



Dams Sector Personnel Screening Guide for Owners and Operators

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Homeland
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Dams Sector

Personnel Screening Guide for Owners and Operators

Purpose

The purpose of this guide is to assist non-Federal owners and operators of dams, locks, and levees in developing and implementing personnel screening protocols appropriate for their facilities.¹ An effective screening protocol for potential employees and contractor support can contribute to enhanced facility security by ensuring that untrustworthy individuals do not gain employment or access to sensitive facilities or information.

Personnel Screening Objective

Potential employees and contractors seeking unescorted site access are screened to identify any reasons why they should not be hired or granted site access. Applicants could be denied employment or site access if they could pose an insider threat. Insider threat arises when employees or contractors use their knowledge of the facility, its operations, and its vulnerabilities to conduct acts of sabotage or provide sensitive information or facility access to an outsider.

Applicants could also be rejected because of their potential to expose the employer to liability for their actions. Persons with histories of theft, assault, drug use, or other criminal offenses could pose a potential risk to employees, the public, and essential facility operations. An example would be the liability an employer could face stemming from an accident caused by an employee with a known history of driving under the influence, using a company vehicle on company time.

Because of variability in the duties and responsibilities of potential employees and contractors (i.e., clerical, operations, security, information technology [IT]), the basis for rejecting an application may depend somewhat on the nature of the job being sought and the applicant's background. Several prior moving traffic violations might not pose a barrier to hiring an IT professional but could be the basis for more intense scrutiny of an applicant whose responsibilities would include operating facility-owned vehicles.

The type and level of personnel screening should be commensurate with the degree of harm that individuals

could do if hired or allowed unescorted site access. Well defined position descriptions or job responsibilities make it easier to determine whether an applicant's background is or is not compatible with what would be expected of the employee or contract worker.

Personnel screening might not be limited to potential employees and contractors. Depending on facility specifics, visitors might also be subject to background screening. This guide addresses screening of prospective employees and contractors.

Personnel Screening Protocols

The basic elements of a personnel screening protocol address the following questions: (1) who does the screening, (2) what procedures are followed, and (3) what is asked of potential employees, contractors, and guests? A sample personnel screening application form is available at the Homeland Security Information Network-Critical Infrastructure (HSIN-CI) Dams Portal Web site. Personnel screening can be handled either in-house or contracted to a reputable organization that specializes in background screening for businesses.

Regardless of who does the screening, the procedures followed and questions asked must be carefully planned to minimize the chance of facing legal challenges to rejected applications. For that reason, ensure that all screening procedures, application forms, criteria for rejection, form-type letters, and appeal procedures have been approved by human resources personnel and legal counsel so that they are compliant with State, local, and Federal laws and regulations and that all applicants are treated consistently. Personnel screening procedures and policies must also be documented, reviewed periodically, and updated as needed. The following features should be part of the procedures used to screen potential employees and unescorted contractors:

- Consistent use of a standard application form or specialized forms as site specifics warrant.
- Definitive and rigidly enforced policy regarding which applicants must complete which forms and background checks.

¹Owners and operators of Federal dams, locks, and levees adhere to the Federal government's required background investigation and Personal Identity Verification procedures.

- Clearly stated and consistently enforced policy that failure to agree to a required background check will result in rejection of the application.
- Clearly outlined process for receiving applications, reviewing them for completeness, making acceptance or rejection decisions, documenting the decisions, and maintaining records of them.
- Precise definitions of any terms used to designate differing levels of access to facility equipment, buildings, records, computer systems, and control systems.
- Background check procedures and questions must comply with applicable Federal and/or State laws, any union agreements, and company policy.
- Trained individuals to adjudicate the investigative results and make a decision or recommendation regarding hiring of the applicant.
- Standardized acceptance and rejection form letters.
- Clearly stated criteria for which applications will be rejected.
- Precisely stated appeals process for rejected applicants.

Clear and concise criteria for rejecting applications for employment or unescorted site access can reduce the number of claims of employment discrimination. The types of disqualification criteria that could be integrated into the screening process include misrepresented or falsified information related to educational, employment, or criminal history; falsified identification information; positive pre-employment drug test; or employment termination elsewhere within the last two years for an action that would have been a violation of the hiring facility's safety and security principles. An example of the criteria that could be used as the basis for denying applications for employment or site access is available at HSIN-CI Dams Portal.

The facility's personnel screening procedure may also include an appeal process for rejected applications. This provides a rejected applicant the opportunity and forum to correct errors in the collected information. A sample rejection letter and form that could be used as part of the appeal process are on HSIN-CI Dams Portal.

Policies and procedures on re-investigations of previously screened employees and contractors could also be incorporated into the screening protocol.

Personnel Screening Application Form

The application form questions must be clearly stated in order to elicit the information needed to make the acceptance or rejection decision. For example, the question "Have you ever violated a law?" is not likely to result in information that the employer needs to make an informed decision. A more precise query could be worded as: "Have you, since your 18th birthday, ever been convicted of violation of any law (i.e., petty misdemeanors, misdemeanors, gross misdemeanors, felonies, ordinance violations, driving while intoxicated, etc.)?" Applicants

would then be asked to describe dates, locations, violations, and outcomes of any violations.

The application should make clear that background checks will be conducted as part of the process. It should also contain a section in which the applicant clearly consents to the background screening. The sample personnel screening application on HSIN-CI Dams Portal depicts the type of notification that could be given to potential applicants alerting them to what is involved in the screening and a consent form to be returned with the completed application.

Personnel Screening Verification

The form should be used to gather information on an applicant's identity, employment, education, criminal history, and references. Some of the provided information can be verified through documents supplied by the applicant; others might need to be verified through background checks. The verification process could correspond to the following sections of a personnel screening application form.

Identification

Ensure that the Social Security Number (SSN) provided is a valid number that has been issued to the candidate (e.g., the number was not issued before the candidate was born or is not in the Social Security Administration's deceased database) and that the applicant has not used other SSNs. Consider using www.uscis.gov/e-verify to ascertain the validity of SSNs. The authenticity of the driver's license and picture ID should also be verified. Verify that the information contained on the driver's license (e.g., age, date of birth, address) matches that provided in the employment application form.

Education

Official transcripts from educational institutions should be sufficient to verify an applicant's education history in terms of dates attended, grade point averages, and certificates/degrees awarded and years of their award. Official transcripts should carry the institution's seal and/or come to the employer directly from the institution. The transcript should also contain the institution's accreditation status.

Professional Licenses and Certifications

Verify the validity of licenses and certificates with the issuing organization. Check also that the license or certificate is still valid and that no grievances, sanctions, suspensions, or other derogatory actions have been taken against the applicant.

Employment

The objectives here are to verify that the applicant has actually been employed where and when claimed and become aware of any employment-related information that might be relevant to the hiring decision. It is important to

verify any unexplained gaps in employment or any periods for which applicants cannot provide sufficient explanations of their whereabouts.

To the extent possible, verify that the applicant was actually employed where and for the length of time claimed; salary and job responsibilities could also be verified. It is also good practice to verify with an applicant's past employers whether there were forced resignations, terminations, or actions which would make the applicant not eligible for re-employment.

References

References from past employers should be requested. Verify the legitimacy of the references by contacting the employers and any additional references the applicant supplies.

Criminal History

The number of years for which a criminal history check is conducted will depend on the applicant's proposed position and any legal limitations on the length of the check. Criminal history checks should be conducted for at least a 7-year period; individual States may not allow them beyond 7 years.

Elements of a criminal history check include verifying the applicant's correct date of birth, any record of felony or misdemeanor convictions, use of other names or aliases, and any pending disposition of criminal activity. Convictions, rather than arrests, can be the basis for denying employment.

Terrorist Watch

Several lists could be checked to determine if the potential applicant has been placed on any terrorist watch lists. The lists include the following: Department of the Treasury's Office of Foreign Assets Control Specially Designated Nationals and Blocked Persons List; the FBI's Most Wanted List; and the Interpol's Most Wanted List. Additional lists are the United Nations Consolidated Sanctions List and the European Union Terrorist List. Employers using such watch lists as a screening device should contact the responsible agency to verify the identity of the applicant before taking any negative action on the application.

Motor Vehicle License/Driving Record

This screening criterion is applicable to individuals who will be driving facility-owned or facility-leased vehicles or their own vehicles on company business. Verify that the driver's license was issued to the applicant and that the license is not under suspension or revocation. Determine if there have been any convictions within the last several years for any combination of driving under the influence/driving while intoxicated, hit and run, reckless driving, or driving with a suspended or revoked license. Verify that the applicant does not have a pattern of violating traffic laws.

Drug Use

Confirm that applicants for whom drug screening is required have no positive results for the presence of drugs. Ensure that urine samples are collected in accordance with applicable regulations and that laboratories perform drug screening tests and confirmations of positive results through standard, accepted procedures (e.g., gas chromatography/ mass spectrometry). Accept drug screening results only from laboratories certified by the U.S. Department of Health and Human Services.

Resources

The Dams Sector Portal within HSIN-CI allows for information sharing among Federal, State, and local agencies and private sector owners and operators. For additional distribution information and access requirements for HSIN, contact dams@hq.dhs.gov.

In addition to the sample personnel screening form on HSIN-CI Dams Portal, other items of interest on the site are a prototype standard operating procedure for a personnel screening program, the screening elements that could be used for hiring permanent or seasonal workers, an application form for persons applying to be board members, and a template of a rescreening questionnaire to ensure a utility's compliance with the requirements of Standard CIP-004-01, Cyber Security, Personnel Risk Assessment R3.

This guide is published under the auspices of the U.S. Department of Homeland Security (DHS). The need for the guide was identified by the Dams Sector Security Education Workgroup, which is composed of members from the Dams Sector Coordinating Council (SCC) and the Dams Sector Government Coordinating Council (GCC).



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The SCC and the GCC were established as a partnership mechanism to collaborate with the DHS Dams Sector-Specific Agency in sector-wide security and protection activities focused on the Dams Sector. For more information, contact: dams@hq.dhs.gov.