Date: January 8, 2013

To: Human Resources Officers
   AVPs/Deans of Faculty

From: Evelyn Nazario
      Associate Vice Chancellor
      Human Resources Management & CO HR Services

Subject: Clarification of Positions Considered Sensitive under HR Letter 2005-10 (Background Checks)

Overview

Audience: Human Resources Officers, AVPs/Deans of Faculty, and other individuals with responsibility for ensuring compliance with campus policies requiring background checks for sensitive positions

Action Item: Information Item

Affected Employee Group(s)/Unit(s): All employees in sensitive positions as defined in this letter

Summary

This Technical Letter provides additional clarification regarding requirements for background checks for CSU employees appointed to sensitive positions, as provided for in policy by HR Letter 2005-10. Individuals responsible for ensuring compliance with campus background check policies should review the remainder of this letter for more detailed information.

Under HR Letter 2005-10 (Background Checks), California State University (CSU) presidents have delegated authority to establish campus requirements for background checks for applicants and university employees, as determined appropriate, to help protect the campus community and its assets. The policy also delegates to campus presidents the responsibility for determining which faculty, staff, and administrative positions should be classified as sensitive and requiring background checks, and provides guidelines as to the responsibilities typically associated with sensitive positions.

This technical letter provides additional, detailed information as to key duties and responsibilities which are associated with sensitive positions, typical positions or occupations associated with those key duties, examples of position functions or tasks, and the minimum background check required for each category. Campuses should use this guide to review their background check practices to determine whether positions have been appropriately designated as sensitive and thus subject to background checks.

Distribution:

CSU Presidents
Vice Presidents, Administration
Vice Chancellor, Human Resources
Budget Officers
Vice Presidents, Academic Affairs
HR Professionals
**Background Checks Guide for Sensitive Positions**

Sensitive positions are positions designated by the University as requiring heightened scrutiny of individuals holding the position, based on potential for harm to children, concerns for the safety and security of the people, animals, or property, or heightened risk of financial loss to the University or individuals in the university community. The table below provides information regarding key duties and responsibilities associated with examples of occupations or positions considered sensitive. For each category, minimum background check expectations have been defined. **The list of positions and tasks is illustrative and is not exhaustive.** Whether a faculty, staff, or administrative position should be considered sensitive is determined by the duties and responsibilities of the position and not the job title or classification. Healthcare professionals include but are not limited to positions such as physician assistants, dentists, nurses, physicians, veterinarians, therapists, medical assistants, and speech pathologists. The campus president is responsible for determining which specific positions at the campus fall into these categories based on their duties and responsibilities, whether additional positions on a campus beyond those described below should be considered sensitive, and if so, what the minimum background check requirements shall be.

<table>
<thead>
<tr>
<th>Key Duties and Responsibilities</th>
<th>Examples of Occupation/Position</th>
<th>Examples of position functions or task</th>
<th>Minimum Required Background Check</th>
</tr>
</thead>
</table>
| Responsibility for the care, safety, and security of people (including children and minors), animals, and CSU property | - Childcare services personnel  
- Coaches  
- Camp and Clinic Counselors and Coaches  
- Counseling services  
- Health Care services  
- Public Safety services  
- Recreation related services  
- Healthcare professionals | - Provides services for and/or directly works with children and minors  
- Provides student and employee counseling services  
- Provides health care and related services  
- Has access to computers and other valuable equipment  
- Provides services for and/or work with animals | Criminal Records Check |
| Authority to commit financial resources of the university through contracts greater than $10,000 | - Contracts and Procurement Managers and Staff  
- Buyers  
- Controllers  
- Financial Managers  
- Administrative Managers | - Approves contracts  
- Approves bids and RFP’s  
- Approves vendors or products  
- Approves payments  
- Ability to commit funds and services for programs and projects | Criminal Records Check |
| Access to, or control over, cash, checks, credit cards, and/or credit card account information | - Business and Accounting Managers and staff  
- Procurement  
- Collections  
- Cashiers  
- Other employees whose duties require access to or control over the above information | - Cashiering  
- Check handling  
- Distribution of payroll warrants and/or accounting checks  
- Handling/receipt of funds  
- Invoice approval and payment  
- Petty cash disbursement | Criminal Records Check |
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| Responsibility or access/possession of building master or sub-master keys for building access | ▪ Building Engineers  
▪ Facilities personnel  
▪ Custodians  
▪ Locksmiths  
▪ Maintenance personnel | ▪ Access to master keys  
▪ Access to offices for maintenance or repair of equipment  
▪ Access to residences and other facilities for ongoing maintenance  
▪ Maintains building security  
▪ Access to facilities for installation and/or cleaning | Criminal Records Check |
| Access to controlled or hazardous substances | ▪ Pharmaceutical personnel  
▪ Healthcare professionals  
▪ Custodians  
▪ Other faculty or staff with access to hazardous chemicals or controlled substances | ▪ Dispenses prescription medication  
▪ Maintains drug formulary  
▪ Access to drugs  
▪ Access to potentially hazardous chemicals | Criminal Records Check |
| Access to and responsibility for detailed personally identifiable information about students, faculty, staff, or alumni that is protected, personal, or sensitive | ▪ Auditors  
▪ HR and Payroll Managers and staff  
▪ Information Technology (IT) personnel  
▪ Information Systems personnel  
▪ Programmers  
▪ Healthcare staff  
▪ PC Coordinators  
▪ Student Affairs Officers  
▪ Counselors  
▪ Registrars | ▪ Access to employee records  
▪ Access to student records  
▪ Access to personal or other restricted, sensitive or confidential data  
▪ Access to protected health information  
▪ Access to restricted data  
▪ Systems maintenance | Criminal Records Check |
| Control over campus business processes, either through functional roles or system security access | ▪ IT management  
▪ HR management  
▪ Information Officers  
▪ Information Security  
▪ Business and Finance management | ▪ Control over/ability to modify employee, student, financial databases | Criminal Records Check |
| Responsibilities that require the employee to possess a license, degree, credential or other certification in order to meet minimum job qualifications and/or to qualify for continued employment in a particular occupation or position | ▪ Athletic Trainers  
▪ Attorneys  
▪ Counselors  
▪ Diving/Water Safety Engineers  
▪ Healthcare professionals  
▪ Heavy Equipment Operators  
▪ Pest Control  
▪ Police Officers | ▪ Counsels employees or students  
▪ Designs or build facilities and offices  
▪ Provides legal advice  
▪ Rends medical services  
▪ Rends safety services | Education and Credential Verification and/or Professional Licensing/Certification Verification |
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<td>Responsibility for operating commercial vehicles, machinery or equipment that could pose environmental hazards or cause injury, illness, or death</td>
<td>▪  Automotive technicians ▪  Equipment operators ▪  Environmental health and safety officers ▪  Groundskeepers ▪  Police officers ▪  Transit drivers</td>
<td>▪  Operation of University or commercial vehicles ▪  Operation of heavy equipment or machinery ▪  Responders to emergencies involving potentially hazardous substances</td>
<td>Motor Vehicle Records/Licensing Check</td>
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Please direct questions regarding this technical letter as follows:

- Policy aspects  Human Resources Management at (562) 951-4411
- Collective bargaining aspects  Labor Relations at (562) 951-4400

This document is available on Human Resources Management’s Web site at:  
https://www.calstate.edu/HRAdm/memos.shtml

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