

City of Red Bluff
Administrative Policies & Procedures – Personnel Manual

Subject: Offers of Employment & Pre-Employment Examinations		Number: 22-16
		Effective Date: 01/01/2024
Departments Affected: All		Supersedes (Number/Date): AP&P 22-16 / 10/17/2023
Authority: Section 2.82-A. Red Bluff City Code	File References:	
	Approved: Approved by City Council on: 12/19/2023	

Overview: After an applicant has been determined to be the most qualified candidate for the position, a conditional offer of employment can be made contingent upon the City’s receipt of the satisfactory results of the interview process. It is the standard practice of the City to conduct background investigations on all prospective new employees and volunteers. After a conditional offer of employment is made, the Human Resources Department will conduct a background investigation, consisting of a criminal background check, authentication of documents, and reference checks. No applicant may be given a final offer of employment prior to the successful completion of the background clearance. After passing the background clearance, all potential City of Red Bluff employees must participate in a pre-employment medical examination including drug screening.

Applicable to: All candidates, prior to being given a final offer of employment.

Guidelines: The Human Resources Department may verbally make an offer of employment but shall make a conditional offer of employment to the candidate in writing prior to the commencement of any pre-employment exams. The conditional offer of employment will include salary information, as well as list the pre-employment conditions the applicant must meet to be hired. All employees must submit to all articles of the pre-employment evaluation.

Responsibilities for implementation, application, and enforcement of this Personnel Rule are listed below.

- The Human Resources Department will review the Salary Schedule to determine the correct rate of pay for the candidate. The starting pay rate shall be Step A of the pay range unless approval is received from the City Manager, prior to the appointment date. To appoint a new employee at an advanced step. Please follow procedures in AP&P 22-26: Placement Other Than “A” Step & Early Step Increases.
- The Human Resources Department shall advise the applicant that employment is conditional upon the successful completion of the pre-employment evaluation.
- The Human Resources Department will advise applicants on how to make appointments for a pre-employment physical, drug assessment, and

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fingerprinting.

- The Human Resources Department can make the final offer of employment upon receiving receipt of the satisfactory results of all articles of the pre-employment evaluation.
- The signed Letter of Conditional Offer of Employment and the Final Offer Letter of Employment remain in the Human Resource Department with the new hire paperwork and are filed with the employee's Personnel File.

BACKGROUND CLEARANCE

Criminal Background Check

Applicants who have been given a conditional offer of employment are required to submit fingerprints through the live scan process to the Department of Justice. The Department of Justice will report the results of the criminal background on their secure website that only persons in Human Resources cleared by FBI Background Checks can access. If no final clearance or denial can be made within 45 days due to the delay of the criminal background check, the Department may withdraw the offer of employment. The Department Head may extend the wait period at their discretion.

Conviction, including pleas of guilty and nolo contendere, of a felony, misdemeanor, or any crime involving moral turpitude may disqualify an applicant from City service. However, such a conviction may be disregarded if it is requested by the Department Head, and with consultation of the Human Resources Department and the City Attorney. Such determination would depend on mitigating circumstances, such as:

- The relationship of the qualifications, functions, and duties of the position to the nature of the conviction.
- The nature and seriousness of the offense.
- The circumstances surrounding the conviction.
- The length of time elapsed since the conviction.
- The age of the applicant at the time of conviction.
- The presence or absence of rehabilitation or efforts at rehabilitation.
- Contributing social or environmental conditions.
- The actual or potential impact on City service.

Background Checks Specific to Position

Candidates in specific positions may be subject to more extensive background checks due to safety and security concerns. These include specific positions in:

- The Police Department.
- Management positions classified as "Confidential" in nature.
- Department Heads/City Manager.

This department may require that the candidate for employment complete a Criminal Record Supplemental questionnaire *prior* to a conditional offer of employment. In addition to a DOJ fingerprint check, these background checks may include, but are not limited to:

- Fingerprinting to include FBI.
- Local law enforcement agency records check for contacts of a derogatory nature.

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- Voice stress analysis to verify truthfulness relating to illegal drug use, sales, or distribution; relationships with past or current inmates; theft; domestic violence; sexual assault or harassment, past or current membership or affiliation with any street gang, motorcycle gang, or organized criminal group.
- Pre-employment Psychological Examinations shall be conducted on all public safety officers declared by law to be peace officers. (This is under CA GC 1031(f).

Background Checks for Department Heads

Potential candidates for a Department Head that are not internal candidates already employed by the City of Red Bluff will be required to complete a background check process by a third-party investigator that may include, but are not limited to:

- Past address verification.
- Educational verification.
- Employment verification.
- Driving record.
- Reference checks.
- Credit check.
- Property, liens, and judgments search.
- Media search. Including social media.

Reference Checks

The purpose of reference checks is to talk to people who can comment on the applicant's past job performance and verify employment. Reference checks shall be conducted by Human Resources. The person doing the background check will use the Reference Check question sheet as a guide when contacting former employers.

Reference checking can be done at any stage of the selection process but must be completed before a final offer of employment is made.

It is best to contact only professional references. The FEHA prohibits any non-job-related inquiries, directly or indirectly express an applicant's limitations or specifications as to race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, or sexual orientation.

Document Authentication

Documents that confirm the candidate's minimum qualifications or may determine salary ranges, such as degrees and licenses, should be verified for authenticity by the Human Resources Department.

Inaccurate, Unauthentic, or Untruthful Information

If, during the background check process, it is determined that the candidate was not truthful in completing forms, omitted relevant information, or that documents were not authentic, the Human Resources Department and Department Head may choose to investigate further or cease the background check process.

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If the candidate begins employment and it is later determined that the candidate provided information that was untruthful, omitted relevant information, or provided documents were not authentic, the employee may be subject to discipline, up to and including termination.

Applicants Denied Employment

Any applicant who is denied employment due to information received in the background report will receive a notice in writing from the Human Resources Department notifying the applicant of this adverse action. The letter should contain contact information for the DOJ and FBI. The candidate has the right to dispute the completeness or accuracy to the DOJ or FBI, not to the City of Red Bluff. The candidate has five days to respond to the notice before a final decision is made to rescind the conditional offer of employment.

MEDICAL EXAMS

Pre-employment medical examinations are a condition of City of Red Bluff employment to ensure job candidates are physically capable of performing the essential functions of the position. An employer may not ask job candidates to answer medical questions or take a medical exam before making a job offer. Therefore, the candidate must be offered and have accepted a conditional offer of employment prior to participating in the pre-employment medical examination and drug screening.

Once the conditional offer of employment has been accepted, the Human Resources Department will assist the candidate to schedule the pre-employment medical examination including drug screening. All examinations will be scheduled at one of the City's designated facilities. The candidate shall be provided a copy of the classification specification and the check-in form for the applicable designated facility. The department the candidate will be working for shall pay the cost of all pre-employment medical examinations and drug screenings. However, if the City's designated facility requests the applicant participate in further medical examinations or additional testing prior to making a final determination, all costs associated with the additional procedures will be the financial responsibility of the applicant.

Unless prior approval is received from the City Manager, no candidates may commence working for the City of Red Bluff without successful completion of a pre-employment medical examination and drug screening.

Medical Examination

In order to be considered qualified for employment, candidates must meet the classification specification's established screening criteria. Depending on the nature and duties of the position, pre-employment medical examinations may include physical examinations, psychological examinations, physical abilities testing (including strength testing, audiograms, and eye examinations), and other job-related medical screening tests. The Human Resources Department will be notified whether the candidate has passed or failed the medical exam.

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Disqualification During Medical Examination

The City of Red Bluff is committed to providing reasonable accommodation for the known disabilities of an employee or potential employee which may enable the individual to be considered for the job, enable the individual to perform the essential functions of the job, or enable the individual to enjoy equal benefits and privileges of employment. If the candidate receives work restrictions which may preclude the candidate from performing the essential functions of the position, an interactive accommodation meeting shall be scheduled with the hiring department and the candidate. A member of the Human Resources Department will facilitate the meeting. The intent of this meeting will be to evaluate whether an accommodation in accordance with the Americans with Disabilities Act (ADA) and the California Civil Rights Department) may be considered.

The City of Red Bluff is not required to provide an accommodation if the candidate is not able to perform the essential functions/physical demands of the position, if the accommodation causes an undue hardship, or if the accommodation presents a direct threat to the safety of the potential employee or others.

Drug Screening

The pre-employment drug screening consists of a Panel 9 Drug Test which evaluates the presence of nine categories of drugs established by the federal government under the definition of controlled substances. All drug screening will be conducted in accordance with applicable laws which follow established testing standards and protocols. Testing will be conducted on a urine sample provided by the candidate to the testing laboratory under procedures established by the laboratory to ensure the privacy of the candidate while protecting against tampering/alteration of the test results.

Positive Drug Screening Results

In the event of positive drug screening results, the medical laboratory which conducted the test will contact the candidate for additional information. The positive results will be reviewed by an independent Medical Review Officer (MRO). If the test is still considered positive after review by the MRO, the City will be notified of the positive test results.

Should the final outcome be a positive test result, the Human Resources Department will notify the candidate in writing, advising them they have been disqualified from further consideration in the hiring process.

Confidentiality

Absent the candidate's consent, test results may only be disclosed to the Department Head and other City officials based strictly on a need-to-know-basis. All records pertaining to pre-employment medical examinations and drug screening shall be kept securely in a confidential medical file, separate from the personnel file or other personnel records.

Candidates who refuse to participate in the pre-employment medical examination and drug screening or fail to show up for a scheduled medical examination and drug screening may be disqualified from further consideration in the hiring process.

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References: California Department of Fair Housing & Employment Fact Sheet; Equal Employment Opportunity Commission Enforcement Guidance 915.002; Internal Revenue Service Publication 1075; Labor Code §432.7 and 432.9; Penal Code §11105(b) & §11105.2; TCPR §1307: Post Employment Background Investigations; Title 2 California Code of Regulations §11017; 26 United States Code §6103; www.calcivilrights.ca.gov ; www.oag.ca.gov/fingerprints