

PCS Internal Policy and Procedures on Background Checks

This Policy is based on Federal requirements and SPP-1052-14 (7/25/14) "Background Checks", and is to clarify the impact to this office and to CDLE's contractors.

Background information:

1. Federal laws (e.g., Title VII of the Civil Rights Act of 1964, nondiscrimination under WIA and Wagner-Peyser Acts) and USDOL Technical Assistance Guidance 31-11 prohibit discrimination of individuals with criminal records or formerly-incarcerated individuals.
2. CDLE has selected a non-governmental entity to conduct the background checks and the checks are more comprehensive.
3. Divisions shall pay for the cost of the background checks, which is currently \$18/individual.

A. POLICY

1. CDLE- conducted background checks will apply to sole proprietors or to situations where CDLE employees are involved in the selection of individuals to perform work on CDLE's contracts and Purchase Orders. For situations where CDLE intends to contract with a company that has multiple employees, the expectation is the company is responsible for conducting their own background checks on employees and their subcontractors.
2. Background checks are required when contractors will have access to personally identified information (PII), personal health information (PHI), confidential information, access to financial systems or access to CDLE assets (e.g., computers). Division staff or PCS staff may determine that other circumstances require background checks.
3. Exclusions to this Policy: Leases and landlords, and emergencies (*see Procedures #7 below*).
4. Background checks must be completed prior to a contractor starting work.

B. GUIDELINES

1. To be in compliance with the Federal nondiscrimination requirements, all commitment documents and solicitations shall contain the following clause:

Nondiscrimination

Contractor (Grantee) shall comply with all applicable federal, state, local laws, ordinances, executive orders, and regulations that prohibit discrimination on the basis of race, color, national origin, religion, and sex, including but not limited to: Title VI of the Civil Rights Act of 1964, as amended (P.L. 88-352), 42 U.S.C. § 2000d et seq., and Title VII of the Civil Rights Act of 1964, as amended. Unless required by federal law or regulation, employers may not automatically bar applicants or employees with an arrest or conviction record from employment.

2. To institute procurement procedures under SPP-1052-14, all commitment documents and solicitations for services shall contain one of the following clauses:

Criminal Background Checks (private entities)

Contractor (Grantee) shall ensure that all employees, and subcontractor's employees, have passed comprehensive criminal background checks prior to performing work under this contract. In the State's sole discretion, State may require certain contractor's employee(s) submit to a State conducted criminal background check, at the State's cost (see form attached hereto as **Exhibit _____**). Contractor shall immediately remove from this project any employees or subcontractors that do not meet the minimum standards of a criminal background check, whether conducted by the Contractor or the State. All information collected by State of Contractor's employee(s) shall be regarded as confidential.

Criminal Background Checks (governmental entities)

Contractor (Grantee) shall ensure that all employees, and subcontractor's employees, have passed comprehensive criminal background checks prior to performing work under this contract.

3. State background checks shall be conducted with sole proprietors and in situations where CDLE staffs are involved in selecting (i.e., interviewing) specific contractor's employees. The attached form shall be used to inform these individuals of the process and procedures.

For selections through Covendis, OIT's IT current Sourcing (or Staff Augmentation) Enterprise Agreement Contractor, OIT will conduct the background checks.

4. Emergencies. For purposes of this background check requirement, if there is an emergency situation requiring contractor performance, the background check requirement may be waived. Emergency is defined in C.R.S. 24-103-206 and generally means there is a threat to life, limb, property or critical work stoppage (e.g., UI phone system is down). In an emergency situation, only the work required to address the immediate emergency may be performed; scope of work beyond the emergency will require background checks be completed prior to work being performed.
5. Waivers. Appointing Authorities, or their immediate subordinate manager, may provide written approval to PCS to waive the requirement for background checks on certain contractual situations.
6. PCS staff must document in the procurement file background check activities, any waivers, and date contractor notified of performance start date.
7. Replacement staff. After commitment document execution, Divisions will be responsible for informing Kari Omland/IICE if additional or replacement contractor's employees are being proposed for the contract work.

C. PROCEDURES

1. Include the Background Check Exhibit in the solicitation, contract or purchase order. List your name as the “PCS Representative” in the Exhibit.
2. The background check form is to be provided to the company’s representative upon Intent to Award, prior to issuance of a Purchase Order, or prior to execution of a Contract.
3. Contractor will send the completed Background Check Exhibit for each employee or subcontractor working on the contract or purchase order to the PCS Representative and to the PCS general mailbox at cdle_pcs@state.co.us.
4. Upon receipt of the completed form, PCS is to add the CORE document number and the business unit (for billing purposes). PCS will develop a brief description of the anticipated work, including any information technology systems the contractor or employee will be able to access. PCS will forward the description of the work, the relevant information technology systems, and the completed Background Check Exhibit to cdle_labor_fraud@state.co.us (Kari Omland and her team, UI Integrity Investigations and Criminal Enforcement Unit “IICE”). PCS should copy Chris McGill of HR on this email to notify HR that this is a CDLE contractor and not a CDLE employee. Chris McGill’s email address is Christopher.mcgill@state.co.us and phone number is 303-318-8950.
5. Contractor’s employee or subcontractor then registers and completes the online application on TC LogiQ’s website at <http://www.tcllogiq.com/cdle>. Contractor’s employee or subcontractor should start a new background check by clicking through the New Applicants online form. He or she will have to create a new username and password to complete this process. NOTE: The process will take approximately 5-7 business days for the background check to be completed (from the time the individual completes the online process to when Kari informs PCS of the completion of the check).
6. TC LogiQ will run the background check.
7. The Results
 - a. If there are no red flags, TC LogiQ will inform the contractor’s employee or subcontractor and Kari’s team that the individual passed the background check. Kari will sign the Background Check Exhibit before sending it back to the PCS Representative listed on the Exhibit. PCS will email the approved, completed Exhibit to the contractor.
 - b. If there are some red flags, TC LogiQ will inform Kari and her team. The PCS Representative and their supervisor will meet with Kari’s team and the program manager to determine if the employee or subcontractor passes or fails.
 - i. If the employee or subcontractor passes, Kari will sign the Background Check Exhibit before sending it back to the PCS Representative listed on the Exhibit. PCS will forward the Exhibit to the contractor. TC LogiQ will also send a notice to the contractor’s employee or subcontractor that they passed the background check.
 - ii. If they fail, PCS will send an email or letter to the contractor notifying them of their employee or subcontractor’s failure to pass the background check.

COLORADO DEPARTMENT OF LABOR AND EMPLOYMENT**Authorization for Criminal Background Check**

The Colorado Department of Labor and Employment (“CDLE”) has determined that this scope of work requires a criminal background investigation. Companies shall ensure comprehensive criminal background checks are conducted on their employees and on subcontractor’s employees. Sole proprietors and individuals are required to complete this form, return to CDLE_Purchasing@state.co.us, and CDLE’s third-party vendor will perform the background check.

Name of Company: _____

Individual’s First Name: _____

Middle Name: _____

Last Name: _____

List any former names used (First, Middle and Last Name): _____

Procedure: Within 48 hour of submitting this form to the Procurements office, go to the below website and follow the instructions for submitting the information.

<http://www.tcllogiq.com/cdle> NOTE: the vendor website spelling is “TCLOGIQ”.

If you need assistance with using this third-party application, call [1-877-825-6447 ext. 703](tel:1-877-825-6447). TClogiQ is the owner of this application and your personally identifiable information will be confidential.

Please note that the background check process may take seven (7) working days so work cannot begin on the contract until the Procurement office has notified you to start work.

All questions should be directed to:

[insert PCS staff name]

CDLE PROCUREMENT & CONTRACTS SERVICES

633 17th Street, 11th Floor

Denver, CO 80202

303-318-8067

CORE #: _____

Unit (E.g., UI, DOWC): _____

Date Approved by IICE: _____