and handle the records after completing the FBI required training. Employees must sign a Statement of Misuse prior to handling, encountering, or discussing any information presented in the CHRI.

Falsification, including misrepresentation or failure to disclose relevant information as part of the recruitment and application process, may disqualify a candidate from employment consideration.

The individual may be asked to provide additional information related to information presented on their CHRI. If an individual believes his/her criminal history record is inaccurate or incomplete, he/she must notify the state agency within five working days of his/her intent to challenge the report.

The individual has the right to request a copy of his/her CHRI. Only the individual may receive a copy of their CHRI and must pick up the copy at the state agency location.

If at any time during employment, an employee is charged with or convicted of a crime he/she must disclose the necessary information to their immediate supervisor or agency human resources. Any employee who is determined to have violated this policy will be subject to disciplinary action up to and including termination of employment.

References: NDCC 12-60-24, 12-60-16.5, 12-63-06, 12-63-09, 54-46, and Public Law (Pub. L.) 92-544.