



Arkansas Department of Military
Cabinet Secretary - Major General Jonathan M. Stubbs,
The Adjutant General

Policy Title: Background Check Policy

Policy Number: 9

Authority: Ark. Code Ann. §§ 12-61-106; 21-15-101, *et seq.*; Command Policy No. 2015-10-13

Effective Date: June 1, 2023

I. PURPOSE:

The following shall establish and set forth the guidelines and procedures pertaining to Department of the Military (DOTM) background checks.

II. POLICY:

All prospective employees of DOTM shall be required to undergo a background check prior to employment or as a condition of employment to determine suitability of hire. A child maltreatment check will also be done for employees of Youth Challenge Program, Camp Robinson Police Department, and DOTM security. Failure to pass the background check may cause the applicant to be rejected or terminated from that job.

Applicants and current employees of DOTM are also subject to Command Policy No. 2015-10-13, Civilian Access Requirements, which require all individuals entering a military installation to undergo an Arkansas Crime Information Center (ACIC) screening. Applicants who are unable to successfully meet the Command Policy requirements for entry shall be denied his or her interview. Current employees of DOTM who at any time fail to meet the Command Policy requirements for entry may be subject to disciplinary action up to and including termination.

III. PROCEDURE:

All applicants shall be required to sign a consent form for any required background checks at the time of the interview to be considered for employment. The State of Arkansas Employment Application, which is used by DOTM during the hiring process, notifies each applicant of this requirement. An applicant affirms his or her permission for DOTM to conduct a background check by signature on the State of Arkansas Employment Application.

The Hiring Official will forward the signed consent form of the selected applicant to the Human Resources office for processing. The Hiring Official shall maintain all signed consent forms of applicants interviewed until the hiring process has been completed. Human Resources shall submit an electronic request for a criminal background check to the Arkansas State Police for all applicants. Individuals who have been a resident of the State of Arkansas for five (5) years or less or are a non-resident of the state of Arkansas shall be required to submit fingerprints and a federal background check shall be conducted.

If a background check reveals an arrest for which there is no disposition, the Human Resources representative shall contact the law enforcement agency responsible for the arrest to obtain the disposition of the arrest. When the disposition has been obtained, the Hiring Official will be notified of the applicant's background check results.

Any current employee applying for a position within DOTM shall be subject to the same background check requirements when applying for a new position within DOTM. Employees in any position requiring yearly or otherwise routine checks must pass the background check to continue employment, subject to the same challenge terms set forth below. DOTM may require current employees to submit to a background check if DOTM obtains information that the current employee would no longer be able to pass a background check and therefore, remain eligible for employment.

IV. NOTIFICATION AND CHALLENGE:

In the event that the background check reveals a disqualifying misdemeanor or felony conviction, the Human Resources representative shall notify the applicant by telephone of the disqualification for employment due to the results of their background check within two (2) business days. All calls to the applicant shall be logged by the human resources representative, and any messages left on the applicant's voice mail shall be considered a completed notification. If the applicant is unable to be contacted by all telephone numbers listed on the application within a two (2) business day period, then the disqualification shall be final.

Included in the notification by Human Resources shall be a statement that the applicant has the right to challenge the accuracy of the information included on the background check by submitting an intent to challenge with the Arkansas State Police within two (2) business days of notification. If the applicant intends on challenging the accuracy of the background check with the Arkansas State Police, he or she must provide Human Resources with a copy of the signed statement challenging the results of the background check submitted to the Arkansas State Police within the same two (2) business day-time period. Electronic notification is sufficient. Following the receipt of a signed statement of their intent to challenge, the applicant will be given an additional three (3) business days to resolve any background check dispute with the Arkansas State Police and/or other state or federal law enforcement agencies. After the applicant resolves any disagreements with the background check, Human Resources shall obtain a new background check for the applicant, at which time the results of the background check will be considered final.

If the applicant declines to provide a signed statement to Human Resources within the timeframe set out above that he or she intends to challenge the accuracy of the background check, the applicant will be automatically disqualified.