



HUMAN RESOURCES

Georgia Building Authority / State Properties Commission / Georgia State Financing & Investment Commission
HR-05-01: Criminal Proceedings Involving Employees Policy (effective: 07/17/2006)

PURPOSE

The Georgia Building Authority (GBA), Georgia State Financing and Investment Commission (GSFIC), and State Properties Commission (SPC) is concerned about the health and safety of all individuals and the safeguarding of state property. It is the policy of the Agency that all reasonable efforts will be made to provide a safe and secure environment for employees, clients, and customers and any other work-related contacts.

APPLICABILITY

This policy applies to all GBA, GSFIC, and SPC employees including interns.

POLICY

The GBA, GSFIC, and SPC provides guidelines and procedures for reporting any arrest, charge or indictment for criminal offenses involving employees, and for determining appropriate action regarding the employee's employment status for the incident. All employees will be required to sign a Policy Orientation Acknowledgement Statement, Attachment 3.

PROCEDURE

1. Employees must report any arrest, charge, indictment, disposition or conviction they are involved into the Director of Human Resources or designee within five calendar days of the arrest, charge, indictment, disposition or conviction. The Agency will request the employee to complete the Consent for Release of Information form, Attachment 3 and a criminal background check through the Georgia Crime Information Center (GCIC) will be performed for verification. This form will be completed in confidence and given to the Director of Human Resources for processing.
2. The Director of Human Resources will inform the affected Department Director of the impending charges or disposition.
3. The Director of Human Resources will compare the criminal history information received from the Georgia Crime Information Center to the criminal history disclosure provided on the employee's State of Georgia Application for Employment, Attachment 1 and on the State Security Questionnaire/Loyalty Oath form, Attachment 2 for comparison.
4. If information is discovered that appears to warrant an "unfavorable" employment decision, the Director of Human Resources will advise the employee of the findings and allow the employee an opportunity to provide an explanation. If the employee considers the Georgia Crime Information Center report to be inaccurate, the employee will have three business days or reasonable time as agreed to introduce additional information from a federal, state, or local law enforcement agency that will refute the entries on the Georgia Crime Information Center report. The Director of Human Resources will verify all information before submitting the report and suggested action to the affected Department Director.
5. If the employment status is not adversely affected the employee will be notified in writing of their responsibilities to keep the Agency informed of the status of these criminal proceedings, they must comply within reason to all specified reporting requirements until the outcome of the arrest, charge, indictment, or conviction has been determined or concluded.
6. The employee is required to report to the Human Resources Department every thirty calendar days (or more frequently if specified) or within a reasonable time established if disciplinary action includes suspension. Failure



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to report as required may subject the employee to further disciplinary action, up to and including separation from employment.

7. If the affected employee is not satisfied with the Human Resource Directors decision, the employee may elect to appeal to the Executive Director of the Agency, who determines all final resolutions.

NOTE: The Consent for Release of Information form, advises applicants and employees of the following “**I understand that the information received from the criminal history record check may be used as a basis for removing me from consideration for employment or separation from employment.**” and his or her signature on the form indicates the complete understanding of the consequences

NOTE: Minor traffic offenses would not warrant disciplinary action or separation unless such offenses are relevant to the job or the number of offenses indicates a serious lack of judgment. Driving under the influence (DUIs) and other serious traffic related infractions are not considered "minor traffic offenses.

All conviction data received can only be used for making employment decisions and will not be released or otherwise disclosed, except to a person or agency with a legal right to inspect the criminal history record file.

The release of criminal history record information to unauthorized individuals may be grounds for disciplinary action, up to and including termination.

Criminal penalties may be imposed for unlawfully accessing or communicating criminal history record information. When an employee transfers between Agency organizational Departments, Human Resources must provide a copy of any criminal history record to the receiving appointed authority.

AWARENESS STATEMENT

All employees who access, process, receive or review criminal history record information are required to sign a Georgia Crime Information Center Awareness Statement, Attachment 5. The Rules of the Georgia Crime Information Center Council require signed awareness statements to be placed in staff member’s official personnel files.

Copies of signed awareness statement must be on file with Human Resources before criminal history record information may be lawfully disseminated.

Human Resources must maintain copies of the following written documents when individuals are separated from employment because of criminal history record checks:

- Disclosure of information received from Georgia Crime Information Center
- Notice of Separation Individual DOL-800 Attachment 6

NOTICE OF GCIC

Georgia Crime Information Center will utilize the Consent for Release of Information form, Attachment 4 to process all criminal record checks for criminal records in the State of Georgia.

Georgia Crime Information Center will forward the Georgia Crime Information Center criminal history report to the Director of Human Resources or designee. The report will include pending charges and/or convictions, which occurred in the State of Georgia.



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ATTACHMENTS

- **Attachment 1** – State of Georgia Application for Employment
- **Attachment 2** - State Security Questionnaire / Loyalty Oath
- **Attachment 3** - Policy Orientation Acknowledgement Statement
- **Attachment 4** - Consent for Release of Information
- **Attachment 5** - Georgia Crime Information Center Awareness Statement
- **Attachment 6** - Notice of Separation Individual DOL – 800

RECORDS RETENTION

Criminal history record information must be maintained separately from any type of personnel file.

This information, when not in use, must be stored in a locked cabinet. Areas in which the information is processed and handled should be out of public view and restricted to authorized staff in the performance of their official duties. Criminal history record information is accessible only to authorized staff members who are involved parties.

Human Resources will maintain criminal history record information for at least three years.

- **Attachment 1 -6:** Placed in the employee's official personnel folder for length of employment. Upon termination of State employment, withdraw Official Personal File and place in inactive file; cut off inactive file at the end of five years; then transfer to State Records Center; hold for 7 years, then destroy.