

3.16 BACKGROUND INVESTIGATIONS

Purpose

To establish a mechanism for investigating the background of applicants and/or employees who have access to restricted records and sensitive information, ~~such as, but not limited to, confidential public safety records~~ and/or who are in positions identified as requiring a background investigation ~~due to the nature of the assignment~~. Applicants/employees whose background investigation causes the Auditor's Office ~~City~~ to question their suitability for a position or assignment will either be ineligible for hire or will be subject to reassignment or layoff. However, in some cases, information obtained during a background investigation concerning a current City Auditor's Office employee may result in discipline up to and including termination.

Scope of Investigation

The scope of the investigation required depends on the particular position or assignment. A background investigation is intended to be more comprehensive than a criminal history conviction check. See Administrative Rule on Criminal History Conviction Checks. A background investigation is required for those positions/assignments listed in Appendix A. ~~Positions/assignments that are not listed in Appendix A may be subject to a background investigation at the discretion of the appointing authority and approval by the Director. The appendix is not part of this Administrative Rule and may be changed at any time designated by the City Auditor as having access to restricted records and sensitive information.~~

Procedure

1. Determine the scope of investigation required for each position. There must be a nexus between the assigned duties and the scope of the investigation.
2. The ~~Director of the Bureau of Human Resources~~ City Auditor must approve the investigation the first time it is conducted for a particular position or assignment, and thereafter if significant changes are made.
3. Note on the job announcement form that a background investigation is required before hire or assignment to the position.
4. If an applicant's credit history is intended to be part of the background investigation, consult with legal counsel ~~the City Attorney's office~~ prior to implementation. State law prohibits discrimination in employment based on information in the credit history of an applicant except under certain circumstances: if the applicant is applying for a position in law enforcement or the credit history information is substantially job-related and the reason for the use of such information is disclosed to the applicant in writing.
5. Depending on the scope of the background investigation, the applicant/employee may be required to sign a release.
6. The content of the background investigation is confidential.

**Employment/Assignment
Contingent on Results**

~~The hiring manager may make a preliminary offer to the selected person that includes a statement that the offer of employment is contingent on the results of the background investigation. If the bureau is conducting a background investigation, the bureau may make a preliminary offer to the selected person, however, any offer must be conditional on the results of the background investigation.~~

**Public Safety Bureaus
Exempted**

~~Applicants and employees of the Portland Police Bureau, the Portland Bureau of Fire, Rescue and Emergency Services and the Bureau of Emergency Communications are subject to the bureaus' procedures and rules for background investigations rather than this Administrative Rule.~~

References

HR Administrative Rule on Criminal ~~History~~ Conviction Checks

**Administrative Rule
History**

~~Adopted by Chief Administrative Office October 15, 2002
Effective October 15, 2002
Revised July 28, 2003
Revised July 9, 2007
Revised November 4, 2011~~
