PRE-EMPLOYMENT SCREENING AND PROCESSING

1. **PURPOSE:** The purpose of this Circular is to establish policies and procedures with regard to pre-employment screening of applicants and hiring of employees within the Department of Military and Veterans Affairs. Employees hired from a certification list or as a result of a Transfer from another state agency are to be included in the screening process established by this Circular.

2. **APPLICABILITY:** This Circular applies to the Human Resources Division (HRD), the HR Offices at the three Veterans Memorial Homes, and those who are also authorized to engage in State Employees Pre-Employment Screening and Processing.

3. **REFERENCES:**
   a. New Jersey Administrative Code 4 and 4A, as appropriate.
   b. Office of Management and Budget Circulars, Letters, and Directives as appropriate.

4. **DEFINITIONS:**
   a. NJDMAVA: New Jersey Department of Military and Veterans Affairs.
   c. OMB: Office of Management and Budget.
   d. Direct Resident Contact: An employee who has direct care responsibility for the resident; the environment in which the contact takes place is such that the employee has physical access to the resident; and/or, the resident's physical/mental capabilities and/or economic situation is such that it renders the resident vulnerable to the employee.
   e. Central Office - Includes all installations, i.e., Armories, Cemetery, New Jersey Youth Challenge Academy, National Guard Training Center, Fort Dix, McGuire and Atlantic City Air Bases, and Veterans Haven, except the three Veterans Memorial Homes.

*This circular supersedes Personnel Circular No. 90-2, dated 29 February 1992.*
5. **OBJECTIVES:**

   a. The NJDMAVA is an Equal Employment Opportunity Employer and will treat every prospective employee equally and fairly.

   b. The NJDMAVA will adhere to the employment policies and procedures established by the New Jersey Civil Service Commission.

   c. Verification of employment and personal references are required before an applicant may be hired -- see NJDMAVA Form 89-2-2 (Release Authorization - Verification of Employment) as shown on Figure 2.

6. **RESPONSIBILITY:**

   a. Each Chief Executive Officer of a Veterans Memorial Home, Director Veterans Healthcare Services, Joint Chief of Staff (JCoS), Deputy Commissioner Veterans Affairs (DCVA), or the Director, Human Resource Division is responsible to ensure that any employee hired with a previous criminal conviction under a specific set of circumstances and who is being considered for promotion, reassignment, transfer, etc., in a different set of circumstances, is properly and thoroughly re-screened with respect to previous background and any potential conflicts with any new potential assignment.

   b. The manager/supervisor attempting to fill a vacancy and the applicable Human Resource Officer are responsible for ensuring that this Personnel Circular is followed.

   c. The HRD Director in conjunction with the manager/supervisor may recommend the selecting/hiring of a qualified individual. However, the final approval to hire an applicant with a criminal conviction must be resolved through the JCoS/Deputy Commissioner for The Adjutant General (TAG), and Director, Human Resource Division to The Adjutant General.

   d. The Director, Human Resource Division or her/his designee is responsible for ensuring the implementation of this circular and answering any inquiries concerning its contents.

7. **PROCEDURES:** The following procedures will be followed for any person applying for employment with the Department. A staff member at one of the HR Offices will normally conduct the initial screening of all applications.

   a. All applicants, including prospective transfers from other state agencies, must complete a NJDMAVA Form 89-2, State of New Jersey Application for Employment (Figure 1), in order to apply for any position within the Department. The application must be signed and dated by the prospective employee. All new applications must be kept on file in the Human Resource Office for no less than three years, in conformance with Equal Employment Opportunity standards.

   b. The individual conducting the initial interview must:

      (1) Enter his/her own name and necessary comments in the last section of the application;
**Release Authorization**

To all Employers, I have authorized the New Jersey Department of Military and Veterans Affairs to conduct an investigation of my employment history. Therefore, you are hereby authorized to release any and all information pertaining to me as requested by any employee or agent of the Department of Military and Veterans Affairs, provided that he/she certifies to you that I have an application pending before the Department of Military and Veterans Affairs or that I am a current employee.

This authorization shall supersede and countermand any prior request to the contrary.

A photo static copy of this authorization will be considered as effective and valid as the original.

Date ____________________    Signature ____________________

Name _______________________
(Please Print)
Figure 2 - Verification of Employment

NJDMAVA Form 89-2-2

(2) Ensure that all gaps in employment history are questioned and documented on the application.

i. Every applicant being considered for a position within NJDMAVA will be informed of the Department's procedures and applicable requirements, i.e., physical examination, credentials check, prior employment history verification, security check, such as, fingerprinting, etc. Refusal by the applicant to consent to the applicable requirements is cause for rejection of the individual's application for employment.

ii. Prior to being hired, the prospective employee must produce all credentials required for the position, i.e., professional license(s), driver's license, social security card, professional certification(s), official diplomas, and college transcripts. Where the prospective employee is unable to produce the required credentials, waivers will be considered on a case by case basis. However, all waivers granted must be coordinated by the Human Resource Officer.

(3) The Human Resource Office will complete the following applicable procedures.

i. Review the application for employment, with particular attention to sections "Personal References", "Employment History", "Have You Ever Been Convicted of a Crime", and "Credentials".

ii. Verify prior employment and personal references by telephone utilizing NJDMAVA Form 89-2-3 (Reference Check By Telephone) (Figure 3), or a request for written reference NJDMAVA Form 89-2-4 (Request for Information - Written Reference) (Figure 4). If the prospective employee has indicated an objection to inquiries to past or current employers, this step may be completed after a conditional offer of employment (pending the required employment checks) has been accepted by the prospective employee.

iii. Verify all credentials required for employment.

iv. Obtain written confirmation of any negative reference from a previous employer, will result in an applicant will not be hired. File will be annotated with reason.
v. In the case of a prospective employee who indicated a criminal conviction on the application for employment, the Human Resource Director in conjunction with the Chief Executive Officer, Veterans Memorial Home or Division Director (as appropriate) will determine whether to hire the individual based on the individual's qualifications for the job and whether the nature of the illegal activity (ies) which resulted in the criminal conviction would be detrimental to the individual's job performance, the Department's residents, clients, or other employees.

(4) The office recommending the approval/disapproval to hire an individual will complete and forward NJDMAVA Form #89-2-1, Employment Approval/Disapproval For Applicants With a Criminal Conviction (Figure 5), to the HR Director.

(5) The Division Director will indicate approval/disapproval and forward the form to the Director, Human Resource Division.

(6) The Director, Human Resource Division will review the form and indicate concurrence or non-concurrence and then forward the correspondence to the Deputy Commissioner for Veterans Affairs.

(7) The JCoS will secure final approval/disapproval for The Adjutant General. All such NJDMAVA forms will be returned to Director, Human Resource Division for distribution to Human Resource Managers.

(8) The Human Resource Manager will file the approval form in a separate fingerprint file.

(9) The Director, Human Resource Division will maintain a file of all approvals.

(10) In the absence of a Chief Executive Officer, the preceding procedures will start with the Division Director or Deputy Commissioner for Veterans Affairs concerning hiring at the Veterans Memorial Homes. The Director, Human Resource Division shall be responsible for final approval/disapproval in all cases.

(11) The following applicable procedures will be followed for any person employed within the Department.

i. The job application of any person employed by the Department becomes a permanent part of the individual's personnel record and will be maintained in the personnel file.

ii. Individuals offered employment or employed in any of the following categories must be fingerprinted:

   (a) Veterans Memorial Homes, Veterans Haven, Youth Challenge Academy employees.
iii. When it has been determined that an employee or prospective employee, other than those specified above, should be fingerprinted, the recommendation for fingerprinting will be forwarded directly to the Director, Human Resource Division including a justification for the recommendation.
EMPLOYMENT APPROVAL/DISAPPROVAL FOR
APPLICANTS WITH A CRIMINAL CONVICTION

DIVISION/HOME/AGENCY:

___________________________________________________________

NAME OF APPLICANT: __________________________SOCIAL SECURITY # ____/____/____

Civil Service Title for which Applicant is Being Considered:

_____________________________________________________________________________________

Area of Operation (Location of Position (e.g., Food Service, Ward or Cottage, Business Office):

_____________________________________________________________________________________

Nature and Duties of the Position for which the Person is Applying:

_____________________________________________________________________________________

Circumstances under which the Crime Occurred:

_____________________________________________________________________________________

_____________________________________________________________________________________

Date of the Crime: _____________           Age of Person when Crime was Committed: _______________

Whether the Crime was an Isolated or Repeated Incident:_______________________________________

Social Conditions which may have contributed to the Crime:____________________________________

_____________________________________________________________________________________

Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or
psychiatric treatment received, acquisition of additional academic or vocational schooling, successful
participation in correctional work-release programs, or recommendation of persons who have or have had
the applicant under their supervision:_______________________________________________________

_____________________________________________________________________________________

NJDMAVA Form 89-2-1
Figure 5 - Employment for Applicants With a Criminal Conviction

CHIEF EXECUTIVE OFFICER:  Approved ______  Disapproved ______  Date ______________

Signature: _____________________________________________________________________

Reason for Approval/Disapproval: _________________________________________________

HUMAN RESOURCE OFFICER:  Approved ______  Disapproved ______  Date ______________

Signature: _____________________________________________________________________

Reason for Approval/Disapproval: _________________________________________________

BASE CIVIL ENGINEER:  Approved ______  Disapproved ______  Date ______________

Signature: _____________________________________________________________________

Reason for Approval/Disapproval: _________________________________________________

SUPERINTENDENT, NGTC:  Approved ______  Disapproved ______  Date ______________

Signature: _____________________________________________________________________

Reason for Approval/Disapproval: _________________________________________________

DIVISION DIRECTOR:  Approved ______  Disapproved ______  Date ______________

Signature: _____________________________________________________________________

Reason for Approval/Disapproval: _________________________________________________

DIRECTOR, HUMAN RESOURCE DIVISION:  Approved ____  Disapproved ____  Date ______

Signature: _____________________________________________________________________

Reason for Approval/Disapproval: _________________________________________________

JOINT CHIEF OF STAFF:  Approved ______  Disapproved ______  Date ______________

Signature: _____________________________________________________________________

Reason for Approval/Disapproval: _________________________________________________

DEPUTY COMMISSIONER VA:  Approved ______  Disapproved ______  Date ______________

Signature: _____________________________________________________________________

Reason for Approval/Disapproval: _________________________________________________

Note:  If additional space is needed for comments, please attach those sheets to this form.
(12) The Director, Human Resource Division shall approve/disapprove the request and return it to the originator.

(13) When fingerprints are required, the prints must be forwarded to the New Jersey State Police on the day they are taken.

i. Where a job requirement specifies, physical examinations will be completed by a department qualified licensed physician. In the case of a negative medical evaluation which precludes the individual working for the Department, the individual will be advised of such and will not be hired. If the condition is corrected, the individual may reapply for the position at a later date.

8. APPLICANTS WITH CRIMINAL CONVICTION:

a. An applicant with a criminal conviction who did not indicate the criminal conviction on the application for employment shall not be hired. If a conviction that was not reported is identified and received by the Human Resource Officer and the employee is already working, this information will be reported through the supervisory chain through Administrator, Employee Relations Office to the Director, Human Resource Division, NJDMAVA, who will inform The Adjutant General of this situation for resolution.

b. The Department will take appropriate action, consistent with personnel guidelines and contractual obligations, when a criminal background check discloses that a job application failed to indicate a criminal conviction on the employment application.

c. A criminal conviction may not preclude an individual from employment within the Department. Any individual with a criminal conviction will receive the same consideration as any other applicant for employment, if rehabilitation has been completed and if the job placement is deemed appropriate, in accordance with the procedures v above.

d. Rehabilitation is indicated by the totality of the circumstances and all relevant factors, i.e., completion of a court-ordered sentence, a letter indicating rehabilitation from a parole officer or other correctional system official, counseling or psychiatric treatment.

FOR THE ADJUTANT GENERAL:

______________________________
Director, Human Resource Division

DISTRIBUTION: A, A1, F, S: HRD (10)
ERO
Asst. JCoS
Reference Check By Telephone

Employment

1. Company Name and Address
   _______________________________________
   _______________________________________
   _______________________________________

2. Name and Title of Company Representative
   _______________________________________
   _______________________________________
   _______________________________________

3. Name of Prospective Employee
   _______________________________________

4. Address of Prospective Employee
   _______________________________________

5. Length of Employment
   _______________________________________

6. Title
   _______________________________________

7. Duties
   _______________________________________
   _______________________________________
   _______________________________________

8. Performance
   _______________________________________

9. Comments
   _______________________________________
   _______________________________________
   _______________________________________

Name ____________________________  (Please Print)

Date ___________________  Signature _______________________________  (Person Making Reference Check)
Figure 3 - Telephone Reference Check

NJDMAVA Form 89-2-3

Request For Information

________________________________ has given us your name as a personal reference. Please provide us with the following information.

1. Name ______________________

2. Address ______________________
   ______________________
   ______________________

3. Occupation ______________________

4. How long have you personally known the applicant? ____________________________

5. Is the applicant of good character and reputation? _______________________________

5. Comments ______________________________________________________________
   __________________________________________________________________________
   __________________________________________________________________________
   __________________________________________________________________________
   __________________________________________________________________________
   __________________________________________________________________________

Date ___________________________   Signature _________________________
Figure 4 - Written Reference

NJDMAVA Form 89-2-4