

American Chemistry Council Guidance on Conducting Contractor Background Checks

Background

There is currently no consistent contractor background check program within the chemical industry. Some regulations and legislation – federal, state, and local – require such checks for certain types of contractors, with specific requirements and criteria. However, many types of chemical industry contractors are not required under law or regulation to have background checks conducted before entering a chemical facility. In the absence of regulation, many chemical companies have developed their own contractor background check programs in an effort to provide enhance chemical facility security, prevent domestic terrorist acts, prevent loss, and decrease workplace violence. These efforts have produced significant value within implementing companies, but they have led to differing programs and rejection criteria from company to company with in the industry, and the expenditure of unnecessary time, effort, and resources to conduct multiple and often duplicative contractor background checks. This guidance document can serve to provide a more common basis for conducting contractor background checks, providing a high level of safety and security for employees, facilities and surrounding communities while allowing contract companies to employ management resources more effectively.

Contractor Background Check Program Benefits

Many companies and regulatory agencies have identified a contractor background check policy as a key component of a company's and facility's security program, due to the significant and tangible benefits within companies including increased facility and corporate security, decreased workplace violence incidents, and financial and resource loss prevention.

ACC Guidance Approach

This guidance document describes recommended elements that are considered “core” to a contractor background check program. The guidance also describes rejection criteria that could be used to determine whether a contractor being screened under the background check program qualifies for assignment. This approach is not required by the Responsible Care[®] Security Code and is not intended to represent a consensus of ACC members. Rather, it represents the recommendations of a group of industry security experts as “Best Practices” in developing and implementing a contractor background check program. Clearly, companies can use this guidance document as a starting point for building programs that suit their individual needs. No representation is made, however, that use of this guidance document will assure that contractor employees are free from some degree of risk, and any company using the guidance retains whatever independent responsibility it has to assess the suitability of contractor employees to work at its sites.

Other Resources and Programs

There are several industrial councils that are being used as third parties for conducting background screening, including the Industrial Safety Training Council (ISTC) in Texas, the Houston Area Safety Council, Inc. (HASC) in Texas, and in the near future, the Safety Council, Louisiana Capital Area (Baton Rouge Safety Council). In addition, effective April 1, 2004, all drivers who hold a commercial drivers license (CDL) with a HAZMAT

endorsement (HME) will have to have a fingerprint-based criminal history record check done when they renew, transfer, or apply for a HAZMAT endorsement. The State of New Jersey is also considering legislation that would require contractors of New Jersey chemical facilities to undergo a state-run background check before being permitted to do work at a chemical industry facility.

Appendix A also provides a list of vendors and references that have been used by ACC members and their contractors to screen potential employees. The presence of a vendor or reference on this list merely reflects that one or more ACC members has reported using it. ACC has not evaluated the qualifications or performance of listed vendors, and no recommendation or endorsement is intended by listing a vendor or reference. Companies must independently evaluate the merits of any vendors they retain and/or any reference they use.

ACC Guidance For Contractor Background Check Program

Checks and Rejection Criteria

The following checks and rejection criteria are recommended “core” elements to a contractor background check program. Certain job-specific types of checks, not detailed here, that may be appropriate to add in certain cases to the “core” requirements include: credit check, education/credential verification, driving record, FBI criminal finger print search, and reference check.

1. Social Security Number (SSN) Verification (Instant Address Link or Skip Trace)

This check verifies a potential contractor’s social security number and address provided on his/her application.

Rejection Criteria: Any verified inconsistency between the information provided by the contractor and the background check information would disqualify the contractor for assignment in a chemical facility. Such inconsistencies include an invalid SSN, SSN issued before contractor was born, SSN belongs to someone listed in the Social Security Administration’s database as deceased.

2. Seven Year Federal, State, and County/Local Criminal History Check

This check searches court records for criminal convictions, based on the contractor’s past locations of residence and employment back to seven years.

Rejection Criteria: Any felony or misdemeanor conviction relating to theft, dishonesty, assault, physical crimes against other persons or property, or drug possession or trafficking would disqualify the contractor for assignment in a chemical facility.

3. Seven Year Employment History Check

This check would verify employment history provided by the contractor employee.

Rejection Criteria: Any verified inconsistency between the information provided by the contractor and the background check information would disqualify the contractor for assignment in a chemical facility. Such inconsistencies include dates on employment significantly disagree with information provided by contractor, job titles/duties significantly disagree with information provided by contractor, reason for termination significantly disagree with information provided by contractor, or the applicant had a drug or alcohol related termination. However, contractor employees may not be rejected because they have a substance addiction unless their abuse makes them unable to perform their job responsibilities.

4. Drug Screen

This check would require a check for illegal drug use in the contractor employee. The contract company’s pre-employment drug screening program would likely qualify.

Rejection Criteria: Any detection of use of illegal substances would disqualify the contractor for assignment in a chemical facility.

5. I-9 Form Identification and Citizenship Verification

This check is required under federal employment law and is included in this list of requirements such that it is an auditable contractor background check program element.

Rejection Criteria: Any verified inconsistency between the information provided by the contractor and the background check information would disqualify the contractor for assignment in a chemical facility.

Other Types of Checks

There are several other types of background checks that are considered non-core to a contractor background check program, but may be appropriate for certain types of contractor jobs. These types of checks include credit check, education/credential check, driving record check, reference check, and FBI criminal finger print check.

Program Administration

Chemical companies should provide to their contracting companies, in writing, the requirements of the contractor background check program for entry into their chemical facilities. An example of such written notification is provided in Appendix B. The contract company should keep all records of such conducted checks and their results due to privacy laws. However, ACC members could request that contract companies verify that the checks have been completed and their contract employees have successfully been screened. An example of such a program compliance verification letter is also included in Appendix B. In addition, members may consider auditing their contract companies to determine their compliance with their required background check program.

Potential Contractor Background Checks										
	SSN Verification	7-Year Federal, State, County/Local Criminal History Check	7-Year Employment History Check	Drug Screen	I-9 Form	Credit Check	Education/Credential Check	Driving Record	Reference Check	FBI Criminal Finger Print Search
Recommended "Core" Checks	X	X	X	X	X					
Job-specific Add-on Checks						X	X	X	X	X

Appendix A
Vendors/References Used by ACC Members to
Conduct Background Checks¹

National Institute for the Prevention of Workplace www.Workplaceviolence911.com (click on "Preemployment Directory")

ADP/Avert, Dana Piecuch, Account Executive, ADP Screening and Selection Services, 800-367-5933 x119

Facticon, Inc. P.O. Box 1179 Chadds Ford, PA 19317, 800-416-4861, 610-459-4407 (fax). For more information, go to www.facticon.com

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Appendix B
Sample Notification Letter to Contract Company with Associated Attachments

[Date]

Company Name
Attention:
Address

Dear:

As a requirement of continuing business with [your company name], [contract company name] is required to participate in our Contractor Background Check Screening Program.

Population Effected: All screening for contractors currently working at [your company name] must be completed by [insert date]. There will be no interruption in work schedule for contractors already working at [your company] while the background screening is being performed. Any new contractors must be screened before starting their assignment.

Contractor Screening Matrix: An Instant Address Link (SSN verification), 7-Year Federal, State, County/Local Criminal History Check, I-9 Form, Seven-Year Employment History Check, and a Drug Screening is required. Additional information about these checks and their associated rejection criteria are described in Attachment 1.

Screening Firm: [Contract company name] can select a provider of your choosing. For your information, [your company name] uses: [insert your background check provider's name and contact phone number].

Screening Process: After your background check provider has completed all required checks and all results comply with the Rejection Guidelines for Contractor Screening, [contract company name] must send a copy of the Background Check Certification Form (see Attachment 2) to your purchasing representative at [your company name]. If the results do not comply with the Rejection Guidelines in Attachment 1, [contract company] must notify your purchasing representative and contact your contract employee to let them know that they can no longer work at [your company name]. [Contract company name] is responsible for obtaining all property that belongs to [your company name]. (The aforementioned process for results that do not comply with the Rejection Guidelines for Contractor Screening should only be followed if the contractor is already on assignment at [your company name].) Under no circumstance will a contractor that has not passed the Contractor Screening Process be permitted to work on any [your company name] property.

If you have any questions, please call your purchasing representative or me at [insert phone number].

Attachment 1 – Contractor Background Screens and Rejections Guidelines

1. Social Security Number (SSN) Verification (Instant Address Link or Skip Trace)
This check verifies a potential contractor's social security number and address provided on his/her application.

Rejection Criteria: Any verified inconsistency between the information provided by the contractor and the background check information would disqualify the contractor for assignment in a chemical facility. Such inconsistencies include an invalid SSN, SSN issued before contractor was born, SSN belongs to someone listed in the Social Security Administration's database as deceased.

2. Seven Year Federal, State, and County/Local Criminal History Check
This check searches court records for criminal convictions, based on the contractor's past locations of residence and employment back to seven years.

Rejection Criteria: Any felony or misdemeanor conviction relating to theft, dishonesty, assault, physical crimes against other persons or property, or drug possession or trafficking would disqualify the contractor for assignment in a chemical facility.

3. Seven Year Employment History Check
This check would verify employment history provided by the contractor employee.

Rejection Criteria: Any verified inconsistency between the information provided by the contractor and the background check information would disqualify the contractor for assignment in a chemical facility. Such inconsistencies include dates on employment significantly disagree with information provided by contractor, job titles/duties significantly disagree with information provided by contractor, reason for termination significantly disagree with information provided by contractor, or the applicant had a drug or alcohol related termination. However, contractor employees may not be rejected because they have a substance addiction unless their abuse makes them unable to perform their job responsibilities.

4. Drug Screen
This check would require a check for illegal drug use in the contractor employee. The contract company's pre-employment drug screening program would likely qualify.

Rejection Criteria: Any detection of use of illegal substances would disqualify the contractor for assignment in a chemical facility.

5. I-9 Form Identification and Citizenship Verification
This check is required under federal employment law and is included in this list of requirements such that it is an auditable contractor background check program element.

Rejection Criteria: Any verified inconsistency between the information provided by the contractor and the background check information would disqualify the contractor for assignment in a chemical facility.

Attachment 2 – Background Check Certification Form

Background Certification Form

This certifies that all necessary background checks, in accordance with [your company name]’s Contractor Background Check requirements, have been performed on [Contract employee name] and that all results are compliant with the Rejection Guidelines for Contractor Screening.

 Date of Completion

 Company Name

 Authorized Company Representative (print)

 Authorized Company Representative (sign)

Rejection Guidelines for Contractor Screening

Type of Check	Rejection Guidelines
Social Security Number Verification (Skip Trace or Instant Address Link)	The applicant shall be rejected for contract work if the Social Security Number Verification reveals the following characteristics: <ul style="list-style-type: none"> * Social Security Number (SSN) is not a valid number. * SSN was issued before the applicant was born. * SSN belongs to someone the SS Administration says is listed in its deceased database. You should also check the SSN information for reasonableness. (Why does a 35 year old have a SSN that is only two years old and issued in a state that he did not live in at the time?) Give the applicant a chance to produce proof of the validity of their SSN before rejecting them for these reasons.

Type of Check	Rejection Guidelines
7-Year Federal, State, County/Local Criminal History Check	The applicant shall be rejected if they have Felony or Misdemeanor CONVICTIONS related in any way to theft or dishonesty, assault, or any physical crimes against other persons or property, or the possession or trafficking of drugs.
7-Year Employment History Check	<ul style="list-style-type: none"> * Dates of employment SIGNIFICANTLY disagree with information given on the application. * Job titles/duties SIGNIFICANTLY disagree with what was given by the applicant. * Reason for termination SIGNIFICANTLY differs from what was given by the employer. * The applicant had a drug or alcohol related termination. However, applicants may not be rejected because they have a substance addiction, such as alcoholism, unless their actual abuse makes them unable to perform their job responsibilities.
Drug Screening	If the drug screening is returned with a positive result.
I-9 Form	Does not have valid authorization per the I-9 form to work in the United States.