



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:

- Risk of non-compliance with federal regulations such as:
 - [2 CFR 200.113](#) – Mandating disclosure of credible evidence of fraud, bribery, or gratuity violations.
 - [TEGL 15-23](#) – Providing guidance on maintaining program integrity and reporting violations.
 - [20 CFR 683.620](#) – 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.

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.