

Frequently Asked Questions about Background Checks

Why is the Department of Public Utilities running background checks?

The Department of Public Utilities strives to provide a safe working environment for our citizens, employees, and visitors. This is a safeguard that has become a common employment practice at many government and related entities. In fact, state legislature requires background checks for many employees whose jobs involve working with minors.

What types of background checks are done? (Criminal history? Job references?)

The policy only refers to screening for a history of criminal convictions. Depending on the nature of job duties, a credit check may be performed, and a separate consent form will be provided. The Department's employment application process has always included – and will continue to include – checking previous employment, as well as educational history and driving record for certain positions.

Who will see the information?

The Department of Public Utilities values the privacy of current and potential employees. Information obtained through the background checks will be treated confidentially and with the utmost respect. Typically, the Human Resources manager will be the only person to receive the information. If the information raises any doubts about the individual's employment or continued employment, the HR director will meet with the employee to discuss the situation and give him/her the opportunity to provide additional information that could impact the decision.

What will happen if a conviction appears for a current employee?

If a conviction appears that is not relevant to the job – and the employee did not make false statements concerning it on the employment application – nothing will happen. If a conviction is – or may be – relevant to the job, the HR director will confer with the Department's Director and/or the Manager. Before any decision is made regarding the continued employment, the HR director will meet with the employee to discuss the situation and give him/her the opportunity to provide additional information that could impact the decision.

What will happen if relevant conviction appears for an applicant?

In that case, the HR director will inform the Department's Director that the background check contains an "alert" that makes the applicant unsuitable for employment at the Department of Public Utilities. The HR director will also contact the applicant, provide a copy of the report in accordance with the Fair Credit Reporting Act, and inform the individual that he/she will have three business days to conclusively demonstrate the inaccuracy of the information obtained in a background check. After this time, an employment decision may be made.

What kind of convictions would be considered relevant?

Any crime that suggests an employee could pose potential danger to employees or citizens of the Department of Public Utilities.

What will happen if the report shows an arrest but no conviction?

Nothing. Only criminal convictions, guilty pleas, and pleas of no contest will be included in the background search.

What happens if an applicant or current employee did not list a conviction on the job application?

Making false statements on an employment application are grounds for termination.

What if an applicant or employee does not want to authorize a background check?

An employer can require authorization as a condition of new or continued employment. This policy has made background checks a condition of employment with the Department of Public Utilities. If an applicant or employee refuses to authorize a background check, he or she will no longer be able to continue working at the Department of Public Utilities.

A Summary of Your Rights under the Fair Credit Reporting Act

The Federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records, Here is a summary of your major rights under the FCRA. **For more information, including information about additional rights, got to www.ftc.gov/credit or write to:**

Consumer Response Center, Room 130-A, Federal Trade Commission,
600 Pennsylvania Ave. N.W., Washington, D.C. 20580

- **You must be told if information in your file has been used against you.** Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment – or to take another adverse action against you – must tell you and must give you the name, address, and phone number of the agency that provided the information.
- **You have the right to know what is in your file.** You may request and obtain all the information about you in the files of a consumer reporting agency (your file “disclosure”). You will be required to provide proper identification, which may include your Social Security number. In many cases, the disclosure will be free. You are entitled to a free file disclosure if:
 - a person has taken adverse action against you because of information in your credit report
 - you are the victim of identity theft and place a fraud alert in your file
 - your file contains inaccurate information as a result of fraud
 - you are on public assistance
 - you are unemployed but expect to apply for employment within 60 days

In addition, by September 2005 all consumers will be entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies. See www.ftc.gov/credit for more information.

- **You have the right to ask for a credit score.** Credit scores are numerical summaries of your credit-worthiness based on information from credit bureaus. You may request a credit score from consumer reporting agencies that create scores or distribute scores used in residential property loans, but you will have to pay for it. In some mortgage transactions, you will receive credit score information for free from the mortgage lender.
- **You have the right to dispute incomplete or inaccurate information.** If you identify information in your file that is incomplete or inaccurate and report it to the consumer reporting agency, the agency must investigate unless your dispute is frivolous. See www.ftc.gov/credit for an explanation of dispute procedures.
- **Consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information.** Inaccurate, incomplete, or unverifiable information must be removed or corrected within 30 days. However, a consumer reporting agency may continue to report information it has verified as accurate.
- **Consumer reporting agencies may not report outdated negative information.** In most cases, a consumer reporting agency may not report negative information that is more than seven years old or bankruptcies that are more than ten years old.
- **Access to your file is limited.** A consumer reporting agency may provide information about you only to people with a valid need – usually to consider an application with a creditor, insurer, employer, landlord, or other business. The FCRA specifies those with a valid need for access.
- **You must give your consent for reports to be provided to employers.** A consumer reporting agency may not give out information about you to your employer, or a potential employer, without your written consent given to the employer. Written consent generally is not required in the trucking industry. For more information, go to www.ftc.gov/credit.
- **You may limit “prescreened” offers of credit and insurance you get based on information in your credit report.** Unsolicited “prescreened” offers for credit and insurance must include a toll-free phone number you can call if you choose to remove your name and address from the lists these offers are based on. You may opt-out with the nationwide credit bureaus at 1-888-5-OPTOUT (1-888-567-8688).
- **You may seek damages from violators.** If a consumer reporting agency, or in some cases, a user of consumer reports or a furnisher of information to a consumer reporting agency violates the FCRA, you may be able to sue in state or federal court.
- **Identity theft victims and active duty military personnel have additional rights.** For more information, visit www.ftc.gov/credit.