

GENERAL PROGRAM ADMINISTRATION
Background Checks for Employees of the
Child Support Services Division

CS 101.9

SUPERSEDES

CS 101.9 Background Checks for Employees of the Child Support Services Division, December 15, 2020

Background

Determining the suitability of individuals who are granted access to confidential child support information, including Federal Tax Information (FTI), is a key factor in ensuring adequate information security. In addition, IRS Publication 1075 requires that all individuals (employees and contractors) undergo a suitability background investigation prior to being granted access to FTI.

Policy

The Child Support Services Division (CSSD) of Montana Department of Public Health & Human Services (DPHHS) will conduct background checks of all new hires and existing employees. The investigation includes three parts:

- FBI Fingerprint Check. National fingerprint-based background check of criminal history throughout the United States.
- Local Law Enforcement Check. Name based check using the Criminal Justice Information Network (CJIN) conducted by the Montana Department of Justice or a companion agency in another state, covering localities where subject has lived, worked, and/or attended school within the last 5 years.
- Citizenship/residency checks. Validation of the individual's eligibility to legally work in the United States. This check will be completed on all newly hired employees by using the USCIS Form I-9 to document the identity and the employment authorization of each newly hired employee. All newly hired employees will also be processed through the E-Verify system to validate the information and documentation provided with the Form I-9 within 3 days. Any employee with expiring employment eligibility will be monitored for continued compliance.

Procedures

1. During the hiring process, the hiring supervisor will have the final candidate(s) complete a Criminal Background Check form and Release of Information for FBI Fingerprint Checks form.
2. After the initial local law enforcement check and fingerprint check, a re-check will be conducted within five years.
3. The existing employee's supervisor will have the employee complete a Criminal Background Check form and a Release of Information for FBI Fingerprint Checks form.
4. Background checks will be processed and maintained by the DPHHS's Office of Human Resources.
5. Results will initially be evaluated by the Office of Human Resources. All checks will be evaluated in accordance with EEO guidelines (e.g., reviewing the nature and severity of the conviction, relation of the conviction to the applicant's or employee's position, and how much time has lapsed since the conviction occurred.)

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6. A local law enforcement and fingerprint check with a favorable outcome must be obtained for each new hire and existing employee before granting or continuing access to FTI. Local law enforcement and fingerprint checks with no felony convictions are considered a favorable outcome. Before granting a new hire access to SEARCHS it is the hiring supervisors' responsibility to notify the SEARCHS Security Team at hhscss007@mt.gov that a favorable outcome was achieved.
7. If the local law enforcement or fingerprint check reveal any felony convictions, the Office of Human Resources and CSSD management will evaluate the information based on the requirements of each position before a hiring decision is made and/or access to FTI is given. If it is determined that the felony conviction does not constitute an unfavorable outcome the applicant or employee will be allowed access to FTI if needed for their position.
8. If any applicant or employee refuses to complete a background investigation he/she will not be advanced in the selection process and will not be granted access to FTI.
9. Citizenship and residency eligibility checks will be processed by the DPHHS's Office of Human Resources pursuant to standard procedures for all new hires.