



City of Seattle

Edward B. Murray, Mayor

Finance and Administrative Services

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Background Checks and Immigration Status City Policy

Immigrant Status

Except as required by law or court order, contractors of any tier are prohibited from inquiries or activities to ascertain immigration status of job candidates or workers. The City uses a private agency to conduct background checks for contract workers and immigration status is not revealed to the City or any other authority during this process.

Confidentiality of the Worker

The results of a background check will not be disclosed to the City, law officials or the contractor (employer), except as specifically required by federal law (i.e., results of immigrant status to federal authorities for fingerprinted verifications only).

Background Checks

Seattle Municipal Code (SMC) 14.17 regulates use of criminal history in employment decisions. This ordinance prohibits most employers from using criminal convictions to deny employment for qualified job applicants or employees unless there is a legitimate business reason. The ordinance addresses job advertisements, job applications, timing of criminal background screening and considerations for determining suitability of employment. The ordinance applies to job applicants and employees who work or will work within Seattle city limits at least 50 percent of their work hours. The ordinance prescribes penalties, remedies and enforcement procedures. The ordinance is inapplicable to individuals whose job duties or prospective job duties include law enforcement, policing, crime prevention, security, criminal justice, or private investigation services. The law is inapplicable to individuals who, during the course of their employment, will or may have unsupervised access to children under 16 years of age, developmentally disabled persons, or vulnerable adults.

Background checks of workers who may perform on the contract: The City shall request background checks only when essential, and only to the extent essential, given City business needs and as limited by Ordinance 124201.

The City has various security levels, and most background checks will be "Routine." Routine background checks are the default, and shall be used unless the City notifies the contractor that a stricter background check will be required. The contractor should expect a stricter background check for workers needed in "SCL High Security" facilities or systems, and for "High Security Law Enforcement" facilities, locations or systems. The background check requirements for those situations are further described below.

- When a background check is required, the City will provide the contractor and workers with Forms in English and Spanish that state:
- the intent (Routine, SCL High Security, or Law Enforcement High Security)
- elements of the background check (whether fingerprinting will be required);
- statement regarding confidentiality of information including immigration status;
- request for worker name, identification information (social security number, birth date, and address),
- request for fingerprints if a "High Security Law Enforcement" process; and
- worker signature authorizing release of the information for purposes of the background check

Routine Background Checks

All routine background checks will be performed by a private agency. Such background checks shall not use fingerprinting, and shall not expose immigration status. The private agency is also instructed to conduct only the minimum verification necessary for the purposes of the work (e.g., only criminal and/or credit, as essential to the purposes of the

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work).

Routine background checks will search only United States federal, state, county or city court records, search international records, and records of convictions or releases from US prison or jail within the last 10 years. Workers will be asked to provide only enough information to conduct those searches.

Only as essential to City business and in compliance with Ordinance 124201, the City may require the private agency conduct additional verifications for certain jobs as follows. The City shall provide advance notice to the contractor if the background check will include any of these additional verifications. The contractor, in turn, will disclose this to workers whose names the contractor intends to submit:

1. A search for dependency actions.
2. A search for information on protection proceedings related to sex offender, assault, abuse, or exploitation of a minor, developmentally disabled person, or vulnerable adult, or domestic relations proceedings.

The costs for all background checks are borne by the City.

The contractor shall provide the private agency with completed forms for each worker that the contractor chooses to submit. The forms will be submitted to the private agency in a timely way, so background and criminal checks are completed before work must begin. This date shall be established to allow sufficient time for the City to request and contractor to supply alternative worker names if the first verification process fails to yield a sufficient number of authorized workers to perform the essential services. The contractor will submit enough worker names for City authorization to allow the contractor to conduct the work. The contractor can submit more worker names than needed, to assure adequate coverage (i.e., back-up or emergency workers).

The City will receive and review results and notify the contractor of City acceptance or rejection of the worker(s). If a worker is rejected and additional names are required to complete the workforce for the project, the contractor will submit alternative worker's name(s) for background checks.

The contractor shall immediately notify the City of any change in a worker's criminal history or other relevant background. The City may request authorization from the worker to conduct a new background check for this or any other cause.

Below is a short restatement of Ordinance 124201; please refer directly to the ordinance for precise requirements:

- The Employer shall not advertise, publicize or implement any policy or practice that automatically excludes individuals with arrest or conviction records from full or part time (at least 50 percent) within the City.
- A criminal background check on a prospective worker for this contract at any tier, may be done only for applicants found as qualified.
- An arrest record is not proof of unlawful conduct. Employers may inquire about conduct related to an arrest to determine if there is a legitimate business reason to make a tangible adverse employment action based on that conduct.
- Employers shall not carry out a tangible adverse employment action solely based on an employee's or applicant's criminal conviction record or pending criminal charge, unless there is a legitimate business reason for such action.
- Before any tangible adverse employment action based on a criminal conviction record, the employer shall identify to the applicant or employee the information which they are relying upon and provide a reasonable opportunity to explain or correct that information.
- Employers shall hold open a position for a minimum of two business days to provide reasonable opportunity to respond. After two business days, employers may, but are not required, to hold open a position until a pending charge is resolved or adjudicated or questions about an applicant's criminal conviction history or conduct relating to an arrest are resolved.

SCL High Security Background Checks

In addition to the above, Seattle City Light (SCL) has regulatory requirements promulgated by organizations with jurisdiction over SCL, which require any contract worker given access to certain locations, systems or data ("SCL Designated Access") to undergo background and criminal check before given cyber or unescorted physical access to such locations, systems and/or data. The requirements apply to any contract worker that requires such access, and also requires a personnel risk assessment and security awareness training. If required access for the worker is subject to NERC, SCL will require workers undergo annual cyber security training offered by SCL.

1. SCL shall alert the contractor that the contract task is "High Security" as soon as known, which may be at time of bid or for a particular task after the contract is underway.

2. For SCL, the background checks must be renewed every four years. The contractor will give 60-day notice to the SCL when any worker approaches four years.
3. The contractor shall give SCL notice within 24 hours if a worker is reassigned, no longer requires designated access, or is terminated.
4. On the day(s) of service at the job site, the contractor shall bring only those workers who have undergone and received security approval. SCL will permit only access to pre-approved workers. The contractor assumes responsibilities, liabilities and damages if any, should the pre-authorized crew be insufficient for the work.

SCL may require such workers undergo cyber security training. Such workers must receive cyber security training annually while they work under the contract. The workers will be paid by the contractor for time spent during such training. If this requirement applies, SCL will require the contractor to submit the worker names annually upon contract anniversary.

High Security Law Enforcement Background Check

In addition to the routine background check, additional requirements may be in place for access to certain areas, facilities, data or systems that have secured information for law enforcement (Municipal Court, Seattle Police Department and City Attorney's Office).

Access to these facilities may require a more extensive verification process, including collection and processing of fingerprints from the worker. In this event, the background check must be performed by the Washington State Patrol, and fingerprint identification will be required. Fingerprints may reveal the immigration status, and the Washington State Patrol shall be bound to report any unauthorized immigration status to federal immigration officials. As noted above, workers who must undergo this more intensive background check process shall be notified in advance of the process and this implication.

Forms for Contractors

[English](#)

[Spanish](#)