

**COUNTY OF RIVERSIDE, CALIFORNIA**  
**BOARD OF SUPERVISORS POLICY**

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**Purpose:**

To establish County policy for conducting suitability background investigations on individuals with access to Federal Tax Information (FTI) in accordance with Internal Revenue Service (IRS) Publication 1075, *Tax Information Security Guidelines for Federal, State and Local Agencies* (Pub 1075).

**Policy:**

In accordance with Pub 1075, individuals having access to FTI must undergo a suitability background investigation that includes a criminal background check and verification of eligibility to legally work in the United States. This includes all current employees, new hires, volunteers, agents, contractors, and subcontractors having access to FTI (collectively known as “individual(s)”). All individuals must undergo another suitability background investigation within 10-years from the date the individual passed the previous background investigation.

**Policy Amplifications:**

Pub 1075 requires agencies with FTI access to complete a background investigation to determine the suitability of the individual prior to granting access to FTI. Agencies must develop a written policy requiring individuals with access to FTI to complete a suitability background investigation that is favorably adjudicated.

- The policy will identify the process, steps, timeframes and favorability standards that the agency has adopted.
- The policy must establish a result criterion for each required element which defines what would result in preventing or removing an individual’s access to FTI.
- A reinvestigation must be conducted within 10-years from the date of the previous background investigation for each individual requiring access to FTI.
- The written policy and procedures as well as a sample of completed employee and contractor background investigations must be available for inspection upon request.

**Process:**

1. Individuals with access to FTI will be required to submit their fingerprints for a criminal background search through the Human Resources Department. The search results

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will return a criminal record history that includes all convictions in California and convictions from other states provided by the Federal Bureau of Investigation (FBI).

2. The Individuals will also submit a self-disclosure of all convictions, and go through an address history check.
3. Human Resources will review the Live Scan results and determine the individual's suitability using the Favorability Standards set out in this policy.
4. Human Resources will also review the Individual's address history to determine if a check of Local Law Enforcement (LLE) is necessary, and notify the Individual's Department if a check of LLE is necessary.
5. The background investigation will also include verifying the individual's eligibility to legally work in the United States using United States Citizenship and Immigration Services (USCIS) Form I-9 and processing through the E-Verify system. This verification process may only be completed on new employees. Any employee with expiring employment eligibility must be documented and monitored for continued compliance.
6. If Human Resources determines that the individual is not suitable for FTI access, the individual will be notified in writing by Human Resources.

**Steps:**

1. The background investigation will involve Livescan fingerprinting, a self-disclosure question that requests all misdemeanor or felony convictions throughout the individual's entire life, and an address history check of addresses where the individual lived, worked and/or attended school in the last five years.
2. The Livescan fingerprint is submitted electronically to the California Department of Justice (DOJ) for a criminal record history search. The criminal record search results include all convictions and current arrest(s) pending adjudication within the state of California, and any convictions provided by the FBI. If a criminal record search results in a criminal record history, Human Resources will review the criminal record history to determine whether the criminal record history has a direct and adverse relationship with the specific job duties, taking into consideration the nature and gravity of the offense or conduct, time that has passed since the offense or conduct and completion of the sentence, to justify removing FTI access.
3. The review of an individual's addresses where the individual lived, worked and/or attended school in the last five years is to determine if a LLE is necessary. If there are any addresses outside of the state of California in the last five years, a request is sent to the county and city law enforcement related to the out of state address.

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4. Human Resources will review the criminal record history from the Livescan fingerprinting, the self-disclosure of any convictions, and LLE information to make a preliminary suitability determination. If Human Resources makes a preliminary determination that the individual is not suitable, Human Resources will engage the individual in an interactive process as provided by California Government Code, Section 12952. If Human Resources makes a final determination that an individual is not suitable for FTI access, the individual will be notified in writing and access will be denied.

**Timeframes:**

Applicants must be reinvestigated within 10-years from the previous investigation. Human Resources will ensure a reinvestigation is conducted within 10-years of the previous investigation for each individual requiring access to FTI.

**Favorability Standards:**

- Individuals that have no criminal background history, and who are eligible to legally work in the United States are deemed to have suitable background investigations.
- Individuals with a criminal record history will be evaluated by Human Resources in accordance with provisions of California law, Federal law, U.S. Equal Employment Opportunity Commission (EEOC) Enforcement Guidance, California Department of Fair Employment and Housing, and Riverside County Board Policy to determine their suitability to perform their job and/or contractual duties which includes access to FTI.
- Human Resources will consider the nature and gravity of the offense or conduct, the time that has passed since the offense or conduct and completion of the sentence and the nature of the job held in evaluating an individual's suitability to perform their job and/or contractual duties which includes access to FTI.

**Access Removal Criteria:**

Should background results determine that an individual requiring access to FTI is not suitable for the position, departments will contact the County Human Resources Department to coordinate next steps.

**Board Policy References:**

California Government Code §12952  
California Labor Code §§ 432.7-432.8  
IRS Pub 1075

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EEOC Enforcement Guidance, Number 915.002  
Board Policy C-33

**Reference:**  
Minute Order 3.49 of 08/28/18