



Pre-Employment Screening and Driving

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**Developer/Reviewer:
Human Resources**

1. Purpose

The intent of this policy is to set forth the screening processes and procedures applicants are required to complete in order to qualify for employment at Sedgwick County.

2. Scope

This policy applies to all Sedgwick County Divisions/Departments and Offices of Elected/Appointed Officials except the Sedgwick County Sheriff's Office and the District Attorney's Office. Other Divisions/Departments may have exceptions to portions of this policy. As they serve the community in a law enforcement or public safety capacity, some Departments are required to conduct extensive pre-employment investigations beyond the scope of this policy and/or have investigative resources beyond those available to the Division of Human Resources; therefore, these departments will be responsible for conducting appropriate position specific pre-employment screenings.

3. Policy Statement

The Division of Human Resources will conduct pre-employment screenings for all persons selected as final candidates for employment with Sedgwick County. These screenings will be conducted upon a contingent offer of employment. Final offers of employment will be made only after passing all pre-employment screenings.

4. Definitions

- A. **Driver's license** – A commercial or non-commercial license issued by the state allowing an individual to operate automobiles and motorcycles.

- B. **Driving position** – A driving position, as referenced in this policy, is one in which the operation of a County-owned vehicle or POV (privately owned vehicle) is a job requirement, and for which a valid driver's license is required as a minimum qualification.

- C. **Non-Driving position** – A non-driving position, as referenced in this policy, is any position in which the operation of a County-owned vehicle or POV is non-essential to the job requirement, and for which a valid driver’s license is not required as a minimum qualification.
- D. **Personally owned vehicle** – (POV) A privately owned or privately leased motor vehicle properly registered and licensed.
- E. **Motor vehicle record** – (MVR) The documentation of a person’s driving history. The information in an MVR includes information about the driver's accidents, traffic citations, and vehicular crimes.
- F. **Vehicle insurance** – Motor vehicle liability insurance coverage, in at least the minimum amounts required by K.S.A. 40-3101, et seq., as amended.
- G. **Ignition interlock device** – A court ordered, or licensing agency ordered device, installed in an individual's personal vehicle to prohibit drinking and driving after a person has been convicted of driving under the influence of alcohol.

5. Procedures

- A. Human Resources will coordinate the pre-employment screenings listed below. Any additional screenings will be the responsibility of the hiring authority.
 - 1. Criminal background check
 - 2. Driving record check
 - 3. Credit report review
 - 4. Education verification
 - 5. Drug and alcohol screen (see Policy 4.310)
- B. Information obtained through pre-employment screenings must be kept confidential and will only be distributed to the requesting hiring authority or designee. Information is to be shared on a strictly need-to-know basis. Applicant/Employee Motor Vehicle (Driver’s License) Record may be released to Risk Management in support of County policy.
- C. Contingent offers of employment are made prior to pre-employment screenings. Final offers of employment are made after passing all screenings.
- D. The hiring authority or designee will complete the offer approval in Success Factors and submit the Personnel Action Form (PAF). Human Resources will then initiate the pre-employment screenings.
- E. The candidate shall grant authorization for Sedgwick County to conduct pre-employment screenings by providing an “electronic signature” through the third party vendor.

All information discovered by HR through the screenings will be shared with the position's hiring authority or designee to determine if such history will disqualify the candidate from employment in the specific position. The hiring authority shall make this determination.

F. Background Investigation

1. The candidate shall grant authorization for Sedgwick County to conduct background investigations by providing an "electronic signature" through the third party vendor.
2. HR will request an on-line search for criminal history.
3. All criminal history discovered through the criminal background search will be shared with the hiring authority to determine if such criminal history will disqualify the candidate from employment in the specific position. Past criminal history will not automatically eliminate an individual from consideration for a position. The hiring authority must take into account the criminal behavior, the context within the offense was committed, evidence of rehabilitation, and the tasks, requirements, and environment of the job in question.
4. If a job candidate is disqualified on the basis of criminal history obtained through Consumer Reports and other criminal background searches, Human Resources shall provide the candidate with the disqualifying information and the opportunity to dispute the information or provide mitigating factors to explain the information. The hiring authority or designee, in consultation with Human Resources, shall take reasonable steps to verify the accuracy of all information presented and determine appropriate action.
5. Current County employees who are being considered for a transfer or promotion to a different Division or Department will be subjected to a background check before the transfer or promotion is approved.

G. Driving Record Checks

1. The Division of Human Resources will request a Motor Vehicle Record (MVR) check of any candidate seeking employment with Sedgwick County in a driving position and for each County employee who is being considered for transfer or promotion to a driving position. In addition, a MVR will be requested for the current incumbent of a position when the associated job description is updated from a non-driving to driving status. The MVR will be obtained from a third party vendor. Sedgwick County may request a MVR check on any current employee holding a driving position for any reason.
2. If an candidate/employee is disqualified on the basis of Vehicle (Driver's License) Record investigations, Human Resources shall provide the candidate with the disqualifying information and the opportunity to dispute the information or provide mitigating factors to explain the information. The hiring authority or designee, in consultation with Human Resources, shall take reasonable steps to verify the accuracy of all information presented and determine appropriate action.
3. Driving records, related to the driver's license provided by the candidate, will be reported through the MVR. Human Resources reserves the right to check additional motor vehicle records.

4. For employees who drive personal vehicles to conduct County business, the employee's personal insurance is primary at all times. Adequate collision, personal injury, and property damage insurance coverage is recommended. Employees should contact their insurance company representative regarding questions related to coverage.
5. Employees who drive on County business are expected to represent the County in a professional, courteous, and law-abiding manner. The following is required:
 - a. Maintain a valid Kansas driver's license.
 - b. Prompt reporting of accidents, violations, and tickets issued while conducting County business to supervisors and managers.
 - c. Familiarity with, and adherence to, Division/Department specific policies and procedures related to driving.

J. Driver Qualifications

All County positions are designated as either driving positions or non-driving positions.

1. Definition of a Driving position – A driving position, as referenced in this policy, is one in which the operation of a County-owned vehicle or POV is an essential function of the position, and for which a valid driver's license is required as a minimum qualification. Any County employee who operates a POV in the conduct of County business, and is considered to be holding a driving position and is eligible for mileage reimbursement for operating a POV, is subject to provisions of this policy.
 - a. Driving positions include, but might not be limited to:
 - i. Operation of any Sedgwick County owned vehicle or equipment;
 - ii. Any regular or routine driving required to perform job duties and/or transportation of clients or employees.
2. Standards and requirements of candidates for employment and current employees - The following standards, requirements, and qualifications shall be applied to candidates for employment in a driving position and County employees holding driving positions. A County employee, or candidate for employment for a driving position, is disqualified from operating any County vehicle or POV on County business if they do not meet the following qualifications and/or obligations:
 - a. Driving positions:
 - i. Must possess a valid driver's license appropriate to the vehicle operated. If a hiring authority chooses to hire a candidate with a suspended or restricted driver's license into a driving position, the hire date will be postponed until such time that the license is no longer suspended or restricted, but no longer than thirty (30) calendar days.
 - ii. Changes or restrictions to a candidate or an employee's driver's license must be reported to the Department Director with in two (2) business days. The Department Director must inform the Division of Human Resources the same business day.
 - iii. Must maintain active/current personal vehicle insurance if operating a POV while conducting authorized County business.

- iv. May not have been convicted of a felony DUI within the previous seven (7) years.
 - v. May not have been convicted, or placed on a diversion program, for driving under the influence of any drug, alcohol, or combination of drugs and/or alcohol within the last two (2) years. The time period will be calculated from date of conviction or start date of diversion program.
 - vi. May not have been convicted of driving under the influence of any drug, alcohol, or combination of drugs and/or alcohol two (2) or more times within the last five (5) years. The time period will be calculated from the date of conviction.
 - vii. May not have been convicted of operating a motor vehicle during a period of driver's license suspension or revocation within the last twelve (12) months.
 - viii. May not have been convicted of failure to yield and/or speeding over 10 MPH of the posted maximum speed limit two (2) or more times within the last twelve (12) months.
 - ix. May not have been convicted of failure to maintain liability insurance within the last two (2) years. May not have demonstrated behavior that could be considered irresponsible which, when considered in totality, would lead a reasonable person to conclude that this individual was not capable of safely operating a vehicle under conditions required of a driving position.
- b. A current employee whose driver's license has been suspended or revoked for any reason, excluding medical conditions or DUI, may be granted up to sixty (60) calendar days to resolve the situation, subject to approval from the Department Director and the Chief Human Resources Officer. During the period of time the driver's license is revoked or suspended the employee will be unable to work. The employee will use vacation leave or comp time. Once vacation leave and comp time have been exhausted the employee will enter hours without pay. The employee will receive a minimum of a written reprimand and may be subject to termination due to the suspended or revoked license.
 - c. Employees with a driver's license revocation or suspension as a result of a medical condition should contact the FMLA/ADA Specialist in Human Resources.
 - d. DUI related revocations or suspensions will be reviewed under policy 4.310 Drug Testing and Substance Abuse.
3. Definition of Non-Driving positions – A non-driving position, as referenced in this policy, is any position in which the operation of a County-owned vehicle or POV is non-essential to the job requirements, and for which a valid driver's license is not required as a minimum qualification. Candidates for non-driving positions must possess a government issued I.D.
- a. Non-Driving positions could require occasional travel:
 - i. To attend meetings or training sessions; or

- ii. To appear for work at non-routine worksites.
- b. Any County employee, who operates a POV in the conduct of County business and is considered to be holding a non-driving position, is eligible for mileage reimbursement for operating a POV and is subject to provisions of this policy.
 - i. To operate a POV on County business, an employee in a non-driving position must submit a copy of a valid driver's license and proof of current insurance to the Division/Department.
- c. Any County employee, who uses a transportation service to conduct County business and is considered to be holding a non-driving position, is eligible for reimbursement for transportation to conduct County business.

K. Education Verification

For employees hired into positions requiring a level of education as a minimum requirement of the job that is not already verified by a valid professional license, the Division of Human Resources will perform a verification of educational credentials.

1. Procedure

- a. The hiring authority or designee will contact Human Resources prior to an offer of employment and request an education verification.
- b. The candidate shall grant authorization for Sedgwick County to conduct education verification.
- c. HR will report education findings to the requesting hiring authority or designee.
- d. The hiring authority will be responsible for verification of professional licensure and/or certification.

L. Use of background information under the Fair Credit Reporting Act and Kansas Consumer Credit Statute, K.S.A. 50-705(a)

- 1. If adverse action is taken on an applicant (disqualified from employment in a particular job) based on a criminal history, driving record, or credit report from a third party source (e.g., private background checking services, not the state agency information repositories), the applicant must be provided a copy of the "consumer report" received, detailing the disqualifying information, the name/address/phone number of the third-party source, and a "Summary of Consumer Rights". If potentially disqualifying criminal history, driving record, or credit report information is obtained from a third party source, the hiring authority is advised to consult with the County Counselor's Office for guidance.
- 2. This requirement does not include employment history checks from past employers or personal references. Additionally, this does not include Driving Record checks the County obtains from the Kansas Department of Motor Vehicles or Criminal History records the County obtains from the Kansas Bureau of Investigation.

3. Personal data contained in driving records, criminal history, consumer credit reports, and related background checks, may contain personally identifying information which could be used for illegal purposes. All of this information is highly confidential and should be distributed only on a need-to-know basis for the purpose of determining qualification for employment. All such records should be maintained in a secure manner. All unnecessary copies should be destroyed appropriately.