

 PA TURNPIKE COMMISSION POLICY <i>This is a statement of official Pennsylvania Turnpike Policy</i>		NUMBER: 2.19 APPROVAL DATE: 07-07-2015 EFFECTIVE DATE: 07-23-2015 REVISED DATE: 02-18-2020
POLICY SUBJECT: Pre-Employment Screenings	RESPONSIBLE DEPARTMENT: Human Resources	

A. PURPOSE:

To obtain accurate information by the Pennsylvania Turnpike Commission (“Commission”), through the process of conducting Pre-Employment Screenings, prior to extending a formal offer of employment. This includes the requirement to execute a separate release and authorization, allowing the Commission to conduct the Pre-Employment Screenings, and the notification of status and adverse action procedures.

B. SCOPE:

This Policy applies to all Final Candidates, including all current Commission Employees, who apply for any open position.

C. GENERAL POLICY:

It is the policy of the Commission to establish consistent guidelines and procedures based on federal and state laws and regulations for conducting Pre-Employment Screenings, including but not limited to, when considering any Applicant for employment who has a prior conviction for a felony or misdemeanor.

The Commission shall select, assign and promote Employees in accordance with these guidelines and shall not use Pre-Employment Screening information to discriminate on the basis of any class recognized and protected by State or Federal law.

D. DEFINITIONS:

Applicant – Any individual, including any current Commission Employee, who submits an application or resume or otherwise applies in writing for any open position.

Employee – Any individual employed by the Commission in a full-time, part-time, supplemental, intern, or seasonal capacity, or Temporary Staff Member who is assigned to provide services to the Commission pursuant to a Temporary Staffing Vendor Agreement.

Fair Credit Reporting Act – The Fair Credit Reporting Act (FCRA) is a federal law that regulates the collection, dissemination, and the use of consumer information, which can be used for credit evaluation and certain other purposes, including employment.

Final Candidate – An Applicant who meets the advertised minimum qualifications for the open position and is the primary candidate being considered for an employment offer to fill the open position.

Medical Review Officer – A person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by an employer’s drug testing program and evaluating medical explanations for certain drug test results.

Pre-Employment Screening – The process of gathering and reviewing criminal history records, educational history records, prior employment records, professional or personal references and any required professional license. For purposes of this policy, Pre-Employment Screenings include the process of conducting pre-employment drug screenings.

Temporary Staffing Vendor Agreement – An agreement between the Commission and a vendor to assign individuals, on a temporary basis, to provide services to the Commission for a pre-determined time period for a specific position or project.

Temporary Staff Member – An individual assigned to provide services to the Commission through a Temporary Staffing Vendor Agreement and who, unless otherwise provided for in writing, has no reasonable expectation of continued work or permanent employment with the Commission.

E. PROCEDURES:

Pre-Employment Screenings for Final Candidates are initiated by the Commission’s Manager of Talent Acquisition and Engagement, or his/her designee, prior to extending a formal offer of employment. In addition to Pennsylvania courts, the criminal background check may include multi-state and Federal court background checks.

Pre-Employment Screenings (other than drug screenings) are performed by a third party vendor and include information on all felony and misdemeanor convictions and pleas, including “no contest” pleas of any kind, and information on any pending criminal matters. All Pre-Employment Screenings are performed in accordance with The Fair Credit Reporting Act, the Criminal History Record Information Act (as amended), and any other applicable State or Federal statutes. The information obtained as a result of a Pre-Employment Screening will be treated as confidential and authorized Employees will be allowed access on a strict “need to know” basis.

Decisions as to suitability for employment are made relevant to the offense and the position for which the individual is being considered and are reviewed on a case-by-case basis. The following factors will be considered in arriving at any final determination:

1. The number of offenses and the circumstances of each;
2. The severity of the offense(s);
3. The relevance of the offense to the position for which the individual is being considered;
4. The individual's age at the time the last offense was committed;
5. The time elapsed since the last offense and the application for employment;
6. Evidence that the individual performed the same type of work post-conviction without incident;
7. The individual's rehabilitation efforts, including, but not limited to, education and training;
8. Employment or character references;
9. Any other information that may be relevant for a particular position.

The Final Candidate shall be notified in writing and in accordance with all applicable laws of any adverse information. The Commission shall notify the Final Candidate of rejection based on information in the consumer report and provide the name, address and phone number of the company that sold the report. In addition, the Commission shall inform the Applicant that the company selling the report did not make the hiring decision. The Applicant shall be provided a free report (upon request) and can dispute the findings with the company selling the report for completeness and accuracy within sixty (60) days.

Final Candidates must also successfully complete pre-employment drug screening(s), prior to a formal offer of employment. All Final Candidates must complete their pre-employment drug testing within 72 hours following their conditional offer. Final Candidates will be required to sign a written consent form in which they consent to and authorize testing. A Medical Review Officer (MRO) is responsible for ensuring the accuracy and integrity of the drug testing process. Final Candidates must immediately cooperate with the MRO, if needed. The MRO will afford the Final Candidate the opportunity to disclose any medications or other information they feel may be relevant to the testing. If the Final Candidate does not provide a legitimate medical explanation for a positive, adulterated, or substituted test result, the MRO will report the result as positive, and the Commission will accept no further explanation directly from the Final Candidate. The Final Candidate will only be extended a formal offer of employment if the results of the drug screening(s) are negative. The Commission shall notify the Final Candidate of rejection based on a positive result of the drug screening. Pre-employment drug screening results are valid for a

period up to sixty (60) days. Final Candidates who do not begin work within sixty (60) days of administration of a pre-employment drug screening will be required to complete a retest.

This Policy Letter supersedes all previous Policy Letters on this subject.