

# Procedure: 4.1.9p. (III.W.1)

## Background Investigations

**Revised:** July 20, 2021; January 1, 2020; November 15, 2016; April 23, 2015; July 17, 2013; September 27, 2012, and March 1, 2012.

**Last Reviewed:** September 16, 2022; October 28, 2019; and November 15, 2016.

**Adopted:** April 3, 2008.



### I. PURPOSE:

It is the policy of the Technical College System of Georgia (TCSG) that all reasonable measures will be taken to provide a safe and secure environment for employees, students, visitors, contractors, and other individuals working in, attending, and/or visiting any TCSG System Office work unit or Technical College. Based on this objective and as provided in the parameters of this procedure, a thorough background investigation shall be conducted in conjunction with a recommended candidate's initial employment with the TCSG System Office or any associated Technical College in a full- or part-time position. The investigation shall include post-offer criminal history records check and, as applicable, a post-offer: credit history records check, a fingerprint records check, a motor vehicle records check, and a pre-employment drug test.

These activities must be completed before a hiring decision is finalized.

The recommended candidate for a full-time P.O.S.T. certified law enforcement position shall also be required to complete a post-offer State of Georgia mandated medical examination and psychological screening if the last activity is included in a Technical College's written selection process for these positions.

The background check for the recommended candidate for a full- or part-time salaried or hourly paid position serving in a Technical College's child care learning center shall also include a post-offer check of the Georgia Child Abuse Registry, the National Sex Offender Registry, and, if the individual has lived in a state other than Georgia and/or a U.S. Territory and/or tribal land within the five (5) year period prior to his/her application for employment, a state fingerprint-based criminal history check and child abuse registry check for each of these state(s), territory(ies) or tribal land(s). The Georgia Department of Early Care and Learning shall undertake these checks.

All required background checks must be completed before a hiring decision is finalized.

The successful completion of a criminal history records check will also be required of any contractor/employee of a contractor who works in a full-time or regular, part-time capacity at any Technical College and whose work assignment(s) include direct contact with students and staff. Similarly, the Commissioner or Technical College president may require volunteers to undergo criminal history records check as a condition of service in this capacity. Any determination should be based on the nature of an individual's assignments within the System Office or Technical College, including access to confidential information.

As provided in this procedure and absent a hiring decision made in response to an individualized assessment, an applicant subject to a post-offer criminal history records check and, as applicable, a fingerprint records check shall be ineligible for employment if he/she possesses a record of criminal conviction(s) for certain identified offenses or is on probation or parole for these same offenses or if his/her criminal history reflects one or more pending (non-adjudicated) criminal charge(s) or one or more active arrest warrant(s).

## II. RELATED AUTHORITY:

Governor Deal's February 23, 2015, Executive Order Child Care and Development Block Grant of 2014.  
O.C.G.A. Title 16, Chapter 6 – Sexual Offenses.  
O.C.G.A. § 16-11-5 – Short Title.  
O.C.G.A. § 16-12.1.1 - Child, Family, or Group-Care Facility Operators Prohibited from Employing or Allowing to Reside or be Domiciled Persons with Certain Past Criminal Violations.  
O.C.G.A. Title 17 – Criminal Procedures.  
O.C.G.A. § 17-10-6.1 - Punishment for Serious Violent Offenders; Authorization for Reduction in Mandatory Minimum Sentencing.  
O.C.G.A. § 20-1A-30, et seq. – Definitions.  
O.C.G.A. § 35-3-30 et seq. – Definitions.  
O.C.G.A. § 42-8-60 et seq. – Probation Prior to Adjudication of Guilt; Violation of Probation; Review of Criminal Record by Judge.  
O.C.G.A. § 45-3-11 – Loyalty Oath — Persons Required to take Oath Generally.  
O.C.G.A. § 45-23-1 et seq. Drug-free Workplace Act of 1990.  
O.C.G.A. § 50-5-83 – Definitions; Requirements for State Purchasing Card Program.  
Rules of the Georgia Crime Information Center Council 15 U.S.C. § 1681.  
State Personnel Board Medical and Physical Examination Program Rules of the Department of Early Care and Learning.

## III. APPLICABILITY:

All work units and Technical Colleges are associated with the Technical College System of Georgia.

## IV. DEFINITIONS:

**Applicant:** An individual seeking employment with any System Office work unit or Technical College associated with the Technical College System of Georgia. This term also includes employees of other state agencies, or any college/university affiliated with the University System of Georgia and current or former employees of the Technical College System of Georgia or any Technical College.

**Arrest:** The taking of an individual into custody by law enforcement personnel to charge them with a crime/illegal act.

**Background Investigation:** may include a criminal history records (name) check, motor vehicle/driver's history investigation, military service investigation, employment history investigation, credit history investigation, and/or the review, verification, and/or investigation of the information provided on an applicant's resume, or employment application.

**Business Day:** Weekdays when administrative offices are open.

**Comprehensive Background Check:** as mandated by federal law, the Rules of the Georgia Department of Early Care and Learning require that any individual whose job duties include

having personal contact with a child in a licensed child care learning program must satisfactorily complete all of the following before such service can begin: a national fingerprint-based criminal history record check; a state fingerprint-based criminal history check for every U.S. Territory, tribal land or state (other than Georgia) in which he/she has lived during the past five (5) years; a check of the Georgia Child Abuse Registry, a check of the National Sex Offender Registry; and, as applicable, the child abuse registry for every U.S. Territory, tribal land, or state (other than Georgia) in which he/she has lived in the past five (5) years.

**Consumer Report:** any communication of information by a consumer reporting agency regarding a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living when such information is used for employment or other purposes. When used with a consumer report, the term "employment purposes" is defined as a report used to evaluate a consumer for initial employment, promotion, reassignment, or retention.

**Consumer Reporting Agency:** The person (entity) who regularly assembles or evaluates consumer information and furnishes consumer reports to third parties for a fee or cooperative basis.

**Conviction:** The formal decision of a judge or jury determines whether an individual has committed the crime(s) for which he/she has been accused and whether an appeal has been sought.

**Crime:** An act or omission prohibited by criminal law and punishable usually by a fine or imprisonment.

**Criminal Record:** Encompasses the following information:

Conviction of a Crime.

Arrest, charge, and sentencing for a crime where:

- 1) A plea of nolo contendere was entered to a charge.
- 2) First Offender Treatment without adjudication of guilt pursuant to the charge was granted.
- 3) Adjudication or sentence was otherwise withheld or not entered on the charge.

Arrest and being charged for a crime if the charge is pending, unless the time for prosecuting such a crime has expired according to the provisions of O.C.G.A. Title 17, Chapter 3.

**Criminal History Records Check/Investigation:** Information accessed from a computerized database at the state or federal level (GCIC and/or NCIC) to determine whether an individual has a criminal record.

**Criminal History Record Information:** Information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, or other formal criminal charges, to include any disposition arising from including acquittal, sentencing, correctional supervision, and release.

**Disposition:** The outcome of a criminal charge.

**Employment History Investigation:** An oral or written verification of an individual's previous employment as referenced on his/her resume or employment application to include the reason(s) for leaving their former employer(s).

**Fair Credit Reporting Act (FRCA):** Federal law regulating the collection, dissemination, and use of consumer information, including consumer credit information. Consumer reporting agencies (CRAs) must adopt procedures that promote confidentiality, accuracy, relevancy, and proper use of consumer information. In addition, employers (in most circumstances) are required to follow specific steps, including obtaining an individual's written consent before pursuing a consumer report from a consumer reporting agency.

**Felony:** The most severe criminal offenses carry a minimum sentence/term of one (1) year or more in a correctional facility.

**Fingerprint:** For this procedure, an electronic image of a person's fingerprint is used.

**First Offender Act (Probation of First Offenders):** As provided in O.C.G.A. § 42-8-60, a discharge without court adjudication of guilt except for registration requirements under the state Sex Offender Registry and as otherwise provided in O.C.G.A. § 42-8-63.1. The defendant shall be discharged without court adjudication of guilt upon fulfillment of the terms of probation, upon release by the court prior to the termination of the sentence (e.g., probation), or upon release from confinement. The discharge completely exonerates the defendant of any criminal purpose and shall not affect any of his or her civil rights or liberties. Additionally, the defendant shall not be considered a criminal conviction upon discharge.

**Georgia Crime Information Center (GCIC):** A Division of the Georgia Bureau of Investigation provides the intrastate communication of vital information relating to crimes, criminals, and criminal activity.

**Material (Falsification):** refers to an applicant submitting false or misleading information that directly influences and/or impacts a hiring decision. A material falsification can be found in an employment application and/or associated hiring documents/forms, submitted records (e.g., past criminal history information), credentials (e.g., educational, professional, licensure, and certificates), current and past work experience (including disciplinary history, periods of employment, reason(s) for leaving an employer, etc.) and/or other qualifications or service (e.g., military service, volunteer service, etc.).

**Misdemeanor:** A crime less serious than a felony, which is punishable by a fine or no more than one (1) year in a correctional facility.

**Name Check:** A criminal record investigation using an individual's name and social security number as a basis for identification.

**National Crime Information Center (NCIC):** The Federal Bureau of Investigation (FBI) maintains a federal criminal history record information database.

**Nolo Contendere:** a plea entered by a defendant (as an alternative to a pleading of guilty or not guilty) in response to being charged with a crime in which he/she neither admits to nor disputes the charge(s). A court will treat any such plea as an admission (of guilt) and proceed to find the defendant guilty as charged. A conviction arising from a *nolo* plea is subject to all

penalties, fines, and forfeitures of a conviction from a guilty plea. In addition, it can be considered an aggravating factor in future criminal actions.

**Nolle-Prosequi (Nol Pros):** An entry made on the record by a prosecutor in a criminal case stating that he/she will no longer pursue the matter. An entry of nolle prosequi may be made at any time after charges are brought and before a verdict is returned or a plea entered.

**Reviewing Manager:** A manager charged with reviewing the performance plans and evaluations prepared by lower-level supervisor(s) in his/her direct line of supervision.

**Satisfactory Determination:** a written declaration by the Georgia Department of Early Care and Learning that the individual for whom a comprehensive background records check was performed was found to have no criminal record and whose name did not appear on a registry which would preclude employment in a TCSG childcare learning center.

**Unsatisfactory Determination:** a written declaration by the Georgia Department of Early Care and Learning that the individual for whom a comprehensive background records check was performed was found to have a criminal record and/or whose name did appear on a registry which would preclude employment in a TCSG childcare learning center.

## **V. ATTACHMENTS:**

Attachment: 4.7.2p.a5. Driver's History Consent Form

Attachment: 4.1.9p.a1. Criminal History Information Release Form (Technical College)

Attachment: 4.1.9p.a2. DSI/State of Georgia Background Request Form

Attachment: 4.1.9p.a3. Fair Credit Reporting Act Guidelines

Attachment: 4.1.9p.a4. Credit Information Release Form and Fair Credit Reporting Act Disclosure

Attachment: 4.1.9p.5. GCIC Awareness Statement

Attachment: 4.1.9p.a6. Pre-Employment Questionnaire – P.O.S.T. Certified Law Enforcement Positions

Attachment: 4.1.9p.a7. Authorization to Release Personal Information Form

Attachment: 4.1.9p.a8. Medical and Physical Examination Program Acknowledgement Form (POST)

Attachment: 4.1.9p.a9. Cogent Systems/Georgia Applicant Processing Systems Acknowledgement Form Attachment: 4.1.9p.a10.

Glossary of Criminal History Report/Record Terms and Conditions

Attachment: 4.1.9p.a11. Summary of Rights Under the Fair Credit Reporting Act

Attachment: 4.1.9p.a12. Governor Deal's February 23, 2015, Executive Order

## **VI. PROCEDURE:**

### **A. General Provisions:**

1. All applicants are subject to a thorough background investigation as a part of the selection process, including the investigation, review, and/or verification of information provided on an employment application (e.g., an applicant's employment history, education history, and military service history). Additionally, every recommended candidate must complete post-offer criminal history records check as a condition of initial employment with the TCSG System Office or any associated Technical College in any full- or part-time position.

NOTE: Written statements made by an applicant on a System Office/Technical College employment application and the State of Georgia Security Questionnaire/Loyalty Oath will be deemed to have been made under oath as provided in state law. A material falsification or misrepresentation of information on these documents or any other hiring document may result in the withdrawal of an employment offer or if already employed, dismissal. In addition, current employees pursuing advancement opportunities or other position(s) who falsify employment-related documents/forms shall also be subject to disciplinary action up to and including dismissal from employment.

2. An employing System Office work unit or Technical College shall provide a recommended candidate with a written, conditional offer of employment which communicates that the offer is contingent upon the candidate completing the referenced criminal history records check and, dependent upon the position sought, one or more of the following: a credit history records check; a motor vehicle records check; a pre-employment drug test; a fingerprint records check; a psychological screening; and, a medical examination. NOTE: additional screening requirements governing a prospective employee of a Technical College's childcare learning center are outlined in Paragraph VI.A.3. The correspondence/memorandum must advise the applicant or current employee that he/she may be determined to be ineligible for employment or, as applicable, separated from employment based on information received on the criminal history records check or, as applicable, a fingerprint records check. Similarly, the conditional offer of employment may be withdrawn and/or a current employee made subject to disciplinary action based on the results of another required check (s)/screening(s), e.g., a positive drug test result. NOTE: the selection process is incomplete. No candidate may be formally hired and begin work until all such check(s)/screening(s) have been completed and the candidate has successfully met all established hiring standards.
3. Child Care Learning Center Positions:
  - a. The Rules of the Georgia Department of Early Care and Learning (DECAL) stipulate that before a new employee can be present at a child care learning center while children are present for care, he/she must have first received a satisfactory comprehensive background check determination from DECAL. Included among the positions subject to this screening are those in an instructional, administrative, administrative support, food service and, as applicable, a custodial or maintenance capacity.
  - b. For purposes of this procedure, an applicant provided a conditional offer of employment for a full- or part-time position in a Technical College childcare learning center must first successfully complete the TCSG-mandated criminal history records check. Provided the results are satisfactory, the individual must then undergo DECAL's comprehensive background check.
  - c. Before employment can commence, a prospective employee and the director of the college's childcare learning center must receive a satisfactory comprehensive background check determination letter from DECAL.

- d. All employees of a Technical College childcare learning center (including those encumbering identified custodial and maintenance positions) who were appointed prior to January 1, 2017, after undergoing a national fingerprint-based criminal history records check and receiving a Satisfactory Determination Letter from DECAL must undergo DECAL's comprehensive background check prior to October 1, 2017, as follows:
    - 1. Employees who have resided only in Georgia for the past five (5) years must undergo a check of the Georgia Child Abuse Registry and the National Sex Offender Registry.
    - 2. Employees who have resided in a state other than Georgia, a U.S. Territory, or a tribal land during the past five (5) years must undergo a check of the Georgia Child Abuse Registry, a check of the National Sex Offender Registry, and a check of the child abuse registry and a fingerprint-based criminal history for each of these state(s), territory(ies) or tribal land(s); and,
    - 3. All employees must provide DECAL with written consent before administering these record checks.
  - e. According to DECAL Rules, all childcare learning center employees referenced above must undergo a comprehensive background check and receive a satisfactory determination from DECAL every five (5) years.
  - f. Any applicant provided a conditional offer of employment who refuses to complete a Cogent Systems/Georgia Applicant Processing Services Acknowledgement Form (Attachment 4.1.9p.a5.). In addition, other Cogent registration requirements and/or who refuse to undergo a national fingerprint records check or who refuse to provide written consent for a check of the Georgia Child Abuse Registry, the National Sex Offender Registry, or, as applicable, a state fingerprint-based criminal records check for each state, U.S. Territory or tribal land in which he/she has lived in the past five (5) years shall have his/her conditional offer of employment withdrawn.
  - g. Any current employee who refuses to undergo a comprehensive background check as outlined in Paragraphs VI.A.d. and VI.A.e., or who possesses a criminal record or placement on a referenced registry that would otherwise disqualify him/her from working in a TCSG childcare learning center will be released from employment according to applicable State Board Policies and TCSG Procedures.
  - h. The employing Technical College is responsible for all costs associated with the required comprehensive background checks for prospective and current employees.
4. P.O.S.T. Certified Law Enforcement Positions:
- a. Applicants to be interviewed for a full- or part-time P.O.S.T. certified law enforcement position serving in a Technical College's campus police department (e.g., a Law Enforcement Worker, Campus Police Officer, Assistant Campus

Police Chief, or a Campus Police Chief) shall complete a TCSG Pre-Employment Questionnaire (Attachment:4.1.9p.a6.) in conjunction with the interview portion of the selection process. The Questionnaire is considered a pre-offer activity.

- b. Following a written conditional offer of employment, the selected candidate for a full- or part-time law enforcement position must participate in/complete certain post-offer screening activities, which may be in addition to, or may complement, a Technical College has written selection process. These background investigations are to be conducted by the college's Police Chief or the TCSG Chief of Police if hiring for a Chief's position.
  - c. The recommended candidate for a full-time law enforcement position must complete a criminal history records check conducted by the college Police Chief, a medical/physical examination, a pre-employment drug screening, a motor vehicle records check, and psychological screening.  
  
Part-time candidates employed full-time at other agencies are in good standing with their current agency, and P.O.S.T. will be exempt from the background check requirements except for pre-employment drug testing, criminal history, and motor vehicle records checks.
  - d. The recommended candidate for a full-time P.O.S.T. certified law enforcement position must complete Attachment 4.1.9p.a8. (Medical and Physical Examination Program Acknowledgement Form) in conjunction with the required medical examination. The examination is considered a post-offer activity. No applicant may commence employment unless he/she undergoes a medical examination and is determined by a medical practitioner to have met established State of Georgia medical standards for service in this capacity.
  - e. With the exception noted in Paragraph VI.A.4.f., the selected candidate may, at his/her expense, utilize a licensed medical practitioner of his/her choosing to perform the required examination.
  - f. A Technical College president or his/her designee may contract with a licensed medical practitioner to either perform the medical examination or review the results of a medical examination performed by another licensed medical practitioner to validate that the candidate meets all established medical standards for service as a P.O.S.T. certified law enforcement officer. In either instance, the cost for the examination or the review of a completed examination shall be the responsibility of the prospective employee unless the Technical College agrees to assume these costs. If a college agrees to assume these costs for all prospective full-time employees in law enforcement positions, the college may stipulate that a designated provider examine the prospective employee.
5. All current System Office or Technical College employees are subject to criminal history records check prior to any promotion, change in employment status from part-time to full-time, movement/lateral transfer to a position deemed sensitive given the nature and scope of the individual's newly assigned duties, or for any other legitimate business reason as determined by the Commissioner or Technical College president.



This provision shall be consistently applied within the System Office and each Technical College.

6. A recommended candidate's criminal history records check shall be valid for sixty (60) calendar days from the date of the final report. Suppose the individual is not hired within sixty (60) calendar days. In that case, these activities must be repeated if the individual later becomes the recommended candidate for the same or a different position.
7. Pursuant to Paragraph VI.B.1 provisions, a recommended candidate convicted of a specific misdemeanor or felony offense(s) is subject to being disqualified from employment for five (5) years. The five (5) year period begins on the date of the most recent conviction, a plea of nolo contendere, or release from incarceration, probation, or parole, whichever is later. NOTE: for a serious violent felony of an egregious nature, the disqualification period may be extended beyond five (5) years.
8. A formal discharge under the provisions of O.C.G.A. § 42-8-60, et seq., (Probation of First Offenders), is not a conviction of a crime under Georgia Law and may not generally be used to disqualify a person in any application for employment or subsequent appointment in the public or private sector. However, the provisions of O.C.G.A. 42-8-63.1 provide an exception concerning an offender discharged under the First Offender Act on or after July 1, 2004, and who (later) applies for employment with an entity (e.g., a Technical College) that provides daycare or after-school care for minor children after prosecution for one of the following offense(s): child molestation; sexual battery; enticing a child for indecent purposes; sexual exploitation of a child; pimping; pandering; and/or incest.
9. Any current employee who is found to have falsified or misrepresented information on the employment-related form(s) or document(s), including past criminal conviction(s) or other background investigation standards established/administered by a public or private clinical/internship/externship site or agency (e.g., a hospital, medical center, laboratory, etc. as referenced in Paragraph VI. F.), is subject to disciplinary action up to and including dismissal from employment.
10. Contractors and/or employees of a contractor who work in a full-time or regular part-time capacity in a Technical College setting and whose work assignments include direct contact with students and staff (e.g., bookstore operations, custodial operations, food service operations) must meet the same criminal history standards as an applicant or any employee subject to the provisions of this policy.
11. Contractors and/or employees of a contractor whose work assignments in a Technical College setting are temporary/time-limited and/or seasonal/sporadic (e.g., grounds maintenance, construction projects, maintenance, installation, repair or service-related duties/tasks, etc.) are not subject to the provisions of this procedure.
12. According to the Governor's February 23, 2015, Executive Order (Attachment: 4.1.9p.a12.), no employment application utilized by the System Office or a technical

College may require an applicant to disclose past conviction(s) for criminal or traffic offense(s).

13. If an applicant provided a conditional offer of employment is initially determined to be ineligible for employment (i.e., a targeted exclusion) based on his/her documented criminal history, the System Office or Technical College human resources director/coordinator must complete an individualized assessment before finalizing the decision. In response to this decision, the applicant must be provided with a pre-adverse action notice pursuant to the Fair Credit Reporting Act or, as applicable, the Rules of the Georgia Crime Information Center (GCIC) to include a copy of his/her consumer report or, as applicable, the GCIC criminal history information which led to the decision.
14. As provided in Paragraphs VI.G. and VI.H., an individual who would otherwise be disqualified from employment based on his/her criminal history may be recommended for an appointment after completing an individualized assessment. Any such recommendation must be submitted, in writing, to the Commissioner by the Technical College president or, as applicable, a System Office hiring official. No hiring decision can be finalized until the Commissioner and/or his/her designee has reviewed the submitted information and, if appropriate, authorized the appointment in writing.

#### **B. Employment Restrictions:**

1. Absent a hiring exception in response to an individualized assessment as provided in Paragraphs VI.G and VI.H. There is a mandatory disqualification period from employment for five (5) years from the date of the most recent conviction, a plea of *nolo contendere*, or release from incarceration, probation, or parole, whichever is later, for any of the following crimes/categories of crimes:

##### Felony Conviction(s)

- a. Offense(s) designated as a serious violent felony in O.C.G.A. § 17-10-6.1, e.g., murder or felony murder, armed robbery, kidnapping, rape, aggravated child molestation, aggravated sodomy, aggravated sexual battery, as well as other felony offenses involving violent behavior, such as arson, aggravated battery, kidnapping, reckless conduct causing bodily harm, robbery, voluntary manslaughter, involuntary manslaughter, cruelty to children in the second or third degree.
- b. Other sexual offenses referenced in O.C.G.A. Title 16, Chapter 6 include incest, sodomy, statutory rape, child molestation, enticing a child for indecent purposes, and sexual exploitation of children.
- c. Criminal attempt when the crime attempted is any of the crimes referenced in the above subparagraphs.
- d. Any other felony conviction directly related to the area of assignment (e.g., theft by taking, theft by deception, theft by shoplifting, theft by conversion, financial transaction fraud/forgery, deposit account fraud, identity fraud, etc.), when the

position sought involves access to financial resources including, but not limited to, cash and Purchasing Cards.

- e. If committed in Georgia, any offense in another jurisdiction would be one of the enumerated criminal offenses referenced in these subparagraphs.

Misdemeanor Conviction(s)

- a. According to the provisions of O.C.G.A. § 20-1A-30 et seq., O.C.G.A. § 16-12.1.1, or as referenced in other corresponding statutes, an applicant pursuing a position in a Technical College's child enrichment center/group day care home who has been convicted of or has entered a plea of nolo contendere to or, as applicable, has been adjudicated a delinquent for certain misdemeanor offenses when the victim is a minor. These offenses include a simple battery, simple assault, or family violence battery; cruelty to children; criminal attempt (when the victim is a minor); and contributing to a minor's delinquency, unruliness, or deprivation.
- b. Any other misdemeanor conviction related to the area of assignment (e.g., theft by taking, theft by deception, theft by shoplifting, etc.), when the position sought involves access to financial resources including, but not limited to, cash and Purchasing Cards.
- c. If committed in Georgia, any offense in another jurisdiction would be one of the enumerated criminal offenses referenced in these subparagraphs.

NOTE: In circumstances pertaining to a conviction for a violent felony offense that is so egregious given the nature of the crime, the period of disqualification may be extended beyond the five (5) year period referenced in Paragraph VI.B.1. Any such extension may only be considered after completion of an individualized assessment as outlined in Paragraph VI. G and VI. H. Before a decision to extend the disqualification period is finalized, a Technical College president, the System Office deputy commissioner, or an assistant commissioner should consult with the Executive Director of the Office of Legal Services.

2. Drug-Related Conviction(s):

- a. Pursuant to the Drug-free Public Workforce Act of 1990, the following minimum sanctions are to be imposed on applicants convicted of a criminal drug offense. Note: for purposes of administration, a "conviction" includes the acceptance of a guilty plea by the court:
  - i. Any person who has been convicted for the first time under the laws of Georgia, the United States, or any other state of any criminal offense involving the manufacture, distribution, sale, or possession of a controlled substance, marijuana, or a dangerous drug is ineligible for any public employment for two (2) years from the date of conviction; and,

- ii. Any person who has been convicted two (2) or more times under the laws of Georgia, the United States, or any other state of any criminal offense involving the manufacture, distribution, sale, or possession of a controlled substance, marijuana, or a dangerous drug is ineligible for any public employment for five (5) years from the most recent date of conviction.
- 3. Active Arrest Warrant(s) or Pending Criminal Charge(s):
  - a. An applicant cannot commence employment if:
    - i. He/she has an active arrest warrant for any felony or misdemeanor offense referenced in Paragraph VI.B.1 or a drug-related offense referenced in Paragraph VI.B.2.; or,
    - ii. He/she has a pending, non-adjudicated charge for any felony or misdemeanor offense referenced in Paragraph VI.B.1 or a drug-related offense referenced in Paragraph VI.B.2.
  - b. The disqualification will apply until the applicant has successfully cleared an outstanding arrest warrant or a pending, non-adjudicated charge referenced above by providing a copy of the disposition or documentation that the arrest warrant has been cleared.

**C. Motor Vehicle Records (MVR) Checks:**

1. As provided in the TCSG procedure governing Driver Qualifications, an applicant provided a conditional offer of employment for any full- or part-time position that would require the incumbent to drive a state, rental, or personal vehicle on State of Georgia business must, as a condition of employment: possess a valid driver's license, consent to a Motor Vehicle Records (MVR) Search/Check to ensure that his/her driving history records are consistent with established driving standards; and complete the accompanying Driver's History Consent Form (Attachment:4.7.2p.a5.).
 

NOTE: if the applicant refuses to sign the Driver's History Consent Form, his/her conditional offer of employment will be withdrawn.
2. An applicant shall not be considered for a position meeting the above-referenced driving requirements if he/she possesses a suspended or revoked Driver's License.
3. An applicant whose driving history reflects two (2) "at fault" motor vehicle accidents in the three (3) year period immediately preceding his/her application for employment; who possesses eight (8) or nine (9) violation points on his/her driving record; or, who has been convicted of Driving Under the Influence (DUI) or Driving While Intoxicated (DWI) within six (6) months of his/her application for employment must, as a condition of employment:
  - a. Complete a driver safety video offered by or through the Georgia Department of Administrative Services (DOAS) or a similar organization, and

- b. complete a defensive driving course offered through a Defensive Driving School certified by the Georgia Department of Driver's Services (or comparable course in his/her state of residence) within sixty (60) days of his/her date of employment. The cost of the Defensive Driving Course will be the responsibility of the applicant/employee; or,
  - c. in response to a DUI or DWI conviction or plea of nolo contendere, complete a DUI Alcohol or Drug Use Risk Reduction Course through a provider certified by the Georgia Department of Driver's Services (or comparable course in his/her state of residence) within sixty (60) days of his/her date of employment unless the court of jurisdiction previously mandated completion of the course as a part of sentencing. The cost of the course will be the responsibility of the applicant/employee. NOTE: any newly hired employee who fails to meet these conditions within the established period shall be dismissed.
4. An applicant whose driving history reflects three (3) or more "at fault" motor vehicle accidents in the three (3) year period immediately preceding his/her employment application or ten (10) or more current violation points may not be employed in any position for which driving on a frequent or infrequent basis is a condition of employment.
  5. Any current employee in a position not subject to the requirements of the Driver Qualification Procedure who subsequently receives a conditional offer of employment for a position subject to the provisions of this procedure must have his/her driving history records reviewed. Any employee who refuses to sign the accompanying Driver's History Consent Form will not be considered further for the position and may be subject to disciplinary action.

**D. Credit History Records Checks:**

1. Pursuant to the provisions of O.C.G.A. § 50-5-83, an applicant provided a conditional offer of employment for a position requiring an incumbent to use a Purchasing Card (i.e., P-Card) must, as a condition of employment, undergo both criminal history records check and a credit history records check.
2. The credit history of a recommended candidate may also be investigated when the duties of the identified position include handling money, managing financial transactions or related duties, or, when appropriate, for those positions charged with overseeing these activities. Care must be taken to ensure that the investigation and any subsequent employment-related decision is consistent with applicable provisions of the Fair Credit Reporting Act (FCRA), the Consumer Credit Protection Act, and the Bankruptcy Reform Act.
3. As referenced in Paragraph VI.A.4.b., an applicant provided a conditional offer of employment for a full- or part-time P.O.S.T. certified law enforcement position serving in a Technical College's campus police department (e.g., Law Enforcement Worker, Campus Police Officer, Assistant Campus Police Chief, or a Campus Police Chief) may be required to undergo a credit history investigation as a condition of

employment. Any such requirement shall be consistently applied as provided in a Technical College's written selection process.

4. In conjunction with these requirements, the applicant shall complete a Credit Information Release/Fair Credit Reporting Act Disclosure Form (Attachment: 4.1.9p.a4.) and be provided a copy of Attachment: 4.1.9p.a11. (Summary of Rights Under the Fair Credit Reporting Act).
5. If the applicant refuses to sign the Credit Information Release/Fair Credit Report Act Disclosure Form, his/her conditional offer of employment will be withdrawn.

**E. Notification and Authorization Requirements:**

1. All vacancy announcements/notices shall incorporate a statement advising potential applicants of the background investigation requirements for the designated position.
2. During the selection process, each applicant to be interviewed for a given position shall be notified of the specific background investigation requirements for the position sought. Successful completion of each screening activity is considered a condition of employment.
3. An applicant provided a conditional offer of employment must provide written authorization to permit the System Office or the employing Technical College to conduct a criminal history records check (attachment: 4.1.9p.a1.) and, as applicable, a motor vehicle records check (attachment 4.7.2p.a5.) a credit history records check (attachment: 4.1.9p.a2.), a fingerprint records check, or a medical examination (attachment: 4.1.9p.a8.).
4. Any applicant who refuses to provide the required written authorization(s) or who refuses to undergo one or more of the required screening activities will have his/her conditional offer of employment withdrawn.
5. Any current employee who fails to comply with the requirement of this paragraph will have his/her conditional offer of employment withdrawn and may be subject to disciplinary action.

**F. Background Checks Required by a Clinical/Internship/Externship Site or Agency:**

1. Employees in certain positions, such as health sciences faculty, who supervise students in a clinical/internship/externship site or agency may be required (as a condition of employment) to undergo additional background screening(s) (e.g., a criminal history records check) as dictated by a public or private clinical/internship/externship site or agency (e.g., a hospital, medical center, laboratory, etc.). These may include an inquiry with the HHS Office of the Inspector General Exclusion Program and; Inquiry with the General Services Administration Excluded Parties List System (EPLS).
2. An employee who is denied entry to a clinical/internship/externship site or agency based on the results of these additional screening requirements (s) and cannot perform the essential functions of his/her job may be subject to disciplinary action up

to and including dismissal from employment as provided in the State Board policy governing Positive Discipline or, as applicable, the TCSG procedure governing Adverse Employment Actions.

#### **G. Individualized Assessment:**

1. In response to the preliminary decision to exclude an applicant from employment based on his/her documented criminal history (i.e., a targeted exclusion based on the hiring parameters in this procedure), the System Office or Technical College human resources director/coordinator must complete a three-step individualized assessment to include:
2. Formal written notice provided to the applicant indicating that he/she may be excluded from employment because of past criminal conduct. This pre-adverse action notice shall be initiated according to Fair Credit Reporting Act (FCRA) guidelines (for the System Office and those Technical Colleges using the State of Georgia's contract consumer reporting agency to generate consumer reports) or, as applicable, the Rules of the Georgia Crime Information Center (for those colleges with a campus police department who possess the authority to access criminal history information directly from the Georgia Crime Information Center through a GCIC terminal). NOTE: FRCA guidelines require a copy of the consumer report obtained from the State of Georgia's contract consumer reporting agency and a summary of the consumer's rights under the FCRA (Attachment: 4.1.9p.a11.) to be attached to the pre-adverse action notice.
3. The applicant must be provided an opportunity to demonstrate that the decision/exclusion does not properly apply to him/her, e.g., that he/she was not correctly identified in the conviction record or that the conviction records are otherwise inaccurate. NOTE: the applicant should be provided a reasonable amount of time (e.g., five business days) to identify any inconsistencies or inaccuracies in the report and begin the process of correcting his/her record; and
4. the applicant must be provided an opportunity to submit additional information that reflects that the parameters of the procedure and his/her exclusion is not job-related and consistent with business necessity. The supporting information may include:
  - a. The specific circumstances surrounding the offense/conduct.
  - b. The number of offenses for which the applicant was convicted.
  - c. The applicant's age at the time of the conviction or, as applicable, at his/her release from incarceration.
  - d. Any evidence that the applicant has held similar employment since the conviction/incarceration without engaging in further criminal conduct.
  - e. The length and consistency of the applicant's employment history before and after the criminal offense.
  - f. The success of rehabilitation efforts includes education and training.
  - g. Employment or character references provided by the applicant or other information regarding his/her fitness for the position; and, as applicable,
  - h. whether the individual is bonded under a federal, state, or local bonding program.
5. Suppose an applicant fails to provide additional information in response to the pre-adverse action notice. In that case, the System Office or Technical College may proceed to finalize the employment decision without such information and disqualify the applicant from employment consistent with the provisions of this procedure.
6. If an applicant does respond to the pre-adverse action notice and provide information

for consideration, as noted in Paragraph VI.G.1.b. or VI.G.1.c., all submitted information should be considered before a final eligibility determination is made. The analysis should also include a further review of such factors as the nature and gravity of the offense or conduct, the passage of time since the offense/conduct and/or the completion of the sentence; and the nature of the job sought (e.g., the nature of the assigned job duties, the identification of the job's essential functions; and, the circumstances under which the job is performed to include the level of supervision, oversight, contact with others, and the workplace environment). The human resources director/coordinator may meet with the applicant/employee to discuss these matters.

#### **H. Authorization to Employ an Applicant with a Disqualifying Criminal History:**

1. If, after completion of the individualized assessment, it is determined that an exception to the hiring prohibitions outlined in this procedure should be pursued, any such recommendation must be submitted, in writing, to the Commissioner by the Technical College president or, as applicable, a System Office hiring official. The request should include a synopsis of the applicant's past criminal history and the accompanying rationale,
2. No hiring decision can be finalized until the Commissioner and/or his/her designee decides and, if approved, has authorized the appointment in writing.
3. A request for a hiring exception shall not be approved if such a decision conflicts with an existing statutory hiring exclusion.

#### **I. Notification of Adverse Hiring Decision**

1. If an applicant is subsequently denied employment due to his/her criminal history/conduct, he/she must be notified of this decision in writing.
2. In instances in which an adverse action notice is based on a consumer report generated by the State of Georgia's contract consumer reporting agency, the notice must include a description of the action taken; the name, address, and toll-free telephone number of the consumer reporting agency providing the report; a statement that the consumer reporting agency did not make the decision to take the adverse employment action and is unable to provide the applicant the specific reasons why the action was taken; notice of the applicant's right to obtain a free copy of the report from the consumer reporting agency within sixty (60) days of the notice; and, a notice of the applicant's right to dispute the accuracy and/or completeness of any information contained in the report with the consumer reporting agency.
3. In instances where an adverse action notice is based on criminal history information obtained directly from the Georgia Crime Information Center, the applicant must be informed of all information pertinent to the decision, including the record's contents and the record's effect on the decision. Additionally, the applicant should be provided with a copy of the criminal history record used in making the determination. NOTE: if, after reviewing the information, an applicant believes that his/her record is incorrect or incomplete in any respect and desires that changes, corrections, or updating of the alleged deficiency be made, she/she should make an application directly to the agency which contributed the questioned information.
4. Any disciplinary action imposed on a current employee based on an arrest and/or one or more subsequent convictions(s), please(s) of nolo contendere, etc. for



one or more criminal offense(s) must follow applicable provisions of the State Board policy governing Positive Discipline and/or, as applicable, the TCSG procedure governing Adverse Employment Actions.

#### **J. Maintenance of Criminal History Records**

1. All records of a candidate's or an employee's criminal history must be kept separately and stored in a locked cabinet.
2. Areas where the information is processed and handled must be out of public view and restricted to authorized personnel to perform their official duties.

#### **K. Access to Criminal History Information**

1. Criminal history records and other related information will only be accessible to authorized System Office/Technical College staff.
2. Any employee who has access to, reviews, or processes a request for GCIC criminal history records/investigation reports must sign a GCIC Awareness Statement (Attachment: 4.1.9p.a11.). The Rules of the GCIC require signed Awareness Statements to be placed in each employee's official personnel file.
3. Criminal history records will not be released, disseminated, or disclosed to unauthorized individuals or employees.
4. An employee's unauthorized access to and/or release of an applicant's or other staff member's criminal history information to unauthorized individuals may subject the employee to disciplinary action up to and including dismissal from employment.
5. The Georgia Crime Information Act (O.C.G.A. 35-3-38) establishes specific criminal penalties for unlawful access to the criminal justice system or dissemination of criminal history information.

#### **VII. RECORD RETENTION:**

All records shall be maintained in accordance with the Georgia Records Retention Schedule maintained by the Georgia Archives, University System of Georgia.

Criminal history records must be retained for seven (7) years.

NOTE: According to the statute and the accompanying Rules of the Georgia Department of Early Care and Learning (DECAL), documentation that reflects that a satisfactory fingerprint record check determination was received before a prospective child enrichment center/group day-care home employee begins working with children must be maintained on-site by the center/group day care home director in a separate file. The documentation is available for inspection by a DECAL representative upon request. In addition, similar information must be maintained on all current center/group day-care home employees.

**Attachment: 4.1.9p.a1.**

**Technical College System of Georgia/ \_\_\_\_\_ Technical College  
Notice to Applicants/Authorization to Release Background Information**

I \_\_\_\_\_ (PRINT NAME) understand that I am being considered for employment with TCSG/Technical College and that an investigation of my background will be conducted as part of the selection process. Dependent upon the position I have applied for, the background investigation may include, but is not limited to, a review and/or verification of my criminal history records, motor vehicle/driver's history records, employment history, education records, references, consumer credit reports, and information contained in my employment application, resume, and State of Georgia Security Questionnaire/Loyalty Oath. I understand that I am required to disclose on the State of Georgia Security Questionnaire/Loyalty Oath any conviction or **plea of nolo contendere** for any crime, including drug-related offenses and traffic offenses (e.g., driving under the influence) where the fine was greater than \$35.00.

I understand that the information obtained will not be used in violation of any federal or state law, rule, or regulation, and that before any adverse employment action is taken based upon a review/the results of any consumer credit report and/or investigative consumer report, I will be provided with a copy of the report, as well as a summary of the accompanying consumer's rights. I understand that any information obtained during the investigation, including the falsification and/or misrepresentation of any statement of material fact on my resume, employment application, or other required state forms, may remove me from further consideration for the position for which I applied; may result in the withdrawal of an employment offer previously extended; or, may result in termination if employed prior to completion of this process.

I understand that my consent for a background investigation is voluntary; however, I also acknowledge that my refusal to provide such authorization will remove me from further consideration for the position for which I applied. In recognition of this requirement, I hereby, authorize TCSG/Technical College to obtain any criminal history information (including motor vehicle/driver's history) that may be maintained on me by any federal, state, or local criminal justice agency. I further permit TCSG/Technical College to obtain information pertaining to my education, prior employment history, etc. as noted above.

I fully release TCSG/Technical College and its employees, my current and/or former employer(s), and all other contributing parties or sources from whom any information is obtained, from any and all claims, actions, or liability related to this or any subsequent investigation of my background. If employed, I understand that this authorization shall remain in effect throughout my employment with the Technical College System of Georgia or any of its associated technical colleges and shall permit the TCSG/Technical College to obtain information pertaining to my criminal history and/or driver's history records at any time for valid business reasons, including but not limited to a prospective promotion, transfer, or other change in the terms and conditions of my employment.

If employed, I understand that I am required to report all arrest(s) and the subsequent disposition of such arrest(s), e.g., dismissal, convictions, etc., to my immediate supervisor and/or reviewing manager within forty-eight (48) hours of, or two (2) business days following the date of the arrest and/or final disposition.

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**Personal Data**

Print Full Name: \_\_\_\_\_  
Last First Middle (Maiden)

Other Names Used in the Past: \_\_\_\_\_

Address (Street and/or P.O. Box): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

Social Security Number: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Date of Birth (mm/dd/yyyy): \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Gender:  Male  Female Place of Birth: \_\_\_\_\_

Race:  White  Black  Hispanic  American Indian  Other:

Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Hair Color: \_\_\_\_\_

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**Applicant's Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**HR Representative:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Sworn and Subscribed Before Me:**

This \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public Signature and Seal



# State of Georgia

## BACKGROUND REQUEST FORM (CONFIDENTIAL)

I, \_\_\_\_\_ am giving Database Systems permission to perform a consumer report (to include, but not limited to, credit, MVR, or **criminal background** check) on my past history, now, and on future dates or an investigation consumer report may be made and forwarded to The State of Georgia. I understand that by signing this release does not in any way constitute automatic employment with The State of Georgia. All questions must be filled out completely and accurately. Incomplete or inaccurate information may lead to rejection of your application for a background search. Information found to be false can also lead to rejection of your application.

Applicant Name: \_\_\_\_\_  
(First) (Middle) (Last) (Maiden)

Additional name(s) used: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Please list your current county of residence. If you have not lived in your current county for the past seven years, also, list the other county (s) you have lived in during the last seven years along with your current one. Please be advised, there will be additional fees incurred if more than one county listed

1) Current County: \_\_\_\_\_ State \_\_\_\_\_ 2) Previous County \_\_\_\_\_ State \_\_\_\_\_

Drivers License #: \_\_\_\_\_ State: \_\_\_\_\_

Social Security Number: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Race: \_\_\_\_\_ Sex: M / F

### Applicant's

Signature \_\_\_\_\_ Date \_\_\_\_\_

**\*\*For HR Use Only\*\*** Please select service(s) needed for this applicant:

- State Criminal Search (7 years) Please list States: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_
- County Criminal Search (7 years) List Counties \_\_\_\_\_ / \_\_\_\_\_
- \*National Criminal record search (\*note: does not pick up all counties in each state)
- Federal Criminal search (7 years)  Social Security Trace  Sexual Predator Search
- MVR-Driver Record -List State(s) \_\_\_\_\_  Credit Report  Address History
- Employment verification  Education Verification  Citizenship Right to work
- Professional Licensure or Certification  Personal and Professional References

**REQUESTOR INFORMATION:** Please fill-out this form in its entirety. Form will not be processed unless all fields are completed. A cover sheet is not needed when faxing this form. Please double-check to ensure that every line is COMPLETED by you and the applicant and that it is LEGIBLE before sending.

Requestor's Name: \_\_\_\_\_ Date: \_\_\_\_\_

State Agency: \_\_\_\_\_

Address: \_\_\_\_\_ City \_\_\_\_\_ State: GA Zip \_\_\_\_\_

Phone Number: \_\_\_\_\_ Fax # or Email \_\_\_\_\_

**FAX OR EMAIL COMPLETED FORM TO DATABASE SYSTEMS INTERNATIONAL**

**Fax: (1-866) 760-1878 or [sales@dsiinc.net](mailto:sales@dsiinc.net) Phone: 1-866-773-3675 or 770-760-1866**  
**[www.dsiinc.net](http://www.dsiinc.net)**

**Attachment: 4.1.9p.a3.**

**Fair Credit Reporting Act Guidelines Pertaining to Background Investigations/Criminal History/Credit History Records Checks**

The Fair Credit Reporting Act (FCRA) defines screening companies as “consumer reporting agencies” and the background investigation/screening reports they prepare/generate are considered “consumer reports”. Employers are the “end users” of the reports and are subject to the FCRA’s compliance requirements.

To legally access criminal background/credit history information for employment purposes, an employer must:

- make a clear and conspicuous written disclosure to the applicant or employee that a consumer report may be obtained. The disclosure must be made before the report is obtained or caused to be obtained. The disclosure should be a separate document and not incorporated into an employment application; and,
- obtain the written authorization prior to requesting the report.

If an adverse employment decision is to be taken/made based in whole or in part upon the report, the employer must provide two (2) notices to the individual – both before and upon actually taking the adverse action. In the context of the FCRA, an adverse employment action is a denial of employment or any decision for employment purposes that adversely affects any current or prospective employee (e.g., separation after employment began, but before the consumer report was received and analyzed).

Before taking any action, an employer must provide the applicant/employee with:

- a copy of the consumer report obtained from the consumer reporting agency; and,
- a summary of the consumer’s rights under the FCRA.

After complying with the notification requirements, the employer should then wait a reasonable period of time (e.g., 5 days) before taking action. The waiting period is necessary to permit the consumer to identify any inconsistencies or inaccuracies in the report.

Upon taking action, the employer must provide the applicant/employee (consumer) with all of the following:

- notice of the adverse employment action taken;
- the name, address, and toll-free number of the consumer reporting agency that provided the report;

- a statement that the consumer reporting agency did not make the decision to take the adverse employment action and is unable to provide the consumer the specific reasons why the action was taken;
- notice of the consumer's right to obtain a free copy of the report from the consumer reporting agency within sixty (60) days of the notice; and,
- notice of the consumer's right to dispute the accuracy and/or completeness of any information contained in the report with the consumer reporting agency.

### **Other Information Pertaining to Criminal History Information**

Although a consumer reporting agency can report arrest information on a consumer for the preceding seven (7) year period, there are no such restrictions governing the report of criminal convictions.

We should only request information pertaining to convictions consistent with the disclosure requirements of the State of Georgia Security Questionnaire/Loyalty Oath and accepted practice.

Conviction records are, by definition, adjudications of guilt. Therefore, the offense in question has been objectively confirmed and can be considered when making employment decisions. Conversely, arrest records have been determined to be unreliable as a method of determining employability.

The EEOC holds the position that an employer should be able to articulate a justifying business necessity when making an adverse employment decision in response to the results of a criminal history records investigation. Factors to consider include:

- the nature and severity of the offense(s);
- the time that has passed since the conviction(s) and/or completion of the related sentence; and,
- the position and associated job responsibilities the individual would encumber if employed.



## Fair Credit Reporting Act Disclosure

The following information is required by law to be disclosed upon an employer obtaining investigative/consumer/credit reports. These reports may include local and/or national criminal background checks and credit history checks.

The Fair Credit Reporting Act, 15 U.S.C. § 1681 (FCRA), permits an employer to obtain a consumer report from a consumer reporting agency regarding an applicant for employment or a current employee to assist (the employer) in making employment-related decisions. The consumer report may include information regarding an individual's credit worthiness, credit standing, credit capacity, general reputation, personal characteristics, mode of living and/or criminal history. The employer must first secure the prospective or current employee's written authorization before it may request a consumer report.

If a consumer reporting agency seeks information regarding an individual's character, general reputation, personal characteristics and mode of living through personal interviews with neighbors, friends or associates (i.e., an investigative consumer report), the applicant (i.e., candidate for employment) or employee upon whom the information is sought may request a complete disclosure by the employer of the nature and scope of the investigation. This disclosure must be made in writing to the applicant/candidate for employment or employee no later than five (5) days after the receipt of the disclosure request or from the date the employer requested the report (whichever is later).

If an employer subsequently decides to take an adverse employment action against a prospective or current employee based, in whole or in part, on a consumer report, the employer must provide the applicant/candidate for employment or employee a copy of the consumer report or investigative consumer report and a summary of their rights under the FCRA. **NOTE: The Technical College System of Georgia does not utilize consumer reporting agencies to conduct investigative consumer reports on applicants/candidates for employment or current employees.**

**I acknowledge my rights under the FCRA and receipt of FCRA Disclosure Statement.**

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Printed Name

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Signature

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Date

**NOTE: A copy should be provided to the applicant/candidate/employee and the original placed in the official personnel file or, as applicant, the selection file.**

July 2013



**Attachment: 4.1.9p.a5.**

**GEORGIA CRIME INFORMATION CENTER  
AWARENESS STATEMENT**

Access to Criminal Justice Information, as defined in GCIC Council Rule 140-1-.02 (amended), and dissemination of such information is governed by state and federal laws and GCIC Council Rules. Criminal Justice Information cannot be accessed or disseminated by any employee except as directed by superiors and as authorized by approved standard operating procedures which are based on controlling state and federal laws, relevant federal regulations, and the Rules of the GCIC Council.

O.C.G.A. 35-3-38 establishes criminal penalties for specific offenses involving obtaining, using or disseminating criminal history record information except as permitted by law. The same statute establishes criminal penalties for disclosing or attempting to disclose techniques or methods employed to ensure the security and privacy of information or data contained in Georgia criminal justice information systems.

The Georgia Computer Systems Protection Act (O.C.G.A. 16-9-90 et seq) provides for the protection of public and private sector computer systems, including communications links to such computer systems. The Act establishes four criminal offenses, all major felonies, for violations of the Act: Computer Theft, Computer Trespass, Computer Invasion of Privacy, and Computer Forgery. The criminal penalties for each offense carries maximum sentences of fifteen (15) years in prison and/or fines up to \$50,000.00 as well as possible civil ramifications. The Act also establishes Computer Password Disclosure as a criminal offense with penalties of one (1) year in prison and/or a \$5000.00 fine.

The Georgia Criminal Justice Information System Network is operated by the Georgia Crime Information Center in compliance with O.C.G.A. 35-3-31. All data bases accessible via CJIS Network terminals are protected by the Computer Systems Protection Act. Similar communications and computer systems operated by municipal/county governments are also protected by the Act.

By my signature below, I acknowledge that I have read and understand this Awareness Statement.

\_\_\_\_\_  
Print Name:

\_\_\_\_\_  
Signed:

\_\_\_\_\_  
Date:

\_\_\_\_\_  
Witnessed:

\_\_\_\_\_  
Date:

TECHNICAL COLLEGE

SYSTEM OF GEORGIA

Attachment 4.1.9p.a6.

Pre-Employment Questionnaire  
Law Enforcement Positions  
Applicant Information

Date: \_\_\_\_\_

Position Applied For: \_\_\_\_\_

Technical College: \_\_\_\_\_

Is the Position: Full-time \_\_\_\_\_

or Part-Time \_\_\_\_\_

Name: \_\_\_\_\_  
Last

First

Middle

Date of Birth: \_\_\_\_\_  
Month Day

Year

Home Mailing Address:

Street Address

City

State and Zip Code

Home Telephone Number:

Cell Phone Number:

E-Mail Address:

Name of Current/Last Employer:

Work Address:

Street Address

City

State and Zip Code

Supervisor's Name:

Supervisor's Phone Number:



# Instructions

To ensure that the questionnaire can be properly evaluated, it is critically important that all requested information and all referenced questions are answered accurately and completely. Further, both the Criminal History Information Release Form and the Authorization to Release Personal Information Form must be completed, signed and, as applicable, notarized.

Any question(s) that do not apply or to which the answer is unknown should be answered with a "N/A" for non-applicable or "Unknown". Any question or spaces left blank or unanswered may result in disqualification from further consideration for the position applied for. If there is not enough room on any portion of this questionnaire for the requested information to be adequately addressed, please attach additional sheet's as necessary.

Additionally, the Statement of Completion on the last page must be signed and dated.

## Education

### *Colleges, Universities, Technical or Vocational Schools Attended:*

Name	Degree Earned (Yes/No)	Major	Minor	Degree
_____				
_____				
_____				

### *High School(s):*

Name	Location (City/State)	Graduate? (Yes/No)
_____		
_____		

### GED:

Equivalency Diploma Awarded?: Yes\_\_\_ No\_\_ **NIA**.....

**Yes**, Date Test Was Administered: \_\_\_\_\_  - - - - -

Name and Address of State Authority Issuing the Diploma: \_\_\_\_\_

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# Places of Residency within the Past Ten (10) Years

Address	City	County	State	Zip Code
Address	City	County	State	Zip Code
Address	City	County	State	Zip Code
Address	City	County	State	Zip Code
Address	City	County	State	Zip Code
Address	City	County	State	Zip Code
Address	City	County	State	Zip Code

## Personal References

***Please include a minimum of three (3) personal references which do not include family members or previous employers (Please Print)***

Last Name	First Name	Middle Name	Years Known
Address	Home Phone		Cell Phone

Last Name	First Name	Middle Name	Years Known
Address	Home Phone		Cell Phone

Last Name	First Name	Middle Name	Years Known
Address	Home Phone		Cell Phone

**Technical College System of Georgia**

**Criminal History Information Release Form**

As it pertains to potential employment with \_\_\_\_\_ Technical College, this authorization provides my consent for a full and complete disclosure of my criminal history to include, as applicable, a fingerprint records check. I understand that if subsequently employed, this authorization will remain in effect throughout my employment with any work unit or technical college associated with the Technical College System of Georgia. I further understand that additional report(s) may be requested for any valid business reason including, but not limited to, a prospective promotion, transfer or, for any other change in the terms and conditions of employment.

**NOTE: this Form must be completed fully. Please print full name and all requested personal information.**

\_\_\_\_\_ *Last Name*      \_\_\_\_\_ *First Name*      \_\_\_\_\_ *Middle Name*

Former Name(s): \_\_\_\_\_

\_\_\_\_\_ *Social Security Number*      \_\_\_\_\_ *Height*      \_\_\_\_\_ *Weight*      \_\_\_\_\_ *Eye Color*      \_\_\_\_\_ *Hair Color*

\_\_\_\_\_ *Date of Birth*      \_\_\_\_\_ *Sex*      \_\_\_\_\_ *Race*

\_\_\_\_\_ *Street Address*      \_\_\_\_\_ *City*      \_\_\_\_\_ *State*      \_\_\_\_\_ *Zip Code*

I do hereby authorize the Office of Human Resources of \_\_\_\_\_ Technical College to obtain my full and complete criminal history records from the GCIC and, as applicable, NCIC database(s) and I further agree to undergo a fingerprint records check if required for the position sought.

\_\_\_\_\_ *Signature*

\_\_\_\_\_ *Date*

## Technical College System of Georgia

### Authorization to Release Personal Information Form

I understand that in order to determine my suitability for employment as a \_\_\_\_\_ with the System Office or \_\_\_\_\_ Technical College, the System Office/College must make a thorough investigation of my personal history and background.

I do hereby authorize the release of all records pertaining to my personal history, background and employment history to any authorized agent of the System Office/ \_\_\_\_\_ Technical College, whether the records are of a public, private, or confidential nature. I understand that my consent may involve areas of moral character, professional reputation, credit history, employment history (including but not limited to performance appraisals, grievances, complaints, and disciplinary history), military history, and education history.

I understand that the information obtained through a personal history background investigation developed directly or indirectly, in whole or in part, upon this release authorization will be considered in determining my suitability for employment. I understand that I will not receive a copy of the information obtained through this investigation. Further I am not entitled to know its content and waive any and all rights to the inspection or review of any information compiled in reference to my application for employment.

I hereby give my consent to the System Office or \_\_\_\_\_ Technical College to solicit, obtain, inspect and copy (as necessary) any and all information, records, and documents needed to complete a background investigation relative to my possible employment. I also authorize and request every person, previous employer, firm, corporation, agency, court, association, or institution having control of any requested document(s), record(s), or other information pertaining to me to furnish them to the TCSG System Office or the requesting Technical College.

I hereby release and forever discharge every previous employer, person, firm, corporation, agency, court, association or institution furnishing such factual information from any and all liability arising out of providing these materials, documents, or information to the TCSG System Office or the identified technical college.



I hereby release and forever discharge the State Board of the Technical College System of Georgia, its members individually and the officials, agents and employees of the Technical College System of Georgia (to include the System Office and all associated technical colleges) from any and all claims, demands, rights, and causes of action of whatever kind arising from or by reason of any injury, damage or the consequences thereof, resulting from or in any way connected with the background investigation conducted in regard to my possible future employment.

I understand that the acceptance of this Release, Waiver of Liability and covenant Not to Sue by the State Board of the Technical College System of Georgia shall not constitute a waiver, in whole or in part, of sovereign immunity by said Board, its members, officers, agents and employees of the Technical College System of Georgia's System Office or its technical colleges.

A photocopy of this release form shall be considered valid, just as an original.

I hereby certify that I am at least 18 years of age and suffering under no legal disability and that I have read and understood the above.

Signature of Applicant	Printed name	Date
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State of \_\_\_\_\_  
County of \_\_\_\_\_

Sworn to and Subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_  
20\_\_ .

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Expiration Date

**Please answer all of the following questions accurately and completely. Failure to do so may result in your removal from consideration for the position for which you applied.**

**General**

1. Are you willing to work day or evening shift and, if needed, weekends and holidays?

Yes\_\_                      No\_\_

2. **Are** you willing to interact with individuals of different cultural, ethnic, and socioeconomic backgrounds in a higher education setting?

Yes\_\_                      No\_\_

3. Are you willing to tolerate verbal abuse and insults and not let them interfere with your ability to carry out your assigned duties and responsibilities?

Yes\_\_                      No\_\_

4. Are you willing to physically intervene, if necessary, to stop arguments and fights even if the situation could potentially involve a risk of harm to you or others?

Yes\_\_                      No\_\_

5. Are you willing to complete detailed written reports of incidents that occur on campus?

Yes\_\_                      No\_\_

6. Have you ever been disciplined by your current or any former employer because of behavior, conduct or attendance concerns to include a suspension without pay, demotion, or salary reduction? Have you ever been dismissed from employment or asked to resign by an employer? If you answer Yes to either question, please provide the details.

Yes\_\_                      No\_\_

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7. The Rules of the Peace Officer Standards and Training Council require each person appointed as a peace officer to qualify annually with his/her firearm. Are you willing to maintain the required level of proficiency even if this involves practicing on your own time to include purchasing your practice ammunition and range time?

Yes\_\_                      No\_\_

8. Are you currently or have you ever been placed under investigation by the Georgia P.O.S.T. Council for alleged misconduct or for any other reason? If Yes, please provide the details and the outcome.

Yes\_\_                      No\_\_

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9. Do you understand that falsifying a response to any question in this Questionnaire or omitting any pertinent information to any of these questions may result in your disqualification from the selection process?

Yes\_\_                      No\_\_

**Background Investigation Requirements**

1. Are you willing to undergo a thorough background investigation as a part of the selection process for a campus police position to include a review of your employment history, the questioning of your identified personal references and, as applicable, your military history?

Yes\_\_                      No\_\_

2. Are you willing to undergo a criminal history records check, a fingerprint records check, and a driver's history records check?

Yes\_\_                      No\_\_

3. Are you willing to undergo a pre-employment drug test and, if subsequently employed, be subject to random drug testing?

Yes\_\_                      No\_\_

4. As a condition of employment, are you willing to undergo a psychological examination to include a written assessment and personal interview?

Yes\_\_\_                      No\_\_\_

5. As a condition of employment, are you willing to undergo a State of Georgia required medical examination at your own expense if the position you seek is considered full-time?

Yes\_\_                      No\_\_

**Military History**

1. Have you previously served in the military or are you currently in active duty status? If NO, please skip to the next section

Yes\_\_                      No\_\_

NOTE: Questions 2 through 6 are applicable only to Veterans to include current members of the National Guard or other military reserve unit.

What was/is your branch of service, what was/is the highest rank held, and how many years did you serve?

Branch of Service: \_\_\_\_\_

Highest Rank Held: \_\_\_\_\_

Total Years of Military Service: \_\_\_\_\_

2. As applicable, were your Honorably Discharged?

Yes\_\_                      No\_\_

If you were discharged from military service for any reason other than an Honorable Discharge, please explain.

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3. Were you ever court-martialed, tried on charges or, the subject of a summary court, deck court, company punishment, or any other form of disciplinary action while a member of the armed forces? If Yes, please provide an explanation below.

Yes\_\_                      No\_\_

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4. If you are presently a member of the National Guard or any military reserve unit, what is the name of your unit, its location and briefly describe your responsibilities?

Name of Unit: \_\_\_\_\_

Location of Unit: \_\_\_\_\_

Major Responsibilities: \_\_\_\_\_

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5. If you are a member of the National Guard or any military reserve unit, list and describe any disciplinary action(s) taken against you. If no such actions have been taken, please enter a "N/A" below.

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**Use of Alcohol or Drugs**

- 1. Have you ever consumed any alcoholic beverage or used any form of illegal drug while working? If Yes, please provide the details.

Yes\_\_

No\_\_

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- 2. Have you ever used marijuana? If Yes, please provide the details including the most recent date used.

Yes\_\_

No\_\_

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- 3. Have you ever used any other type of illegal drug including, but not limited to, cocaine, crack, opiates, or heroin. If Yes, please provide the details including the most recent date used.

Yes\_\_

No\_\_

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4. Have you ever used any prescription drug prescribed to another person? If Yes, please provide the details.

Yes\_\_

No\_\_

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5. Have you ever been involved in the sale, distribution or manufacture of any illegal drug? If Yes, please provide the details.

Yes\_\_

No\_\_

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**Criminal History**

1. Have you ever been convicted of any felony offense to include a plea of nolo contendere? If Yes, please provide the details.

Yes\_\_

No\_\_

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2. Have you ever been convicted of any misdemeanor offense to include a plea of nolo contendere? If Yes, please provide the details.

Yes\_\_

No\_\_

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3. Have your ever been convicted of a Domestic/Family Violence offense to include a plea of nolo contendere? If Yes, please provide the details.

Yes\_\_

No\_\_

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4. Do you currently have a pending criminal charge for a Domestic/Family Violence offense? If Yes, please provide the details.

Yes\_\_

No\_\_

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5. Do you currently have any other pending criminal charge against you to include a DUI or DWI? If Yes, please provide the details.

Yes\_\_

No\_\_

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6. Have you ever had a Domestic Violence Protection Order issued against you? If Yes, please provide the following information:

Yes\_\_                      No\_\_

Date of Issuance: \_\_\_\_\_

County of Issuance: \_\_\_\_\_

State of Issuance: \_\_\_\_\_

Name of Plaintiff: \_\_\_\_\_

Date of Expiration: \_\_\_\_\_

7. Have you been convicted of a DUI or DWI in the past five (5) years to include a plea of nolo contendere? If Yes, please provide the details.

Yes\_\_                      No\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Driver's History**

1. Do you currently possess a valid driver's license issued by the State of Georgia? If Yes, please provide the following information:

Yes\_\_                      No\_\_

License Class: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

Driver's License Number: \_\_\_\_\_

2. Do you currently possess a valid driver's license issued by a state other than Georgia? If Yes, please provide the following information:

Yes\_\_                      No\_\_

State of Issuance: \_\_\_\_\_

License Class: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

Driver's License Number: \_\_\_\_\_

3. Has your driver's license ever been suspended or revoked for any reason? If Yes, please provide the details.

Yes\_\_                      No\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Have your driving privileges ever been restricted? If Yes, please provide the details.

Yes\_\_                      No\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Do you have any outstanding traffic citations at this time? If Yes, please provide the details.

Yes\_\_

No\_\_

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6. How many violation points currently appear on your driver's history?

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7. How many "at fault" motor vehicle accidents have you been involved in during the past five (5) years?

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## **Statement of Completion**

## **Certification and Authorization**

I acknowledge that I have read and understand each question on this questionnaire. I hereby certify that each and every statement made on this questionnaire is true and complete to the best of my knowledge and that all responses have been made in good faith. I further understand that making a false or misleading statement on this document; any failure to answer a question truthfully; or, an omission of information or material fact may result in my disqualification for further consideration for the position applied for.

I further understand that the information provided by me on this questionnaire and the information concerning me which is obtained during a background investigation may be subject to public disclosure pursuant to applicable provisions of the Georgia Open Records Act, O.C.G.A. § 50-18-70 et. seq.

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Print Name

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Signature

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Date

**Attachment: 4.1.9p.a7.**

**Technical College System of Georgia**

**Authorization to Release Personal Information Form**

I understand that in order to determine my suitability for employment as a \_\_\_\_\_ with the System Office or \_\_\_\_\_ Technical College, the System Office/College must make a thorough investigation of my personal history and background.

I do hereby authorize the release of all records pertaining to my personal history, background and employment history to any authorized agent of the System Office/ \_\_\_\_\_ Technical College, whether the records are of a public, private, or confidential nature. I understand that my consent may involve areas of moral character, professional reputation, credit history, employment history (including but not limited to performance appraisals, grievances, complaints, and disciplinary history), military history, and education history.

I understand that the information obtained through a personal history background investigation developed directly or indirectly, in whole or in part, upon this release authorization will be considered in determining my suitability for employment. I understand that I will not receive a copy of the information obtained through this investigation. Further I am not entitled to know its content and waive any and all rights to the inspection or review of any information compiled in reference to my application for employment.

I hereby give my consent to the System Office or \_\_\_\_\_ Technical College to solicit, obtain, inspect and copy (as necessary) any and all information, records, and documents needed to complete a background investigation relative to my possible employment. I also authorize and request every person, previous employer, firm, corporation, agency, court, association, or institution having control of any requested document(s), record(s), or other information pertaining to me to furnish them to the TCSG System Office or the requesting Technical College.

I hereby release and forever discharge every previous employer, person, firm, corporation, agency, court, association or institution furnishing such factual information from any and all liability arising out of providing these materials, documents, or information to the TCSG System Office or the identified technical college.

I hereby release and forever discharge the State Board of the Technical College System of Georgia, its members individually and the officials, agents and employees of the Technical College System of Georgia (to include the System Office and all associated technical colleges) from any and all claims, demands, rights, and causes of action of whatever kind arising from or by reason of any injury, damage or the consequences thereof, resulting from or in any way connected with the background investigation conducted in regard to my possible future employment.

I understand that the acceptance of this Release, Waiver of Liability and covenant Not to Sue by the State Board of the Technical College System of Georgia shall not constitute a waiver, in whole or in part, of sovereign immunity by said Board, its members, officers, agents and employees of the Technical College System of Georgia's System Office or its technical colleges.

A photocopy of this release form shall be considered valid, just as an original.

I hereby certify that I am at least 18 years of age and suffering under no legal disability and that I have read and understood the above.

\_\_\_\_\_  
Signature of Applicant                      Printed name                      Date

\_\_\_\_\_  
State of \_\_\_\_\_  
County of \_\_\_\_\_

Sworn to and Subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Expiration Date

**Attachment: 4.1.9p.a8.**

**Background Investigations Procedure  
Medical and Physical Examination Program Requirements  
Acknowledgment Form**

As a candidate for a full-time, P.O.S.T. certified campus police officer position with \_\_\_\_\_ Technical College, I, \_\_\_\_\_ (Print Name), understand that if I am provided a conditional offer of employment, I must undergo a medical examination and meet the physical requirements established in the General Medical Guidelines of the State of Georgia Medical and Physical Examination Program, to include the specialized physical standards established for law enforcement positions.

I understand that I may, at my own expense, select a licensed medical practitioner to perform the examination.

I also understand that \_\_\_\_\_ Technical College may stipulate that I be examined by a licensed medical practitioner selected by the College. I further understand that I shall be fully responsible for all costs associated with the examination unless the College agrees to assume these costs.

I acknowledge that I have received a copy of the specialized medical guidelines, as well as all other required forms for review/completion by the medical practitioner.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Medical and Physical Examination Program (MAPEP)**  
**Specialized Medical Guidelines**

Candidates for "Category 5" law enforcement positions must meet the requirements set forth in the General medical Guidelines as well as the following specific standards:

**A. General:**

Height and weight should not interfere with specific job activities/tasks.

**B. Vision:**

Distant Vision: minimum vision of 20/40 in each eye, corrected (with glasses or contact lenses) and at least 20/100 in each eye uncorrected (without glasses or contacts);

Near Vision: minimum of 20/40, corrected or uncorrected in each eye;

Adequate Depth Perception and the ability to distinguish colors; and,

Peripheral vision: at least 70 degrees in each eye.

**C. Hearing:**

Hearing loss no greater than 24dB (decibels) for the average of frequencies 500Hz, 1000Hz, 2000Hz, and 3000Hz in the better ear, unaided (without a hearing aid) or aided (with a hearing aid).

Normal Hearing is hearing loss no greater than 24 dB at 250Hz, 500Hz, 1000Hz, 2000Hz, 3000Hz, 4000Hz, 6000Hz, 8000Hz, in both the right and left ears, unaided.

An Otoscopic examination is required prior to the air conduction and audiogram.

A complete pure tone or warble tone air conduction audiogram is required and results recorded for all candidates. **The audiogram must be completed at all frequencies listed on Form MS 10-56 on both the right and left ears.** The pure tone air conduction audiogram is to be used as the baseline audiogram.

If testing indicates air conduction thresholds to be within the stated hearing guidelines for employment, no further hearing testing is necessary; however, if any single air conduction threshold is obtained outside the normal, 0-24dB range (i.e., if hearing is not within "normal limits"), the results of the test are explained to the candidate and the recommendation is made to obtain a complete audiological evaluation at the candidate's expense for his/her own hearing healthcare benefits.

If the testing indicates air conduction thresholds to be outside the stated hearing guidelines for employment, the results of the test are explained to the candidate and a complete audiological evaluation is recommended, at the candidates expense, for his/her own healthcare benefit.

In addition to the pure tone air conduction testing, warble sound field testing is required and the results must be recorded for all candidates who wear a hearing aid and do not meet the guidelines on the air conduction test, to verify if an individual meets the guidelines for employment with the use of a hearing aid. If the site does not have the personnel or equipment to satisfy this requirement, then a referral is indicated.

A qualified individual should administer the audiometric testing and perform the otoscopic examination. Qualified individuals include licensed audiologists, otolaryngologists, physicians trained in hearing conservation, technicians who are certified by the Counsel for Accreditation of Occupational Hearing Conservation, or technicians trained by such an audiologist, otolaryngologist, or physician.

All tests should be performed in an acoustic environment which meets current ANSI standards.

All audiometric equipment should be calibrated annually to meet current ANSI standards.

**D. ENT (Eyes, Ears, Nose and Throat):**

There should be adequately free nasal breathing. The mouth should be free from deformities or conditions that significantly interfere with distinct speech.

**E. Cardiovascular:**

Rheumatic and congenital heart disease should be thoroughly evaluated by the examining physician and commented on in the examination report. Atherosclerotic (arteriosclerotic) heart disease, myocardial infarction, coronary insufficiency, angina pectoris, and hypertension above 140/90 must be evaluated on an individual basis and must not be of sufficient severity to interfere with the performance of all assigned duties.

**F. Respiratory:**

Free of infectious diseases or other pulmonary processes that would interfere with the physical demands of the position.

**G. Gastrointestinal:**

Must be free of any major pathological conditions that will interfere with the performance of the physical requirements of the position.

**H. Rectum and Anus:**

Major hemorrhoidal conditions and symptomatic pilonidal cysts must not be of sufficient severity to interfere with the job.

**I. Hernia:**

Hernia [E] which might interfere with the performance of the assigned duties would require surgical repair with clearance from the operating surgeon prior to employment.

**J. Genital/Urinary:**

Large varicocele or hydrocele, which might interfere with the performance of assigned duties, should be repaired with clearance from the operating surgeon prior to employment.

**K. Back and Neck:**

History of significant injury, deformity, surgical procedure, or other spinal pathology should be thoroughly evaluated by the examining physician and commented on the examination report.

**L. Extremities:**

**NOTE: if prosthesis or orthosis is used, such prosthesis or orthosis must not interfere with the performance of assigned duties:**

1. Upper Extremities – both hands must have at least the index, middle, and one other finger and must not interfere with the performance of assigned duties; both thumbs must be functional (see Note above):
2. Lower Extremities – both lower extremities must be free from limitation of any joint motion which would interfere with the performance of assigned duties; both great toes must be functionally normal (see NOTE above).

**M. Nervous System:**

Central and peripheral nervous system disorders must be evaluated by the medical examiner. Applicants with seizures must be thoroughly evaluated by the examining physician and all findings included in the examination report. Special attention must be given to any history of seizure activity.



**N. Emotional Stability:**

Any history of significant emotional instability or mental illness should be thoroughly evaluated by the examining physician and specifically referenced in the examination report.

**O. Laboratory Analysis:**

Items 1 through 4 below are not required unless the candidate's medical history or physical examination results indicate that such test(s) are needed to adequately assess the candidate's physical status.

1. Urinalysis (Multi-test Stick): Abnormalities in the sugar and albumin tests must be evaluated further. If Glycosuria is significant, must have Glucose Tolerance Test and if albuminuria must have the cause identified.
2. Hemoglobin or Hematocrit
3. Chest x-ray
4. Resting Electrocardiogram



COGENT  SYSTEMS  
Georgia Applicant Processing Services

### **Acknowledgment**

I authorize Cogent Systems, Inc. to conduct a fingerprint based criminal history record check of me.

I understand that Cogent Systems, Inc. will send my fingerprints to the Georgia Crime Information Center for a search of criminal history information in its files and to the Federal Bureau of Investigation for a search of its files when a federal record check is so authorized.

I understand that the electronic results of this fingerprint check will be received by Cogent Systems, Inc. and forwarded to the agency responsible for determining my suitability for the position for which I have applied.

I further understand that Cogent Systems, Inc. will not maintain a copy of my record and that Cogent Systems, Inc. meets all confidentiality and security requirements for handling and dissemination of state and federal criminal history record information.

By: \_\_\_\_\_

Date: \_\_\_\_\_



**Attachment: 4.1.9p.a10. (revised: March 2015)**

**Technical College System of Georgia  
Background Investigation Procedure  
Glossary of Criminal History Report/Record Terms and Definitions**

**Acquittal/ Acquitted:** A not-guilty verdict absolving an accused party of guilt.

**Adjudication:** The legal process in which a case or claim is settled or finalized.

**Adjudication Deferred (Withheld):** The court of record defers/withholds a decision until a future date. Such action often involves a term of probation, community service, and/or placement of the defendant in a treatment program. If the defendant complies with the terms and conditions, the case may be dismissed and no permanent record of the charge/crime will be made. If the case is not dismissed, the disposition remains "adjudication deferred/withheld. If the defendant does not successfully complete all associated terms and conditions, the disposition may be modified and he/she can be found guilty.

**Arrest:** The taking of an individual into custody by law enforcement personnel for the purpose of charging them with a crime/illegal act.

**Arrest Record:** A cumulative record of all instances in which a person has been arrested.

**Cause of Action:** One or more related charges which are combined and made against a defendant accused of multiple crimes.

**Concurrent Sentence:** Upon conviction for multiple crimes, the sentences for multiple counts are combined into a single time period to be served (i.e., generally the longest of the separate sentences).

**Conditional Discharge:** Following a conviction and sentencing, the court issues a discharge from incarceration and requires/may require the defendant to comply with other conditions. The guilty verdict stands and may not generally be expunged.

**Conditional Discharge (Non Conviction):** The defendant has no finding of guilt and the court discharges the defendant and requires him/her to comply with court-ordered conditions that must be followed. If such conditions are not followed, the discharge may be revoked and the defendant found guilty.

**Conditional Release:** The release from a correctional facility before the full sentence is served. The release is generally accompanied by court-imposed conditions which must be followed. The individual may be returned to the facility if all ordered conditions are not met.

**Consecutive Sentence:** Upon conviction for multiple crimes, the sentence for each count must be served one after the other.

**Conviction:** The formal decision of a judge or jury which determines that an individual has committed the crime(s) for which he/she has been accused whether or not an appeal has been sought.

**Cumulative Sentence:** A sentence that takes affect after a prior sentence is completed for one or more crimes tried under the same cause of action.

**Dead Docket:** A case that never went to trial. The case can be reopened if new evidence is obtained.

**Default Judgment:** A judgment rendered in response to a defendant's failure to appear in court to address the pending charge(s).

**Deferred Discharge:** A charge is dismissed and is not considered a conviction.

**Deferred Probation:** A judge does not make a finding of guilt; instead, he/she directs the defendant to serve a term of probation. If the probation is successfully completed, the pending charges may be dismissed.

**Degree (First, Second, or Third):** Classification for the purpose of determining punishment. First degree is considered the most serious. Additionally, degrees may be assigned to an actual crime (e.g., arson in the first degree) or a class of crimes (i.e., felony or misdemeanor).

**Dismissal:** the final disposition of a case without further consideration. For criminal matters, this is generally related to a decision by a prosecutor not to proceed further or in response to a failure to produce sufficient evidence to proceed with prosecution.

**Dismissal Without Prejudice:** A judge's decision to end a case; however, a prosecutor is permitted to renew the case later.

**Disposition:** the final outcome or resolution of a criminal charge.

**Diversion Program:** A court's decision to set aside judgment; instead, the court may direct the defendant to perform ordered community service, make restitution for damages resulting from the crime(s) in question, obtain treatment for alcohol or drug problems; or, for required counseling for anger management, etc. If the defendant cooperates and completes the required activities, the charge(s) may be dismissed. Generally placement in a diversion program is limited to first time offenders not involved in serious violent crimes.

**Expunge:** To seal or purge records relating to criminal charges/information (e.g., arrest information) in depositories that hold such records. After expungement, the records cannot often be accessed for employment purposes to include (with certain limitations) certification, registration, and licensure matters. State laws often differ as to the scope of the expungement and what records can be later accessed.

**Felony:** The most serious of criminal offenses which generally carries a minimum sentence/term of one (1) year or more in a correctional facility. NOTE: Felonies are often classified into categories such as 1<sup>st</sup>, 2<sup>nd</sup>, or 3<sup>rd</sup> degree with 1<sup>st</sup> degree being the most serious.

**First Offender Act (Georgia):** As provided in O.C.G.A. §42-8-60, a discharge without court adjudication of guilt except (as applicable) for registration requirements under the state Sex Offender Registry and as otherwise provided in O.C.G.A. §42-8-63.1. The defendant shall be discharged without court adjudication of guilt upon fulfillment of the terms of probation, upon release by the court prior to the termination of the sentence (e.g. probation) or, upon release from confinement. The discharge completely exonerates the defendant of any criminal purpose

and shall not affect any of his or her civil rights or liberties. Additionally, upon discharge, the defendant shall not be considered to have a criminal conviction.

**Guilty:** Having been convicted of a crime or having admitted the commission of a crime. A defendant may also be found guilty by a judge after a plea of “nolo contendere” or “no contest”.

**Misdemeanor:** A crime, less serious than a felony, which is punishable by no more than one (1) year in a correctional facility. NOTE: Misdemeanors may be classified by level of seriousness with differing levels of sentences (i.e., misdemeanors in the 1<sup>st</sup>, 2<sup>nd</sup>, or 3<sup>rd</sup> degree).

**No Bill:** A decision by a grand jury that it will not bring an indictment against the accused on the basis of the allegations and evidence presented by a prosecutor.

**Nolo Contendere (No Contest):** A plea entered by a defendant (as an alternative to a pleading of guilty or not guilty) in response to being charged with a crime in which he/she neither admits to nor disputes the charge(s). A court will treat any such plea as an admission (of guilt) and proceed to find the defendant guilty as charged. A conviction arising from a *nolo* plea is subject to any and all penalties, fines and forfeitures of a conviction from a guilty plea and can be considered as an aggravating factor in future criminal actions.

**Nolle Prosequi (Nol Pros):** An entry made on the record by a prosecutor in a criminal case stating that he/she will no longer pursue the matter. An entry of nolle prosequi may be made at any time after charges are brought and before a verdict is returned or a plea entered.

**Open Charge/Pending Charge:** The case is proceeding through the court of record, but does not yet have a final disposition.

**Prayer for Judgment (North Carolina):** in criminal matters, a petition to the court for leniency. No finding of guilt is rendered by the court as this is considered a deferred prosecution. Similar in nature to a deferred adjudication.

**Sentence:** A judgment of punishment for a criminal act.

**Sentence Withheld:** A court decision to postpone the execution of a sentence and, instead, discharges the defendant conditionally upon good behavior.

**Stet Docket – Non-Conviction:** a decision by a prosecutor not to proceed with a case. The matter may be re-opened within one year if the defendant commits a subsequent violation during this time period. After the one year period has elapsed and provided that no further offense has been committed, the case cannot be re-opened and is considered closed.

**Suspended Sentence:** the full sentence for the conviction is held in abeyance by the court and the defendant is, instead, placed on probation for a pre-determined period. If the defendant later violates the accompanying terms and conditions, the judge may order the sentence to be carried out as it was originally imposed.

**True Bill:** A decision by a grand jury that it will bring an indictment against the accused on the basis of the allegations and evidence presented by a prosecutor.

**Unconditional Discharge:** A sentence in which the court is authorized to release a defendant without fine, imprisonment, or probation supervision if the court believes that no proper purpose would be served by imposing any condition on the defendant’s release.

Para informacion en espanol, visite [www.ftc.gov/credit](http://www.ftc.gov/credit) o escribe a la FTC Consumer Response Center, Room 130-A 600 Pennsylvania Ave. N.W., Washington, DC 20580.

## A Summary of Your Rights Under the Fair Credit Reporting Act

The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records). Here is a summary of your major rights under the FCRA. **For more information, including information about additional rights, go to [www.ftc.gov/credit](http://www.ftc.gov/credit) or write to: Consumer Response Center, Room 130-A, Federal Trade Commission, 600 Pennsylvania Ave. N.W., Washington, DC 20580.**

**You must be told if information in your file has been used against you.** Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment – or to take another adverse action against you – must tell you, and must give you the name, address and phone number of the agency that provided the information.

**You have the right to know what is in your file.** You may request and obtain all the information about you in the files of a consumer reporting agency (your "file disclosure"). You will be required to provide proper identification, which may include your Social Security number. In many cases, the disclosure will be free. You are entitled to a free file disclosure if:

- A person has taken adverse action against you because of information in your credit report;
- You are the victim of identify theft and place a fraud alert in your file;
- Your file contains inaccurate information as a result of fraud;
- You are on public assistance;
- You are unemployed but expect to apply for employment within 60 days.

In addition, by September 2005 all consumers will be entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies. See [www.ftc.gov/credit](http://www.ftc.gov/credit) for additional information.

**You have the right to ask for a credit score.** Credit scores are numerical summaries of your credit worthiness based on information from credit bureaus. You may request a credit score from consumer reporting agencies that create scores or distribute scores used in residential real property loans, but you will have to pay for it. In some mortgage transactions, you will receive credit score information for free from the mortgage lender.

**You have the right to dispute incomplete or inaccurate information.** If you identify information in your file that is incomplete or inaccurate and report it to the consumer reporting agency, the agency must investigate unless your dispute is frivolous. See [www.ftc.gov/credit](http://www.ftc.gov/credit) for an explanation of dispute procedures.

**Consumer reporting agencies must correct or delete inaccurate, incomplete or unverifiable information.** Inaccurate, incomplete or unverifiable information must be removed or corrected, usually within 30 days. However, a consumer reporting agency may continue to report information it has verified as accurate.

**Consumer reporting agencies may not report outdated negative information.** In most cases, a consumer reporting agency may not report negative information that is more than seven years old, or bankruptcies that are more than 10 years old.

**Access to your file is limited.** A consumer reporting agency may provide information about you only to people with a valid need - usually to consider an application with a creditor, insurer, employer,

landlord, or other business. The FCRA specifies those with a valid need for access.

**You must give your consent for reports to be provided to employers.** A consumer reporting agency may not give out information about you to your employer, or a potential employer, without your written consent given to the employer. Written consent generally is not required in the trucking industry. For more information, go to [www.ftc.gov/credit](http://www.ftc.gov/credit).

**You may limit "prescreened" offers of credit and insurance you get based on information in your credit report.** Unsolicited "prescreened" offers for credit and insurance must include a toll-free phone number you can call if you choose to remove your name and address from the lists these offers are based on. You may opt-out with the nationwide credit bureaus at 1-888-567-8688.

**You may seek damages from violators.** If a consumer reporting agency, or, in some cases, a user of consumer reports or a furnisher of information to a consumer reporting agency violates the FCRA, you may be able to sue in state or federal court.

**Identity theft victims and active duty military personnel have additional rights.** For more information, visit [www.ftc.gov/credit](http://www.ftc.gov/credit).

**States may enforce the FCRA, and many states have their own consumer reporting laws. In some cases, you may have more rights under state law. For more information, contact your state or local consumer protection agency or your state Attorney General. Federal enforcers are:**

TYPE OF BUSINESS:	CONTACT:
Consumer reporting agencies, creditors and others not listed below	<b>Federal Trade Commission: Consumer Response Center - FCRA</b> Washington, DC 20580 1-877-382-4357
National banks, federal branches/agencies of foreign banks (word "National" or initials "N.A." appear in or after bank's name)	<b>Office of the Comptroller of the Currency</b> Compliance Management Mail Stop 6-6 Washington, DC 20219 1-800-613-6743
Federal Reserve System member banks (except national banks and federal branches/agencies of foreign banks)	<b>Federal Reserve Board Division of Consumer &amp; Community Affairs</b> Washington, DC 20551 202-452-3693
Savings associations and federally chartered savings banks (word "Federal" or initials "F.S.B." appear in federal institution's name)	<b>Office of Thrift Supervision</b> Consumer Complaints Washington, DC 20552 800-842-6929
Federal credit unions (words "Federal Credit Union" appear in institution's name)	<b>National Credit Union Administration</b> 1775 Duke Street Alexandria, VA 22314 703-519-4600
State-chartered banks that are not members of the Federal Reserve System	<b>Federal Deposit Insurance Corporation</b> Consumer Response Center 2345 Grand Avenue, Suite 100 Kansas City, Missouri 64108-2638 1-877-275-3342
Air, surface, or rail common carriers regulated by former Civil Aeronautics Board or Interstate Commerce Commission	<b>Department of Transportation</b> Office of Financial Management Washington, DC 20590 202-366-1306
Activities subject to the Packers and Stockyards Act of 1921	<b>Department of Agriculture</b> Office of Deputy Administrator - GIPSA Washington, DC 20250 202-720-7051



# THE STATE OF GEORGIA

## EXECUTIVE ORDER

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BY THE GOVERNOR:

**ESTABLISHING A CODE OF ETHICS  
FOR EXECUTIVE BRANCH OFFICERS AND EMPLOYEES**

**WHEREAS:** In order to maintain the public trust, it is essential that the government function in a manner consistent with the highest ethical standards; and

**WHEREAS:** In carrying out their official duties and obligations, all officers and employees of state government must work solely for the public good, striving vigilantly to avoid even the appearance that their actions are motivated by private or personal interest; and

**WHEREAS:** It is in the best interests of the State of Georgia those consistent policies on ethics be applied to all executive officers and employees; and

**WHEREAS:** State employees should use their powers and resources to further the public interest and not for any financial or other personal benefit, other than salaried compensation and employer-provided benefits; and

**WHEREAS:** State employees must safeguard their ability to make objective, fair, and impartial decisions and therefore should not accept benefits of any sort under circumstances in which it could be inferred by a reasonable observer that the benefit was intended to influence a pending or future decision or to reward a past decision; and

**WHEREAS:** State employees must avoid any conduct, whether in the context of business, financial, or social relationships, which might undermine the public trust, whether that conduct is unethical or lends itself to the appearance of ethical impropriety.

**Now, THEREFORE, BY THE POWER VESTED IN ME AS GOVERNOR OF THE STATE OF GEORGIA, IT IS HEREBY**

**ORDERED:** That the Executive Order establishing a Code of Ethics for Executive Branch Officers and Employees of March 30, 2017, is hereby renewed and the following ethics policies shall remain in effect

**Section 1. Persons Subject to this Executive Order**

- a. The following persons are subject to this Executive Order:
- (i) All employees in the Governor's Office and the Office of the Governor.
  - (ii) The heads of all State agencies who are appointed by the Governor.
  - (iii) Any other employees of Executive Branch officials, departments, boards, bureaus, agencies, commissions, councils, authorities, corporations, entities or instrumentalities of any kind, and others as may be designated by the Governor, to the extent that such designation does not conflict with Georgia law.
- b. As used in this Order the term:
- (i) "Agency" means any Executive Branch department, board, bureau, agency, commission, council, authority, corporation, entity, or instrumentality of any kind, and others as may be designated by the Governor, to the extent that such designation does not conflict with Georgia law.
  - (ii) "Agency head" means the executive head of an agency.
  - (iii) "Charitable organization" shall have the meaning defined in O.C.G.A. Section 45-20-51.
  - (iv) "Employee" shall mean any employee in the Office of the Governor, including the Governor, and any employee of any agency as defined herein.
  - (v) "Family member" means a spouse, parent, grandparent, child, brother, sister, uncle, aunt, nephew, niece, first cousin, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepparent, stepchild, stepbrother, stepsister, half-brother, or half-sister.
  - (vi) "Gift" means anything of value exceeding \$75, including lodging, transportation, personal services, gratuities, subscriptions, memberships, trips, loans, extensions of credit, forgiveness of debts, or advances or deposits of money, or anything that retains values after acceptance.
  - (vii) "Lobbyist" shall have the meaning defined in O.C.G.A. Section 21-5-70(6).



- (viii) "Officer" means the Governor and the heads of all State agencies who are appointed by the Governor. For purposes of this Order, all "officers" are also "employees" as that term is defined herein.
- (ix) "Person" means an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of individuals.
- (x) "Value" means the actual retail price or cost attributable to a gift, less applicable taxes and gratuities or a reasonable estimate based upon customary charges for like goods or services in the locality. A series of tickets to sporting, entertainment, or similar events shall be valued as one gift. Entrance fees, admission fees, or other tickets shall be valued at the face value of the ticket or fee, excluding any portion attributable to a charitable contribution, if provided by a charitable organization.

## **Section 2. Ethics Officer**

- a. Each agency, as well as the Office of the Governor, shall designate an Ethics Officer. The Ethics Officer shall take appropriate measures to ensure that the agency's employees become familiar with applicable ethics law and policies, including the policies set forth in this Order.
- b. The Executive Council is hereby designated the Ethics Officer of the Office of the Governor.

## **Section 3. Conflicts of Interest**

- a. An employee of the Executive Branch of the State shall make every effort to avoid even the appearance of a conflict of interest. An appearance of conflict exists when a reasonable person would conclude from the circumstance that the employee's ability to protect the public interest, or perform public duties, is compromised by personal interests. An appearance of conflict could exist even in the absence of a true conflict of interest.
- b. An employee of the Executive Branch of the State shall recuse himself or herself from any proceeding in which the employee's impartiality might reasonably be questioned due to the employee's personal or financial relationship with a participant in the proceeding. A "participant" includes, but is not limited to, an owner, shareholder, partner, employee, or agent of a business entity involved in the proceeding. If the employee is uncertain whether the relationship justifies recusal, then the employee shall disclose the relationship to the person presiding over the proceeding. The presiding officer shall determine the extent to which, if any, the employee will be permitted to participate. If the affected employee is the person presiding, then the vice chair or such other substitute presiding officer shall make the determination.

- c. An employee shall not be employed outside of his or her state employment or serve as a corporate officer or director of any organization if such employment or service conflicts with his or her duties as an employee of the state.

**Section 4. Gifts**

- a. Except as provided in paragraph "b" below, no employee, nor any person on his or her behalf, shall accept, directly or indirectly, any gift from any person with whom the employee interacts on official state business, including, without limitation, lobbyists and state vendors. Ha gift has been accepted, it must be either returned to the donor or transferred to a charitable organization.
- b. Where appropriate for purposes of tradition, ceremony, or inter-governmental relations, or when acting as a representative of the Office of the Governor or an agency, an employee may accept a gift on behalf of an agency or the Office of the Governor.

**Section 5. Honoraria**

No employee may accept any honoraria whatsoever.

**Section 6. Expenses**

An employee on whose behalf actual and reasonable expenses for food, beverages, travel, lodging, and registration are paid to permit the employee's participation in a meeting related to official or professional duties of the employee shall file a report no later than the 30 days after such expenses are paid. The report shall be filed with the designated Ethics Officer. The report must contain a description of each expense, and the purpose, date, and location of the meeting. Notwithstanding this provision, the preferred practice is for agencies and not third parties to pay such expenses.

**Section 7. Nepotism**

An employee shall not advocate for or cause the advancement, appointment, employment, promotion, or transfer of a family member to an office or position with an agency or with the Office of the Governor.

**Section 8. Lobbying**

- a. The use of lobbyists will not be required or preferred as a way to obtain access to employees. Employees will strongly encourage any lobbyist wishing to meet

with the Governor or his staff regarding his or her client and/or principal to bring a principal of his or her client to such meeting.

- b. Former employees should not use their former positions for financial or other personal gain or to influence legislation or procurement decisions. Employees shall decline to communicate on official government matters with any lobbyist who was an officer within the preceding one-year period.
- c. No agency shall be permitted to contract with any person to provide lobbying, as that term is defined in O.C.G.A. Section 21-5-70(5), services on behalf of that agency.
- d. Employees who promote or oppose the passage of any legislation by the General Assembly, or any committee thereof, shall coordinate all such activities with the Office of the Governor.

#### **SECTION 9. JUDICIAL APPOINTMENTS**

The following persons shall not be eligible for appointment by the Governor to fill a vacancy on the Supreme Court, the Court of Appeals, the superior courts, or the state courts: (a) any person who has made a contribution to, or expenditure on behalf of, the Governor or the Governor's campaign committee at any time after the vacancy occurs; or (b) any person who has made a contribution to, or expenditure on behalf of, the Governor or the Governor's campaign committee within the 30 days preceding the vacancy, unless such person requests and is granted a refund of such contribution or reimbursement of such expenditure.

#### **SECTION 10. FAIR AND EQUAL ACCESS**

Employees are required to afford all constituents fair and equal opportunity to express their concerns and ideas regarding State programs and policies without regard to their political affiliation, sophistication, or affluence. Recommendations and decisions made by employees in the performance of their duties shall be made without bias.

#### **SECTION 11. POLITICAL ACTIVITIES**

- a. Employees wishing to take part in political activities are responsible for complying with applicable federal and state law.
- b. Employees are prohibited from soliciting or knowingly accepting any campaign contribution in a governmental building or office. "Accept" means to receive a contribution by personal hand-delivery from a contributor or his agent. This does not apply when a government-owned building or any portion thereof is rented for the specific purpose of holding a campaign fundraiser.

- c. Employees are permitted to express their opinions on political subjects and candidates and to take an active part in political campaigns outside of working hours, including the wearing of badges or buttons and displaying of bumper stickers and posters. Employees are encouraged to vote.
- d. Employees who wish to seek office must comply with applicable federal and state laws. Employees must notify the designated Ethics Officer prior to announcing or qualifying for any elected position or office.

**Section 12. Personal Use of Telephone and Internet Access**

- a. Personal long-distance calls shall not be charged to State telephones. Employees must use their personal long-distance credit card or other personal resource for this purpose.
- b. State-provided internet access is intended for public business. Employee use of the internet may be recorded and monitored. No employee is permitted to use or access the internet for pornographic, obscene, or other improper purposes.

**Section 13. Miscellaneous**

There may be unique or compelling circumstances warranting exceptions to or waivers from these policies in certain individual cases. In those instances, approval of the Executive Counsel to the Governor is required.

**Section 14. Sanctions**

Each agency head shall make a copy of this Order available to all employees and shall institute procedures for its enforcement consistent with all applicable Georgia laws. Employees who violate this Order are subject to disciplinary action, including termination of employment, subject to review by the Executive Counsel. The agency head of each agency shall be responsible to the Office of the Governor for the faithful enforcement of this Order, and shall report all alleged violations to the Inspector General.

This 14<sup>TH</sup> day of January, 2019.

  
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GOVERNOR