

HUMAN RESOURCES MEMORANDUM 20-016		DATE ISSUED: 05/20/2020
SUBJECT: DGS LIVE SCAN FINGERPRINT PROCEDURE		REFERENCE: None
TO: DGS Managers, Supervisors and Employee Resource Liaisons		SUPERCEDES: <i>HR Memo 16-012</i>

PLEASE ENSURE THAT THIS INFORMATION IS SHARED WITH YOUR EMPLOYEES

Purpose

The purpose of this amendment is to implement the changes and requirement of the “Request for Live Scan Fingerprint Service” [BCIA 8016](#) form relating to the Department of General Services’ (DGS) procedure for processing Live Scan fingerprint checks through the Department of Justice (DOJ) (“Live Scan”). Effective immediately, all applicants must acknowledge they have received the Privacy Notices, which include the Privacy Act Statement and the Noncriminal Justice Applicant’s Privacy Rights, prior to being Live Scanned or fingerprinted for hard cards, by signing the BCIA 8016 form.

Background

This procedure sets forth the steps for completion of Live Scan fingerprint checks for employees and applicants serving in positions where it is required due to the mandates of a DGS tenant, or an agency for which DGS provides maintenance and/or services.

How to Determine Whether a Position Requires a Live Scan

Positions which require a Live Scan check will be reflected on the [Buildings Requiring Live Scan](#) listing (“listing”). DGS Program staff should refer to this listing in order to verify which positions require Live Scan. Once determined the position requires Live Scan, the hiring manager or Employee Resource Liaison (ERL) will ensure the Live Scan requirement is reflected on the position Duty Statement and job advertisement. The Live Scan requirement will be verified by the Office of Human Resources (OHR) Classification and Pay (C&P) Analyst during the Request for Personnel Action (RPA) approval process, and prior to release of the job advertisement.

Roles and Responsibilities

OHR

OHR administers the DGS Live Scan process. The DGS Custodian of Records (COR), C&P Analysts, and C&P Managers reside within OHR.

DGS COR

For positions where the Live Scan is initiated by the tenant; receives the name, date of Live Scan, and RPA number from ERL via OHRCustodianofRecords@dgs.ca.gov. Receives a completed copy of the BCIA 8016 from the hiring manager/supervisor. Ensures the BCIA 8016 is signed by the candidate. Receives notification from tenant of candidate’s eligibility for access to the tenant’s facilities based on results of Live Scan. Notifies the OHR C&P Managers and the ERLs of the candidate’s eligibility.

For positions where the Live Scan is initiated by DGS; receives the name, date of Live Scan, and RPA number from ERL via OHRCustodianofRecords@dgs.ca.gov. Receives the candidate’s “Personal History Statement” [DGS OHR 48](#) from the hiring supervisor/manager. Receives a completed copy of the BCIA 8016 from the hiring manager/supervisor. Ensures the BCIA 8016 is signed by the candidate. Receives the Live Scan results from DOJ. Determines the candidate’s eligibility for employment based on the results received from DOJ and notifies the OHR C&P Managers and the ERLs.

DGS COR Responsibility - Continue

When a candidate is found not eligible for employment based on the Live Scan process, the DGS COR will submit the request via the DOJ Applicant Agency Justice Connection (AAJC).

C&P Manager

Receives notification from DGS COR of the candidate's eligibility for appointment based on the Live Scan results. Informs assigned C&P Analyst of Live Scan results.

C&P Analyst

Assists ERL in identifying positions requiring Live Scan. Processes RPAs submitted by program. Verifies whether a Live Scan check is required for the position and verifies that appropriate Live Scan language is on duty statement and job advertisement. Ensures Post and Bid process is adhered to per the memorandum of understanding.

Hiring Supervisor/Manager

Identifies a vacancy within his/her unit. Collects hiring documents and provides them to the ERL. Consults with ERL to verify whether or not the position requires Live Scan. Works with ERL to ensure duty statement and job advertisement include appropriate language regarding the Live Scan requirement. Reviews and ranks all applications received. If no Post and Bid forms are received, holds interviews, reviews OPF if available, and calls references of the potential candidate. When selection is made, consults with ERL to ensure all hiring conditions are met. Makes conditional offer to candidate pending the Live Scan results.

For positions where the Live Scan is initiated by the tenant (including DOJ and CHP); Coordinates background check with tenant. Completes a [BCIA 8016](#) for the candidate. Advises the candidate to review the Privacy Notices and certify their understanding by signing the form. Provides instruction for the candidate to provide the signed form to the tenant at time of Live Scan. Provides the tenant with the name of the candidate and obtains the date and time of the Live Scan appointment scheduled by the tenant. Provides the candidate and the ERL with the location, date and time of the scheduled Live Scan. Receives notification of eligibility from the ERL and the tenant if the tenant decides to do so.

For positions where the Live Scan is initiated by DGS; instructs the candidate to complete a "Personal History Statement" [DGS OHR 48](#). Notate the RPA number and immediately sends the completed Statement to the DGS COR; the hiring manager/supervisor will not retain a copy. Completes a [BCIA 8016](#) for the candidate. Advises the candidate to review the Privacy Notices and certify their understanding by signing the form. Provides instruction for the candidate to take the completed BCIA 8016 form to the mobile Live Scan vendor or Live Scan fingerprinting site. Instructs the candidate to return a copy of the BCIA 8016 form to the hiring supervisor/manager after they have been fingerprinted. Immediately sends a copy of the completed form to the DGS COR and the ERL.

Employee Resource Liaison

Consults the [Buildings and Positions Requiring Live Scan](#) listing to determine if the position requires a Live Scan check and verifies the determination with C&P Analyst through the RPA process. Works with hiring supervisor/manager to ensure the duty statement and job advertisement include appropriate language regarding the Live Scan requirement. Emails the DGS COR (the candidate's name, date of Live Scan service, and RPA number OHRcustodianofrecords@dgs.ca.gov). Receives notice of eligibility based on Live Scan results from DGS COR, obtains approval for conditional offer of appointment for candidate from C&P Analyst and advises hiring supervisor/manager. When an employee vacates a position which required a Live Scan and is not transferring to a position which also requires a Live Scan, the ERL will complete a "No Longer Interested Notification" [BCIA 8302](#) form and send it to the DGS COR.

Instructions for Positions Where a Live Scan is Initiated by Building Tenants or Other Entities

This section contains the instructions for processing Live Scan checks on candidates for vacant positions where the tenant requires Live Scan checks and where the tenant initiates the Live Scan check for candidates selected to work within its facilities.

Upon determination by the hiring supervisor/manager of the need to fill a vacancy for a position subject to a tenant Live Scan check, the affected staff shall do the following:

1. When preparing the hiring documents such as the duty statement and RPA, the hiring supervisor/manager will confirm whether the position is located in a building where the tenant requires personnel pass a background Live Scan check.
2. The hiring supervisor/manager will work with the ERL to ensure the Live Scan requirement is reflected on the duty statement and advertisement documents prior to submitting the RPA.
3. OHR will process the RPA, verify whether the position requires a Live Scan, verify that the requirement is properly reflected on the duty statement and job advertisement, and post the advertisement.
4. For positions subject to Post and Bid, if a Post and Bid form is received, the ERL will forward all Post and Bid forms to OHR C&P in order to conduct the Post and Bid process. Interviews will not be held and the candidate who meets the seniority and special considerations outlined in the appropriate Memoranda of Understanding will be selected. The C&P Analyst will notify the ERL who will then notify the supervisor/manager of who shall be appointed.
5. For all other advertisements not subject to Post and Bid, the hiring supervisor/manager will rank the applications and interview the highest-ranking candidates. The hiring supervisor/manager will select the best candidate and work with the ERL to ensure all conditions of employment are met.
6. After completion of the selection process and with OHR approval, the hiring supervisor/manager will confirm with the ERL the ability to make a conditional offer to the selected candidate. The hiring supervisor/manager shall inform the candidate the offer is conditioned upon the results of the Live Scan process, and the verification of any other conditions for employment in the position.
7. The hiring supervisor/manager will complete a [BCIA 8016](#) form, and will provide the tenant with the name of the candidate. The hiring supervisor/manager will provide the candidate with the completed BCIA 8016 and advise the candidate to review the Privacy Notices and certify their understanding by signing the form. Provides instruction for the candidate to provide the signed form to the tenant at time of Live Scan as well as an unexpired, government-issued form of photo identification at time of Live Scan. The hiring supervisor/manager will provide the DGS COR with a copy of the signed BCIA 8016.
8. The hiring supervisor/manager will inform the candidate and the ERL of the location, date, and time the Live Scan is to be performed by the tenant.
9. The ERL will send the DGS COR the candidate's name, date of Live Scan service, and RPA number via OHRcustodianofrecords@dgs.ca.gov.
10. Once the tenant makes a determination of the candidate's eligibility for access to the tenant's facilities, the tenant will directly notify the DGS COR and the Office Building Manager of the results.
11. The DGS COR shall notify the OHR C&P Managers and the ERLs of the candidate's eligibility based on the Live Scan results. The C&P Managers notify the assigned C&P Analyst. The C&P Analyst informs the ERL whether this candidate may be appointed or whether the program must select another candidate. The ERL will then notify the hiring supervisor/manager who will then notify the candidate.

Instructions for Positions Where a Live Scan is Initiated by DGS

This section contains the instructions for processing Live Scan checks on candidates for vacant positions where a Live Scan check is required by the tenant, or other agency for which DGS provides maintenance and/or services, but where the Live Scan check is initiated by DGS, and where the Live Scan results are evaluated by DGS for employment eligibility in that position.

Upon determination by the hiring supervisor/manager of the need to fill a vacancy where the position must first pass a Live Scan check the affected staff shall do the following:

1. When preparing the hiring documents such as the duty statement and RPA, the hiring supervisor/manager will consult with the ERL and the [Buildings and Positions Requiring Live Scan](#) listing to verify whether the position is subject to a Live Scan check.
2. The hiring supervisor/manager will work with the ERL to ensure the Live Scan requirement is reflected on the duty statement and advertisement documents prior to submitting the RPA.
3. OHR will process the RPA, verify whether the position requires a Live Scan, verify that the requirement is properly reflected on the duty statement and job advertisement, and post the advertisement.
4. For positions subject to Post and Bid, if a Post and Bid form is received, the ERL will forward all Post and Bid forms to OHR C&P in order to conduct the Post and Bid process. Interviews will not be held and the candidate who meets the seniority and special considerations outlined in the appropriate Memoranda of Understanding will be selected. The C&P Analyst will notify the ERL who will then notify the supervisor/manager of who shall be appointed.
5. For all other advertisements not subject to Post and Bid, the hiring supervisor/manager will rank the applications and interview the highest ranked candidates. The hiring supervisor/manager will select the best candidate and work with the ERL to ensure all conditions of employment are met.
6. After completion of the selection process and with OHR approval, the hiring supervisor/manager will confirm with the ERL the ability to make a conditional offer to the selected candidate. The hiring supervisor/manager then makes the conditional offer to the candidate.
7. The hiring supervisor/manager instructs the selected candidate to complete a "Personal History Statement" [DGS OHR 48](#) and return the statement to the hiring supervisor/manager. The hiring supervisor/manager is to notate the RPA number and immediately send the form to the DGS COR and does not retain a copy.
8. The hiring supervisor/manager completes a [BCIA 8016](#) form and advises the candidate to review the Privacy Notices and certify their understanding by signing the form.
9. The hiring supervisor/manager instructs the candidate to take the completed BCIA 8016 form, as well as an unexpired, government-issued form of photo identification at time of Live Scan, to the mobile Live Scan vendor or Live Scan fingerprinting site.
10. The candidate returns a copy of the BCIA 8016 form to the hiring supervisor/manager after they have been fingerprinted. The hiring supervisor/manager immediately sends a copy of the completed form to the DGS COR.
11. Once the Live Scan results are received by the DGS COR, he or she will evaluate the candidate's eligibility for appointment in the position and inform the OHR C&P Managers and ERLs of the decision. The C&P Managers notify the assigned C&P Analyst. The C&P Analyst informs the ERL whether this candidate may be appointed or whether the program must select another candidate. The ERL will then notify the hiring supervisor/manager who will then notify the candidate.

Instructions for When a Candidate Does Not Clear the Live Scan Check

If, based on the Live Scan results, a potential candidate is deemed not eligible for employment to the vacant position for which they applied, that candidate cannot be appointed. The DGS COR will complete the No Longer Interested process via the DOJ AAJC.

If the candidate was applying via the Post and Bid process, the candidate cannot be appointed and the next candidate who meets the seniority and special considerations outlined in the appropriate Memoranda of Understanding will be selected. That candidate must also undergo the Live Scan check following the steps above. If there are no other Post and Bid candidates, the hiring supervisor/manager will then conduct the selection process using all other applications received.

Instructions for When an Employee No Longer Holds a Position Subject to Live Scan Check

If an employee who was employed after having passed a Live Scan check resigns, transfers to another department, or moves to a position within DGS which does not require a Live Scan check, the ERL shall complete a "No Longer Interested Notification" [BCIA 8302](#) form and immediately send it to the DGS COR. The DGS COR will complete the No Longer Interested process depending on when the original CORI results were submitted.

Instructions for When an Employee Returns to a Position Subject to a Live Scan Check

If an employee who previously held a position subject to a Live Scan check left that position and is now either returning to that position or is a candidate for another position which also requires a Live Scan check, that employee must undergo a new Live Scan check following the steps above.

Questions

If you have questions regarding the Live Scan check process, please contact the DGS COR at (916) 376-5449 or OHRcustodianofrecords@dgs.ca.gov.

AMY APPLGATE, Personnel Officer
Office of Human Resources

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