

Background Checks on Outside Contractor Personnel

QUESTION

The following question was sent to members of the NACWA Legal Affairs Committee on February 19, 2008:

“We are writing to you as a member of the NACWA Legal Affairs Committee with a request for information from a NACWA public utility member. The member is currently conducting an independent evaluation of its policy on background checks of outside contractor personnel working at its facilities. As part of this review, the member would like to study how other wastewater treatment facilities and agencies have dealt with the issue of performing criminal background checks on outside contractor personnel, whether through formal written policies or more informal standards of practice. The member would be interested in reviewing any such standard, either subjective or objective, that may have been developed for excluding outside contractor personnel with significant conviction histories from wastewater treatment facilities.”

RESPONSES

The following responses were received from those members who indicated that they did have some formal background check policy in place:

Boston Water and Sewer Commission, MA: The BWSC requires construction contractors to be in compliance with CDL drug and alcohol testing as a condition of the bid. The Commission has no requirement for contractors to conduct background checks on crews who will work on Commission jobs. However, once someone on the crew commits a crime such as an assault or attempted assault on someone (Commission Staff, member of the public, cop, etc), then the contractor is notified by the Commission that the crew member can no longer work on Commission jobs. This has happened within the past three years.

City of Phoenix, AZ: The City has a formal background check policy, which can be found by clicking [here](http://www.nacwa.org/index.php?option=com_vfm&Itemid=404&do=download&file=2008-04-07smu.pdf) (http://www.nacwa.org/index.php?option=com_vfm&Itemid=404&do=download&file=2008-04-07smu.pdf).

Metro Water Services, Nashville, TN: Metro Water Services (MWS) includes this statement in its request for bids from contractors:

BACKGROUND CHECKS:

Background Checks – The successful Consultant, Subconsultant, Contractor, and Subcontractor may be required to provide Metro Water Services a local criminal background check for all employees that will possibly be on site for any construction or field work as well as those employees having access to sensitive data. In addition, this may be required for each Proposer prior to being issued system and plant data required for Design preparation. The cost of background checks will be the responsibility of the Proposer. In addition, Metro Water Services will have other security requirements such as with control of entry and photo identification badges.

MWS uses its security personnel to check the information provided by the contractor and each employee is approved before they are authorized to work on the project. Once authorized to work on the site, the contractor's employee is issued a limited access badge.

