

**Governor's Office of Homeland Security  
and Emergency Preparedness**  
State of Louisiana

JOHN BEL EDWARDS  
GOVERNOR




JAMES B. WASKOM  
DIRECTOR

**Criminal History Check and Public Trust Clearance Policy**  
**Policy Number: HR-0018**

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**Issue Date:** March 5, 2010  
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**Approval:**   
James B. Waskom, Director

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**I. POLICY:**

A. General

It is the policy of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) to hire, promote, and retain applicants and employees with the qualifications and backgrounds appropriate to the requirements of the position. Consequently, a criminal history check and a Public Trust Clearance will be conducted and must be maintained on applicants and employees selected for positions designated as security-sensitive, and/or in positions maintained at the Federal Emergency Management Agency's (FEMA's) Louisiana Field Office (LRO).

B. Criminal History Check

It is also the policy of GOHSEP that applicants and employees convicted of a felony (by judicial finding, or plea of guilty or nolo contendere) shall not be appointed to a security-sensitive position, or retained for employment within the agency, unless pardoned. An employee may be terminated at any time upon the notice to the agency of an arrest or conviction of a crime. An employee has a duty to report any arrest or conviction in accordance with the GOHSEP Policy *Standards of Behavior, HR-0006*. Failure to comply is also grounds for immediate termination.

C. Public Trust Clearance

Further, it is the policy of GOHSEP that applicants, employees and contractors must be able to obtain and maintain a Public Trust Clearance issued by the

Department of Homeland Security, Federal Emergency Management Agency (FEMA) in order to work at one of FEMA's LROs.

## II. PURPOSE:

The purpose of this policy is to provide the GOHSEP management with information regarding any criminal history and public trust clearance of applicants and employees, prior to presenting an unconditional offer of employment and maintaining GOHSEP employment, to provide the best environment for GOHSEP employees and maintain the efficiency of the agency.

## III. APPLICABILITY:

This policy applies to all employees of GOHSEP, including applicants to be appointed into GOHSEP positions, current employees of GOHSEP, and contractors.

## IV. DEFINITIONS:

**Appointment** – an unconditional offer of employment by the agency and the subsequent acceptance of such offer by the applicant.

**Conditional Offer of Employment** – an offer of employment that is conditioned upon the applicant meeting certain criteria, such as passing a pre-employment drug test, agreeing to direct deposit, registering with Selective Service (if male ages 18 through 25), agreeing to a criminal history check, agreeing to a Public Trust Clearance, etc.

**Criminal History Check** – a check of the public records conducted by an approved vendor.

**Public Trust Clearance** – a check of a Minimum Background Investigation (MBI) or higher, through the U.S. Department of Homeland Security (DHS).

**Felony** – is a crime which involves a potential punishment of imprisonment at hard labor.

**Misdemeanor** – any crime other than a felony.

**Security-sensitive position** – positions as outlined in Attachment A.

**Unconditional Offer of Employment** - an offer made by the GOHSEP to a qualified applicant who has met all conditions set out in the conditional offer of employment.

## **V. PROCEDURES:**

### **A. Hiring Process**

Upon receipt of the Recommendation to Hire Form, the Human Resource office shall call the selected applicant to present the conditional offer of employment, and instruct the applicant to complete the Criminal History Check Authorization Form and if applicable, the Public Trust Clearance E-quip Form.

### **B. Criminal History Check**

Once the signed Criminal History Check Authorization Form is received by the Human Resource office, the criminal history check is ordered using established procedures. Any information obtained from the investigation other than "No Record" is forwarded to the Director of the Human Resource office or his/her designee.

If the applicant's criminal history check is returned with any information other than "No Record", the Human Resource office may contact the applicant to offer the applicant an opportunity to submit an explanation and supporting documentation relevant to the findings of the criminal history check, or to inform the applicant that the conditional offer of employment has been withdrawn.

Following a review of the information received from the applicant regarding the findings in the criminal history check, the Human Resource office will present the information to the Director or his/her designee to obtain their decision on further processing of the applicant for an appointment. The Human Resource office will notify the applicant of the decision on employment with GOHSEP.

If the applicant satisfies all conditions of employment, the Human Resource office will notify the Hiring Manager that the applicant was given an unconditional offer of employment.

### **C. Public Trust Clearance**

Employees required to work at a FEMA LRO must be approved for a Public Trust Clearance prior to receiving an unconditional offer of employment.

#### **1) Applicants**

No unconditional offer of employment shall be made until the Public Trust Clearance process has been completed. Once the signed E-Quip Form is received by the Human Resource office, the Public Trust Clearance is ordered using established FEMA procedures. FEMA, in accordance with their guidelines, will notify GOHSEP if any delay will be anticipated. If there is a delay, the employee has thirty (30) days to resolve the issue and

obtain a clearance or the conditional offer of employment will be rescinded. Upon notice of a denial, the conditional offer of employment will be rescinded and the next applicant on the order of merit list shall be issued a conditional offer of employment.

## 2) Current Employees

Employees required to work at a FEMA LRO are subject to annual FEMA Public Trust Clearance renewals.

If an employee's position is designated to work at a FEMA LRO, the employee must maintain a Public Trust Clearance. Upon notice of a denial, an employee has thirty (30) days to resubmit their Public Trust Clearance information to FEMA in order to obtain Clearance. The employee has an additional sixty (60) days to receive the clearance back from FEMA. Thus, the employee has a total of ninety (90) days to return to the LRO. If a clearance cannot be attained in ninety (90) days, the employee may be terminated. During said time, the employee will not be allowed at a LRO and must work at a location determined by and at the direction of their Supervisor. Immediately upon notice of a second denial or delay, the employee is terminated. The former employee may resubmit their Public Trust Clearance information to FEMA and upon clearance re-apply to the agency.

## 3) Contractors

A Public Trust Clearance in order to work at a FEMA LRO is mandatory for designated Contractors.

No contractor will be allowed to begin work on a GOHSEP contract until the Public Trust Clearance process has been completed.

Contractors that receive a denial of their Public Trust Clearance will be immediately removed from the GOHSEP contract assignment and may not work remotely. The former Contractor may resubmit their Public Trust Clearance information to FEMA and upon clearance be reassigned to the GOHSEP contract.

## 4) Foreign Nationals

Foreign Nationals that are GOHSEP employees or contractors must enter a FEMA LRO facility as a visitor and be escorted at all times by their Supervisor or another employee with a Public Trust Clearance. Foreign National Employees must keep GOHSEP and FEMA Security apprised to changes or updates in their citizenship status.

**VI. QUESTIONS:**

Questions regarding this policy should be directed to the Human Resource office.

**VII. EXCEPTIONS:**

Requests for exceptions to this policy must be submitted in writing to the Director with specific and compelling justification.

**VIII. VIOLATIONS:**

Employees found to have violated this policy may be subject to disciplinary action, up to and including termination.