



**DEPARTMENT OF ENVIRONMENTAL QUALITY
POLICY AND PROCEDURE**

SUBJECT: CRIMINAL HISTORY BACKGROUND CHECKS
Date: January 5, 2007
Revised: NEW

Number: 07-009
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Authority: Public Act 431 of 1984; Public Act 272 of 1986; the Department of Management and Budget's (DMB) Financial Management Guide, Chapter 9, Section 100; Civil Service Rule(s) 1-6, Merit, Efficiency and Fitness; 2-8, Ethical Standards and Conduct, 3-2.2(d), Removal from Applicant Pool; and the Department of Environmental Quality's (DEQ) Equal Employment Opportunity (EEO) Plan, Section IVB.

<< APPLICATION >>

All candidates extended an offer of employment with the DEQ – either applicants seeking initial appointment to state employment or existing state employees that promote or transfer into a security-sensitive position. Application will apply to applicants, employees, interns, Senior Environmental Employee Program staff (SEEPS), student assistants, temps, and volunteers.

<< STATEMENT OF POLICY >>

The DMB Act (Act 431) requires each department to establish and maintain an internal accounting and administrative control system. Agencies must establish internal controls to safeguard cash and cash receipts. Further, Civil Service Rules 1-6, 2-8, and 3-2.2(d) require that all appointments and promotions to positions in the classified service shall be based on merit, efficiency, and fitness; a classified employee shall not divulge or release any confidential information that is not by law, rule, regulation, or court order available to the general public; and persons may be removed from an applicant pool where evidence of conduct indicates that the person is unfit or unsuitable for appointment.

To ensure compliance with the requirements set forth above, the DEQ will conduct, as a standard function of their selection process, a criminal history background check on all newly hired employees and those that seek an intra or interagency transfer into a security-sensitive position.

Upon implementation of this policy, any offer of employment to newly hired, recalled, or reinstated employees will be contingent upon satisfactory completion of a criminal history background check. Likewise, existing state employees seeking transfer or promotion into a security-sensitive position will also be subject to a criminal history background check. Appointment will be conditional pending the thorough review of the criminal history by the Office of Human Resources (OHR), and the record meeting the conditions set forth in this policy for appointment to a position in the DEQ.



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Information revealed through a criminal history background check that is determined to contravene this policy, will disqualify an applicant from hire or an employee from appointment to a security-sensitive position.

<< DEFINITIONS >>

Applicant – non-state employee seeking initial appointment to a DEQ position.

Candidate – either a non-state employee or a current state employee seeking to hire, transfer, or promote into a DEQ position.

Cash Receipts – U.S legal tender: cash, checks, money orders.

Employee – state employee seeking reassignment, transfer, or promotion into a designated security-sensitive DEQ position.

ICHAT – Internet Criminal History Access Tool.

MSP – Michigan State Police.

SEEPS – Senior Environmental Employee Program staff.

Student Assistant/Intern – non-career or unpaid student employees working for the DEQ.

Temp or Temporary Employee – employee contracted through a third-party or through a special personnel services contract.

Volunteer – an unpaid helper or assistant working for the DEQ.

Security Sensitive Position – a financial or other position in the DEQ that performs an administrative function wherein the employee will or may:

- 1) handle cash or cash receipts
- 2) handle or deliver mail on a regular and recurring or back-up basis
- 3) produce billings or invoices to support the collection of fees
- 4) provide support in gathering customer data for billings or invoices
- 5) produce Freedom of Information Act (FOIA) or permit invoices
- 6) receive or process electronic payments for permits or other fees



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- 7) maintain or support information and technology (IT) systems that contain source data for billings
- 8) have access to data interfaced to the Navision system
- 9) validate data used in department billings
- 10) work in Financial and Business Services Division (FBSD), OHR, or any other division's administrative units or sections
- 11) be responsible for monitoring internal controls over mail opening, invoicing, and/or fee collection

Examples of classifications/classification series that may be affected by this policy include but are not limited to: analysts, assistants, technicians, specialists, managers or administrators, and/or classifications whose core position includes the title of accountant, auditor, bookkeeper, buyer, communications, data coding, departmental, environmental quality, financial, general office, human resources, laboratory, personnel management, procurement, secretary, state executive management, storekeeper or word processing. This list is not all inclusive.

<< PROCEDURE >>

Division chiefs shall determine which of their positions are security-sensitive as defined by this policy. Once identified, position descriptions shall be updated to reflect the designation and then provided to the OHR.

The OHR shall request a Selective Certification on the identified positions to officially designate them as security-sensitive DEQ positions and to have them recognized as such by the Department of Civil Service.

The DEQ application shall require an applicant to document for consideration any pending criminal charges, as well as any misdemeanor and felony conviction records. With each conditional offer of employment, the OHR will collect information and physical characteristics from the candidate(s) to uniquely identify them. That information will include but may not be limited to: name, name changes, race, gender, date of birth, drivers license number, and social security number; and will be used to query for a criminal history through the Michigan State Police (MSP) Criminal History Record database, Internet Criminal History Access Tool (ICHAT).

Where a candidate has a criminal history, a thorough review of the record will be conducted by the Office of Human Resources. The following criteria will be considered in determining whether a candidate will be appointed to a DEQ position:



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- 1) type of conviction(s): felony or misdemeanor
- 2) nature of the offense
- 3) date of conviction(s), e.g., recency
- 4) frequency of conviction(s)
- 5) duties of the position being applied for

The specific criteria listed below will be evaluated in determining whether an applicant or employee will be appointed to a DEQ position:

Felony Conviction Record(s):

Two (2) or more felony convictions automatically disqualify a candidate from appointment.

A candidate with one (1) felony conviction may be considered IF ALL of the following apply:

- 1) the conviction occurred and was discharged at least seven years ago
- 2) no other misdemeanor convictions are on the criminal record
- 3) the crime that resulted in conviction was not for theft, fraud, violence, serious criminal sexual conduct, violation of environmental laws, or serious drug related offenses

Misdemeanor Conviction Record(s):

Reviewed on a case-by-case basis, considering the following factors:

- 1) frequency of convictions
- 2) date of conviction(s). e.g., recent vs. several years old
- 3) duties of the position being applied for, and
- 4) nature of the offense—theft, fraud, violence, serious criminal sexual conduct, serious drug-related crimes or violation of environmental laws will exempt a candidate from further consideration

As a condition of employment, DEQ work rules require all employees to report criminal convictions. If the reporting of a criminal conviction by an employee in a security-sensitive position results in their violation of this policy, the DEQ will take appropriate action to address the issue.

Approved: _____

Date: _____

1-23-07



CRIMINAL HISTORY BACKGROUND CHECK

NEW EMPLOYEE

SECURITY-SENSITIVE POSITION

TO BE COMPLETED AT INTERVIEW

The Undersigned authorizes the Department of State Police to conduct a criminal history background check by name and identifiers to determine the existence of any arrest resulting in conviction. I understand they will furnish a response to the Michigan Department of Environmental Quality. The information provided below will be used solely for the purpose of conducting a Criminal Background History Check.			
FULL NAME - PLEASE PRINT (include full middle name):			DATE:
HAVE YOU EVER BEEN CONVICTED OF A MISDEMEANOR OR FELONY? <input type="checkbox"/> YES <input type="checkbox"/> NO	DATE OF OFFENSE:	OFFENSE:	DISPOSITION:
ARE THERE PENDING CRIMINAL CHARGES AGAINST YOU? <input type="checkbox"/> YES <input type="checkbox"/> NO	IF YES, EXPLAIN:		
SIGNATURE:			

TO BE COMPLETED BY OHR UPON CONTINGENT OFFER OF EMPLOYMENT

FOR DEPARTMENTAL USE ONLY			
REQUESTING DIVISION/OFFICE:	CONTACT PHONE NO.:	DATE OF REQUEST:	
SOCIAL SECURITY NUMBER:	DATE OF BIRTH:	GENDER: <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	
DRIVERS LICENSE NUMBER:	MAIDEN NAME:		
ETHNICITY:			
<input type="checkbox"/> WHITE	<input type="checkbox"/> HISPANIC	<input type="checkbox"/> ASIAN/PACIFIC ISLANDER	<input type="checkbox"/> BLACK <input type="checkbox"/> AMERICAN NATIVE



DEQ EMPLOYMENT APPLICATION

Equal Employment Opportunity Employer

VACANCY INFORMATION

Job Title:	Posting Number:	Posting Date:	Job Location:
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PERSONAL INFORMATION

Name (Last, First, Middle Initial):	State of Michigan ID Number (if applicable):		
Street Address:	Daytime Phone Number:		
City, State, Zip Code:	Evening Phone Number:		
	E-mail Address:		
Have you ever been convicted of a crime? <input type="checkbox"/> yes <input type="checkbox"/> no	Date of Offense:	Offense:	Disposition:
Are there pending criminal charges against you? <input type="checkbox"/> yes <input type="checkbox"/> no	Explain:		

EMPLOYMENT/REFERENCE INFORMATION

Are you currently or have you ever been a State of Michigan employee? Yes No Date: _____

If yes, provide your Department and current/prior Civil Service Classification: _____

Provide three work-related references we have permission to contact. At least one must be a supervisor.

NAME	EMPLOYER	OCCUPATION	RELATIONSHIP	PHONE NO.

Employees of the Department of Environmental Quality are not required to complete the rest of this application.

EDUCATION

Name and City of School	Major/Minor	Credits	Degree/Diploma

SPECIAL SKILLS

List licenses, certifications, computer software experience, or any additional skills: _____

BACKGROUND

Are you a veteran? <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, were you discharged 5 years or less? <input type="checkbox"/> Yes <input type="checkbox"/> No
I am 18 years of age or older: <input type="checkbox"/> Yes <input type="checkbox"/> No	
I have educational or work records under another name: <input type="checkbox"/> Yes <input type="checkbox"/> No	
I have been released from employment in the last 5 years: <input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, give reason: _____	

CERTIFICATION

By submitting this application and any attachments, I certify that all information provided is true and accurate, and contains no willful falsifications or misrepresentations. I understand that intentional falsifications or misrepresentations will disqualify me from consideration for employment with the State of Michigan, or if hired, will be grounds for termination. **NOT All applicants will be contacted.**

Signature: _____

Date: _____