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Chapter: Personnel

Modification No. 007

Subject: **Employment Practices**

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- I. Employee hiring decisions are among the most crucial decisions made at Montgomery College. To this end, an effective recruitment and selection process leading to the hiring decision is essential to the vitality and future of the College. The College's process should provide for the efficient, effective and consistent application of employment policies; foster ethical and nondiscriminatory practices in all matters related to employment; facilitate seeking out the best possible employee for each available position; and enhance the employment opportunities of members of protected classes.
- II. References and/or background investigations will be required as a condition of employment and will include, based on each position, any or all of the following:
  1. Verification of an applicant's education.
  2. Verification of previous employment listed on an employment application.
  3. Criminal background checks.
  4. Verification of applicant's professional licenses, if required for the job.
  5. Reference checks.
  6. Verification of a valid motor vehicle operator's license, if required for the job, and verification of the maintenance of a safe driving record.
- III. In accordance with applicable law, the College only employs individuals who are authorized to work in the United States.
- IV. The President has the overall responsibility for allocating positions; recruiting; determining qualified applicants; approving salary placements; and making final selection and appointment of all employees, subject to confirmation by the Board of Trustees of the employment of employees in regular budgeted positions. The President is assisted in these matters by the Associate Senior Vice President for Human Resources and Strategic Talent Management and other appropriate staff.
- V. The President is authorized to develop procedures to implement this policy, including but not limited to procedures pertaining to criminal background checks, trainee status for associate and support staff, administrative internships, instructional assistants, working hours, employee identification cards, the wearing of uniforms by designated personnel and medical examination requirements.

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Board Approval: September 21, 1987; July 17, 1989 effective July 1, 1989; January 18, 2002; September 19, 2005; January 17, 2014 (Administrative correction); February 23, 2015.

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**NOTE:** Conditions of employment regarding different categories of employees are located in various places in the policies and procedures. Requirements for specific positions are in the job description.

I. Purpose

A pre-employment or post-employment investigation of a candidate's or employee's background serves as an important part of the selection process. There are several purposes for background investigations: (1) to promote a safe environment for students and employees; (2) to protect organizational assets including people, property and information; and (3) to enable the College to make prudent hiring decisions based upon comprehensive job-related information.

II. Responsibilities

A. Verification of Credentials

To the extent possible, all diplomas, professional licenses, transcripts, and certifications required for employment into a specific position will be verified at the time of employment. In cases where there is a question as to the authenticity or equivalency of a license or degree, an outside credentialing service will be utilized. Applicants will be notified of this requirement at the time of interview and will be responsible for obtaining the appropriate verification. This verification will be required prior to the start of employment; however, in extenuating circumstances the Associate Senior Vice President for Human Resources and Strategic Talent Management may grant an extension and allow employment to commence prior to their receipt. Continuation of employment will be contingent upon final receipt of these documents within the time frame stipulated. These documents will be maintained in the employee's personnel file.

B. References for Employment Applicants

All applicants selected for regular employment by the College must provide at least three references to a hiring supervisor; these references should preferably include prior employers, but personal character references will be accepted as necessary. To the extent possible, verification of all the selected applicants' employment for the previous five years will be obtained. If a current Montgomery College employee is starting a new job within the College as a result of a transfer, promotion, or reassignment, reference checks will not be required, but further references may be obtained at the discretion of the hiring supervisor.

C. Background Investigations for Current and Prospective Employees

Criminal history background investigations will be obtained through an outside provider for all positions where required by state or federal law, and for various classes of positions deemed prudent by the College. The College retains the right and authority to conduct background investigations on any candidate or current employee, for any position, as deemed necessary. When background

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investigations are required as a condition of employment, applicants or current employees will be so notified in the advertisement for the position, and will be required to complete and sign consent documents if selected for the position. Providing this consent is a condition of employment. Reports received as part of the background investigation process will be maintained in a separate locked file. Decisions on hiring a candidate or retaining an employee, based on results of background investigations where there may be negative information, will be made by the Associate Senior Vice President for Human Resources and Strategic Talent Management or designee. The decision will be based on an assessment of the risks to College students and employees related to the information contained in the report and the position for which the candidate is being considered.

Montgomery College will be responsible for the payment of any fees in connection with background checks, and will reimburse the applicants upon receipt of the results. Continuation of employment will be contingent upon a satisfactory check.

In cases where a background check conducted by an outside provider uncovers information that may disqualify an applicant from employment consideration, the Associate Senior Vice President for Human Resources and Strategic Talent Management or designee, will notify the applicant of the information together with such other information that may be required by law.

D. Motor Vehicle Checks

Background checks for valid Motor Vehicle Operator's licenses will be required for applicants for all positions which require valid driver's license to operate College vehicles, or any vehicle in which students are transported. This verification will be obtained prior to the start of employment at the appropriate State Motor Vehicle Administration by the applicant, and will be submitted to and monitored by the Office of Risk Management. Applicants will be notified of this requirement in the advertisement for the position. Evidence of a safe driving record must be submitted to the office of Risk Management every twelve (12) months. Employees with more than three points on their licenses will not be permitted to operate a College vehicle or any vehicle transporting students, if the record so compels such a result as directed by the Office of Risk Management with the guidance of the Office of General Counsel. The cost for the Motor Vehicle Operator's License checks will be paid by the College operating unit where the employee is to be employed. Results of the background investigation will be maintained in the employee's personnel file, and in the employing department if required by federal or state law.

E. Inquiries Regarding Current and Former Employees

All inquiries made by outside parties such as potential employers and financial institutions with regard to the employment history of present or former employees

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will be directed to the Office of Human Resources and Strategic Talent Management (HRSTM) for response. HRSTM will only provide dates of employment, job title and verification of the employee's current salary. Additional information will not be provided unless the employee has provided a signed consent form authorizing the release of that information and the Office of the General Counsel has approved the release of such additional information. Written references will be released only through HRSTM and copies of such references will be kept in the employee's file.

F. Criminal History Record Information (CHRI) Files/Records Maintenance

1. CHRI files/records are filed in and locked in a file cabinet out of public view in the HRSTM department.
2. Only approved staff are allowed access to the files. Each approved individual will complete fingerprint supported background checks within 90 calendar days of hire or transfer to a position/role which requires the staff member to access CHRI files/records.
3. Only authorized agencies are allowed to view CHRI files. Identified agencies such as: MD State Department of Education (MDSE) – Office of Child Care (OCC), and the College's Early Learning Center managers.
4. All CHRI files are kept three (3) years after termination and then destroyed by shredding in-house or by a shredding company, pursuant to 68004- Records Management. The shredding of files is witnessed by staff member who is authorized to have access to CHRI files/records.
5. Once a month Criminal Justice Information Services – Central Repository (CJIS-CR) Customer Service will be notified via fax if and when a College employee transfers out, resigns from the College, or otherwise is separated from employment.
6. All personnel including technical employees who access CHRI files will complete Security Awareness Training every two (2) years or in the intervals required by CJIS. The list of employees approved to access CHRI files/records and their Security Awareness Training attendance records will be stored with the CHRI files/records and made available for future FYI and CJIS audits in accordance with CJIS Security Policy 5.1.

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Administrative Approval: July 8, 1993; January 18, 2002; August 24, 2005; January 17, 2014; February 23, 2015.