

TO: Local Workforce Development Boards

SUBJECT: Requirements for Conducting and Documenting Pre-Employment

**Background Checks** 

DATE: 1/7/2025

NUMBER: Workforce System Operations Memo #01-2025

### Area of Concern:

It has come to our attention that pre-employment background checks are not consistently conducted across all Local Workforce Development Boards (LWDBs) and fiscal agents. This poses significant risks, including:

# 1. Fiscal Compliance Risks:

- o Risk of non-compliance with federal regulations such as:
  - <u>2 CFR 200.113</u> Mandating disclosure of credible evidence of fraud, bribery, or gratuity violations.
  - <u>TEGL 15-23</u> Providing guidance on maintaining program integrity and reporting violations.
  - <u>20 CFR 683.620</u> Requiring the reporting of any criminal activity that could impact WIOA-funded programs or grants.
- Employing individuals with prior criminal activity (e.g., fraud or bribery) without proper checks could jeopardize grant funding and integrity.

### 2. Participant Safety Risks:

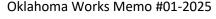
- Ensuring that individuals interacting with participants, particularly vulnerable populations such as youth, do not pose a safety risk.
- Preventing the hiring of individuals with restrictions or histories that could endanger participants or hinder program operations.

## 3. Program Integrity Risks:

 Protecting the credibility of the workforce system and ensuring that staff and providers are fully qualified to perform their duties without legal or professional impediments.

### **Action Required:**

The safety of participants, integrity of the workforce system, and compliance with federal requirements are priorities for Oklahoma's workforce development system.



# INTRA-AGENCY MEMORANDUM

To address these risks and ensure compliance with federal regulations, the following measures are mandatory:

## 1. Mandatory Pre-Employment Background Checks:

- Effective immediately, all LWDBs and fiscal agents must conduct comprehensive background checks for all employees, contractors, and providers.
- These checks must at a minimum include:

## Oklahoma Residents:

1. Searches of the Oklahoma State Courts Network (OSCN) and On Demand Court Records (ODCR) for the past seven years.

### Out-of-State Residents:

If the candidate has lived outside of Oklahoma within the past seven years, a background check from a reputable company must include:

- 1. Searches of county criminal records for the past seven years.
- 2. Searches of state criminal records for the past seven years.
- 3. Searches of sex offender records for the past seven years.

### 2. Documentation and Retention:

- Maintain detailed records of all background checks, including:
  - Date and entity conducting the check.
  - Results of the check (e.g., "clear" or specific findings).
  - Actions taken based on the findings (e.g., hire, deny, or modify duties).

# 3. Policy Development:

- All LWDBs and fiscal agents must update their local hiring policies to reflect the requirement for pre-employment background checks.
- Policies should include guidelines for addressing findings that present fiscal risks, participant safety concerns, or program integrity issues.

## 4. Compliance Monitoring:

- Background checks must be incorporated into regular compliance reviews and audits.
- Any credible evidence of criminal activity or findings that could impact grant integrity or participant safety must be reported in compliance with 2 CFR 200.113 and 20 CFR 683.620.

**INQUIRIES:** For questions about this memo please email WorkforceServices.Inquiry@oesc.ok.gov.

