

***PARKERSBURG-MARIETTA
CONTRACTORS AND TRADES
EDUCATIONAL
AND DEVELOPMENT FUND***

***BACKGROUND SECURITY
POLICIES AND PROCEDURES***

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I. Purpose.

The Contractors and Trades Educational and Development Fund, working in the jurisdiction of the Parkersburg-Marietta Building Trades Council, has a strong commitment to provide a safe and secure workplace for its members/employees and to establish programs promoting high standards of health and safety.

The purpose of this policy is to provide guidelines for all concerned regarding security background checks and to provide practical procedures for its administration. The trustees of the Education and Development Fund will review any questions and criteria submitted by Owners or Contractors to the Board of Trustees, and will take any changes needed in this policy under advisement and/or for approval.

II. Definitions.

- A. *Adjudication Criteria* (common): the guidelines established by multiple owners to determine who will be permitted onto their sites. The following represents the current common set of general categories (see appendix A for the full list of crime codes)
1. Violent Felonies
 2. Violent Misdemeanors
 - a. Weapons with violence
 - b. Physical violence
 - c. Sexual crimes
 3. Multiple DUI's
 4. Drug sales/distributions
 5. Any intentional misrepresentation or failure to disclose information on the application could result in exclusion or termination of employment.
- B. *Adjudication Criteria* (site specific): the guidelines established by an Industry Standards, ACUC, and Owners determine who will be permitted onto their site(s). With approval of the Education and Development Fund Board of Trustees under this policy.
- C. *Appeal*: A formal stated disagreement by the individual with the adverse results of the findings of a security background check.
- D. *Clear*: A conclusion based upon results of a security background check indicating that the background data is in compliance with the guidelines established by the owner. * indicated with an "approved" on your fax report.
- E. *Clearinghouse*: An independent entity identified for the purpose of assisting the Education and Development Fund in the administering the requirements of this program.
- F. *Individual*: Any person that is a member of the Fund required to submit to the terms of this program.
- G. *Contractor*: Any signatory and contributing corporation, company or entity retained at the job sites to perform construction, repair, maintenance or demolition work, either directly with its own employees or indirectly with employees of subcontractors.

- H. *Employee:* any individual that has been hired to work for a signatory contractor as previously defined.
- I. *Expiration:* Upon gaining a clear status, the individual's security background check may be performed every five years or with just cause.
- J. *Deadline:* The date established for contractor employees to have completed required security background checks and obtain a "clear" status for access to owner
- K. *Follow-up Paperwork:* Every five years each individual will be required to submit a new application and release document. The information contained in these documents will be used to perform the individual's security background check.
- L. *Information Form:* A document provided by the administrator firm of the program for the Fund and/or The Fund to the individual that advises the individual of the nature of the security background check and actions the individual may wish to take should there be adverse findings.
- M. *Adverse:* A conclusion by the Fund that the background data conflicts with the guidelines established by the owner.
- N. *Clear Status Indicator:* A date of the test clearance with an expire date of 5 years in the TOP system will indicate to an individual that the background checks have been completed and that the individual is clear.
- O. *Investigative Firm:* An independent entity contracted by the Fund for the sole purpose of performing background checks specified in this program. Maintaining of the records and notification to the individuals of the status of their background check. Providing the individual the opportunity to dispute the reports
- P. *Owner:* Any public or private entity that hires the services of a contractor that has identified adjudication criteria registered with the Fund.
- Q. *Personal Data Form:* A document voluntarily filled out by the individual providing the administrator firm and/or The Fund with the necessary information to allow the Investigative Firm to perform the Specified background checks.
- R. *Release Form:* A document completed and submitted by the individual voluntarily Authorizing the Fund to submit the information contained in the Personal Data form to The Investigative Firm. This release form will authorize possible random criminal checks for five years after the initial background check.

III. Policy and Procedures.

Policy and procedures which apply to Building Trades Craftsmen *considered for employment by contractors* and which apply to employed Building Trades Craftsmen are addressed in the following statements:

- A. ***Applicants required to provide*** Background Security Checks:
1. In order to maintain a safe & secure, environment for its employees, contractors will not employ craftsmen who have not received a clear status from a security background check.
 2. Contractors are responsible for maintaining field documentation and removing adverse individuals from owner's sites.
 3. Employees will receive a copy of the current policy at the time of hire.
 4. Contractors must participate in owner audit process.
 5. Contractors agree to insert program into local contracts.
 6. Trade Unions distribute "personal data form", releases and overview of process and appeal provisions.
 7. Trade Unions assign new hires by site clearance status, and insert program into local Contracts.
- B. To implement this policy the following procedures will apply:
1. Security background checks shall be limited to every five years for each participating individual, every five years each individual will be required to submit a new Personal Data Form and Release document.
 2. Primary search elements will consist but are not limited to:
 - a. Criminal history background screening (County for the past 7 years)
 - b. Identification/Social Security Verification/INS Form 9
 - A. Secondary search elements will consist of (and can be required at request of owner.) **With approval of the Board of Trustees**
 1. Employment verification for past 7 years and or length of Trade Union Membership.
 2. Drivers License Check
 3. Military History (only when indicated and only if time frame for report can be within the time frame of the other checks.
 3. Security Background Checks will be recognized where such testing is required by the contractor, owner or union.
 4. All costs directly associated with the security checks will be borne by the Fund.
 5. Employees receiving a clear check will receive a **clearance date in TOP System.**
Employees not receiving a clear check will receive a review failure report in which the employee may follow the appeal process if "adverse" status.
 6. All approved and pending status results will be reported to employer or contact person. Additional information available upon contractors request to PMCTEDF.
 7. Attempts to fill out the forms using incorrect information will prevent you from having a background performed for a period of 30 days.

- C. Appeal of security background check results.
Employees or prospective employees who wish to appeal his/her results must notify the program administrator within twenty-four (24) hours of his/her notification of the results. Employees or prospective employees must post in cash the fee for another security check confirmation using the same information but done at an additional depth. The cash deposit should be made with the investigative firm. The final check will be mutually agreed to between the employee or prospective employee, investigative firm and the program administrator. If the second confirmation, which shall be a Secondary Check, is clear, the employee or prospective employee will be reinstated and the second check cost will be refunded to the employee or prospective employee by the Fund.
- D. Notification of Outside Entities and Notification from Outside Entities.
1. The Trustees of the Parkersburg-Marietta Contractors and Trades Educational and Development Fund is authorized to enter into reciprocal agreements with other funds (outside the jurisdiction of the Parkersburg-Marietta Building Trades Council) providing similar programs and procedures for employees and prospective employees in the construction industry.
 2. Pursuant to any such reciprocal agreements, the Parkersburg-Marietta Contractors and Trades Educational and Development Fund is authorized to share clean card lists results with such other funds and to receive and act upon security check results transmitted from such other funds.
 3. Any employee or prospective employee who is tested under this Security Background Checks Policies and Procedures shall be deemed to have consented to all of its provisions, including specifically this section III, paragraph D.