

<b>CITY OF APPLETON PERSONNEL POLICIES</b>	<b>TITLE: Reference, Backgrounds, Psychologicals &amp; Polygraphs</b>	
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I. PURPOSE

To provide guidelines on the most effective, legally sound methods of performing reference checks, giving reference information and conducting background investigations. In addition, this policy outlines when psychological evaluations and/or polygraphs will be used as part of the recruitment and selection process.

II. POLICY

The Human Resources Department will check employment references on all final candidates prior to conditional offers of employment. Exception: Police conducts reference checks for their department and seasonal positions will follow the seasonal recruitment policy. Conditional offers of employment shall be made by the Human Resources department and may be made with any of the following conditions attached: criminal background investigation, driving record verification, pre-employment physicals/drug screens, credit checks, authorizations to release personnel files from past employers, references, psychological evaluations, receipt of school transcripts and physical fitness testing components. Polygraphs will be administered to Police Officer applicants after a conditional offer of employment.

III DISCUSSION

Reference checks and background investigations are utilized to determine whether the employment, educational and general background of an individual is consistent with what was revealed through the selection process.

IV DEFINITIONS

A. Reference checks – an opportunity to obtain information from outside sources (i.e. current/past employers, schools) about the candidates, and to verify information revealed during the selection process.

- B. Background investigations – investigating a candidate to determine if he/she has a criminal record that would create a conflict of interest or liability for the position applied for and to verify information revealed in the selection process.
- C. Psychological evaluations – used to gather information about a person's current emotional well-being, psychological or personality make-up, or academic and intellectual functioning.
- D. Polygraph Tests– tests used to render a diagnostic opinion about the honesty or dishonesty of an individual.
- E. Employment Verifications/References - information that may be verified to outside sources (i.e. prospective employers) about current or former city employees.
- F. Credit Checks - information is used by lenders to determine an individual's credit worthiness; that is, determining an individual's ability and track record of repaying a debt.

## V. PROCEDURE

- A. References (Applicant)
  - 1. Following the interview selection process, reference checks will be completed on top candidate(s) for additional information to consider in the hiring decision.
    - a. Prior to the reference checks being made with current and previous employers/supervisors, the candidate will be informed that reference checks will be conducted.
    - b. Reference checks are to be completed prior to a job offer being made. If an applicant requests that a current employer only be contacted later in the process this may be honored by making this reference part of the conditional offer.
    - c. The Human Resource Department may contact the current/former employer with job-related questions to verify information obtained on the application and during the selection process and to learn more about the candidate's job history (Refer to Exhibit 1). Exhibit 1 will be used (other than in Police backgrounds or backgrounds completed by a 3<sup>rd</sup> party) to ensure no discriminatory questions are asked about the candidate (refer to the City of Appleton Affirmative Action policy for definition on protected classes).
    - d. Information obtained during a reference check is confidential and relevant information will be shared with the hiring supervisor. Any questionable information will be discussed with the City Attorney's Office prior to making the final hiring decision.
      - 1. Should any information be revealed showing inconsistencies, omissions, misrepresentation, disciplinary problems, performance problems, etc., the candidate may be disqualified.

2. Personal information obtained in this process shall not be used in making the hiring decision.

B. Background Investigations

~~1. All job offers are made contingent on a background investigation. Exceptions: Candidates for positions with the Police and Fire Departments will be subject to the background investigation prior to a job offer being made. Another exception might occur when a 3<sup>rd</sup> party background investigator is hired.~~

~~2.1.~~ Background investigations will be completed for all final candidates, including seasonal/summer employees and volunteers each year.

~~3.2.~~ Background investigations will be conducted as follows:

a. Seasonal Employees and Intern Candidates – State of Wisconsin criminal background check, Volunteer Select, National Sex Offender Registry, and Wisconsin Circuit Court Access (CCAP) to be completed by Human Resources. A background check will also be completed in any State(s) the candidate has lived in for the past 10 years. The Police Department will complete an in-house and driver’s license record check, for the State the applicant resides in, that will include driving record and active warrants.

b. Volunteers, State of Wisconsin criminal background check, Volunteer Select, National Sex Offender Registry, and Wisconsin Circuit Court Access (CCAP) to be completed by Human Resources. A background check will also be completed in any State(s) the candidate has lived in for the past 10 years. The Police Department will complete an in-House and driver’s license record check, for the State the applicant resides in, that will include driving record and active warrants.

c. Police Officer Candidates ~~& Firefighter Candidates~~— The Police Department will complete a full Criminal history check through FBI interstate identification index, a driver record check through the appropriate State(s) and in-house check for local contacts. This will also be completed for positions that have certain facility and computer systems access at the Police Department.

d. In addition, the following are also conducted for Police Officer & Fire Fighter candidates: credit check, educational records verification, work history verification including military service, and neighborhood canvas (Police only).

1. Credit Reporting – Applicants must sign a release form before a credit check will be conducted. The following procedure will need to be followed for applicants not selected for employment in whole or in part as a result of the credit report:

a. The applicant must be given a copy of the their consumer credit report and “A Summary of Your Rights Under the Fair Credit Reporting Act”.

- b. The applicant must be notified orally, in writing or electronically that the action has been taken as a result of the credit report. The notice will need to include the following:
      - 1. Name, address and phone number of the Credit reporting agency that supplied the report.
      - 2. A statement that the Credit reporting agency did not make the decision and cannot give specific reasons.
      - 3. A notice of the applicant's right to dispute the accuracy or completeness of any information the agency furnished and his/her right to an additional free consumer report from the agency upon request within 60 days.
  - e. All Other Candidates - State of Wisconsin Criminal Background Check, National Sex Offender Registry, and Wisconsin Circuit Court Access (CCAP) to be completed by Human Resources. A background check will also be completed in any State(s) the candidate has lived in for the past 10 years. The Police Department will complete an in-house and driver's license record check, for the State the applicant currently resides in along with the State(s) the applicant has worked based on the employment history reported on the City of Appleton Employment Application. The check(s) will include driving record and any active warrants.
  - f. Applicants whose job requires a Commercial Drivers License must fill out a consent form to allow for Human Resources to check the applicant's history with previous employers regarding alcohol and controlled substance testing.
- C. Psychological Evaluations
  - 1. All supervisor positions (non-Sworn Police & Protected Fire positions) shall complete a pre-conditional offer psychological evaluation. The pre-employment psychological evaluation is a specialized examination of an applicant's psychological suitability for a position. This is a non-medical evaluation and is administered prior to an offer of employment.
  - 2. All public safety positions (sworn Police & Protected Fire positions) shall complete a post-conditional psychological evaluation. A post-conditional offer psychological evaluation may be "medical" in nature and may produce evidence of a disqualifying mental health condition.
- D. Polygraph Tests
  - 1. Polygraph tests will be administered as part of the selection process to candidates applying for a Police Officer position. Any Wisconsin law enforcement agency employer may administer or cause a polygraph test to be administered on a prospective officer employee of the law enforcement agency. W.S.A. 111.37(5)(bm).

2. A “Statutory Procedure For Administering a Conditional Job Offer Polygraph (Truth Verification) Test To An Employee or Prospective Employee” will be issued to candidates as notification of their rights for a polygraph test. (Refer to Exhibit 2)
  3. A “Pre-Employment Screening Booklet” will be given to Officer Candidates to complete. These questions will be asked and verified during the polygraph examination. (Refer to Exhibit 3)
  4. A polygraph test will be administered after a conditional offer of employment has been made to a law enforcement candidate.
- D. Employment Verifications/References (Current and/or Past City Employees)
1. Employment verifications are to be completed by the Human Resources Department. Should you be contacted by a current employee, former employee or by a prospective employer of a former employee, refer the person to the Human Resources Department.
    - a. Information released include: Dates of employment, position held, and rate of pay.
    - b. Letters of reference as indicated by City of Appleton Collective Bargaining Agreements or other Agreements may be provided for current or former employees upon written request by the employee. Such letters must be based on factual information supported by documentation in the employee’s personnel file. Letters of reference or recommendation must also be approved by the Department Director and Human Resources Department.
    - c. Any additional information needed by a company/organization will require the current/former employee to sign a City of Appleton “Release of Information” form prior to any information being released. (Refer to Exhibit 4a and 4b)

**TELEPHONE REFERENCE FORM**

Name of applicant: \_\_\_\_\_

Current/previous employer: \_\_\_\_\_

Employment dates: \_\_\_\_\_ Full time: \_\_\_\_\_ Part time: \_\_\_\_\_

Job title/summary of duties: \_\_\_\_\_

\_\_\_\_\_

Quality of work: \_\_\_\_\_

\_\_\_\_\_

Dependability/follow through on assignments: \_\_\_\_\_

\_\_\_\_\_

Initiative: \_\_\_\_\_

\_\_\_\_\_

Ability to work with others: \_\_\_\_\_

Attendance/punctuality: \_\_\_\_\_

Any concerns in the area of violence: \_\_\_\_\_

Any concerns in the area of harassment: \_\_\_\_\_

Has this person ever had a positive drug test: \_\_\_\_\_

Reason for leaving: \_\_\_\_\_

Eligible for rehire: \_\_\_\_\_

Areas of strength: \_\_\_\_\_

If you were to coach in one area, what would it be: \_\_\_\_\_

Recommend for hire for this position: \_\_\_\_\_

Additional remarks: \_\_\_\_\_

Name/title of person giving reference: \_\_\_\_\_

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

**STATUTORY PROCEDURE FOR ADMINISTERING A CONDITIONAL JOB OFFER  
POLYGRAPH (TRUTH VERIFICATION) TEST TO AN EMPLOYEE OR PROSPECTIVE  
EMPLOYEE**

I have been orally informed and am informed hereby that under Wisconsin Statutes Section 111.37, the following procedure shall be followed in administering a polygraph (truth verification) test:

1. Any question asked me during such test will be presented in writing and discussed with me in an interview prior to the test.
2. Each such question shall be directly related to my performance or conduct in past or present employment, and to verify the truthfulness of answers on my written employment application, which includes, in part, a personal history form and polygraph screening booklet.
3. No questions will be asked regarding my sexual practices, religious affiliation or beliefs, racial opinions or beliefs, marital relationship, political affiliation or beliefs or labor union activities.
4. For the purpose of liability protection, in addition to the polygraph equipment, electronic hearing devices and visual observation devices may be used which include, but are not limited to, two-way mirrors, cameras and the like. Additionally, a recording of all or part of the test may be made.
5. I shall be informed of the test results, offered copies of any conclusions and opinions rendered, offered copies of questions asked and charted responses, and be offered an opportunity to explain any questionable responses or retake the test or both. If my subsequent responses or the reexamination clarify any questionable response, the results of the initial test questions shall not be reported further and will be corrected, clarified or removed from the personnel records.
6. Prospective employer may not make a decision on hiring or firing me based on the test results unless there is relevant evidence or information, obtained independently from such test, which tends to support the test results.
7. I may elect to end the test at any time.

**Page 2: POLYGRAPH (TRUTH VERIFICATION) TEST**

I hereby acknowledge having received reasonable oral and written notice of the date, time and location of the test. I also have been orally informed and am informed hereby that I have the right to obtain and consult with an attorney (lawyer) before each phase of the test.

I have also been orally informed and am informed hereby that I have a privilege to refuse to disclose, and to prevent another from disclosing, any oral or written communications during, or any results of, such an examination unless there is a valid and voluntary written agreement between myself and the person administering the test.

I have been further orally informed and am informed hereby that no person may require me to take such a test as a condition of my employment or administer such a test to me, and no person may disclose that I have taken such a test or the results of such a test to any person except myself, without my prior and informed consent.

I have been further orally informed and am informed hereby that I have certain legal rights and remedies available to me if the polygraph test is not conducted in accordance with Wisconsin Statutes, Section 111.37.

I have been further informed and am informed hereby that this test will not be conducted if sufficient written evidence is presented by a physician that I suffer from a medical or psychological condition or am undergoing treatment that might cause an abnormal response during the test.

The undersigned does hereby acknowledge that on \_\_\_\_\_, \_\_\_\_\_ at  
a.m./p.m. this document was read to \_\_\_\_\_, the person being tested.

<b>FOLLOWING TO BE COMPLETED BY POLYGRAPH EXAMINER (and signed by Candidate)</b>	
The undersigned does hereby acknowledge that on _____, _____ at a.m./p.m. this document was reviewed by _____, the person being tested.	
_____	_____
Examiner	Candidate

**CITY OF APPLETON  
POLICE OFFICER APPLICANT  
CONDITIONAL JOB OFFER  
PRE-EMPLOYMENT SCREENING BOOKLET**

Name: \_\_\_\_\_ DOB: \_\_\_\_\_ Age: \_\_\_\_\_

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

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

Polygraph Examiner: \_\_\_\_\_

**INSTRUCTION TO APPLICANT**

1. Each applicant is hereby advised the contents of this booklet are held strictly **CONFIDENTIAL** and no information is disseminated to any person except when essential to the conduct of proper official police business; further, that the intentional omission or falsification of any material fact is just cause for disqualification or dismissal of applicant on grounds of dishonesty. Every answer herein entered will be checked during the polygraph examination.
2. Each and every question in the booklet must be answered. None may be left blank. If you desire to make a long explanation in your reply, answer the question briefly as best you can, then put a check mark next to the question number. The examiner will give you an opportunity to make any desired explanation regarding any question so marked.

I have read and understand the above instruction. I realize the questions I will be asked during the in-test (while attached to the polygraph) will be to verify my honesty to the questions in this booklet.

WITNESS: \_\_\_\_\_ TIME: \_\_\_\_\_

SEAL: \_\_\_\_\_ TIME: \_\_\_\_\_

(Signature of person to be examined)

**RELEASE OF INFORMATION-CURRENT EMPLOYEE**

I hereby empower, a City of Appleton Human Resources representative to release a copy of any and all employment records pertaining to the undersigned's employment to \_\_\_\_\_(Company name) \_\_\_\_\_(Company person making request) under the custody of the City of Appleton including without limitation by enumeration; performance reviews, wage histories, disciplines, etc., but excluding, unless specifically provided otherwise, medical records or records pertaining to Worker's Compensation or the Family Medical Leave Act.

Other information requested: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

This consent is revocable except to the extent that action has been taken in reliance thereon and will remain in force until revoked, but not to exceed one (1) year from the date this document was executed.

This release is intended to release not only the above-named individual, but all officers, agents or related personnel, both individually and collectively, from any and all liability or damages of whatever kind which may at any time result to the undersigned, my heirs, my family or associates because of compliance with this authorization or legal claims or actions resulting in the release of this information, including but not limited to, slander, libel or defamation and requests to release this information and any attempt to comply with it.

Dated this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Name (printed)

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

\_\_\_\_\_  
Street Address, City, State, ZIP Code

\_\_\_\_\_  
Area Code/Phone Number

\_\_\_\_\_  
Signature of Individual Authorizing the Release

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date

**RELEASE OF INFORMATION-PREVIOUS EMPLOYEE**

I hereby empower, City of Appleton Human Resources representative to release a copy of any and all employment records pertaining to the undersigned's employment to

\_\_\_\_\_ (Company name) \_\_\_\_\_ (Company person making request) under the custody of the City of Appleton including without limitation by enumeration; performance reviews, wage histories, disciplines, etc., but excluding, unless specifically provided otherwise, medical records or records pertaining to Worker's Compensation or the Family Medical Leave Act.

Other information requested: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This consent is revocable except to the extent that action has been taken in reliance thereon and will remain in force until revoked, but not to exceed one (1) year from the date this document was executed.

This release is intended to release not only the above-named individual, but all officers, agents or related personnel, both individually and collectively, from any and all liability or damages of whatever kind which may at any time result to the undersigned, my heirs, my family or associates because of compliance with this authorization or legal claims or actions resulting in the release of this information, including but not limited to, slander, libel or defamation and requests to release this information and any attempt to comply with it.

Dated this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Name (printed)

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

\_\_\_\_\_  
Street Address, City, State, ZIP Code

\_\_\_\_\_  
Area Code/Phone Number

\_\_\_\_\_  
Signature of Individual Authorizing the Release

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date