

GOVERNMENT OF THE DISTRICT OF COLUMBIA
D.C. Department of Human Resources

District Personnel Manual Issuance System

E-DPM Instruction No. 9-38

This instruction may be accessed electronically at www.dchr.dc.gov, by clicking on the "District Personnel Manual" link; and the "Issuances" link for Chapter(s): **9**

SUBJECT: Requirement for Mandatory Criminal
Background Checks for Certain Individuals
Hired into Excepted Service Positions

Date: March 3, 2011

In accordance with the authority set forth herein, it is hereby required that individuals hired into Excepted Service positions under the authority of D.C. Official Code §§ 1-609.03 and 1-609.08(1) on or after Monday, January 3, 2011 shall be subject to a mandatory criminal background check.

The mandatory criminal background checks shall be conducted in accordance with Metropolitan Police Department policies and procedures and in a Federal Bureau of Investigations-approved environment, by means of fingerprint and National Criminal Information Center checks and procedures.

Authority:

1. Subsection 405.3 of Chapter 4, Organization for Personnel Management, of Subtitle B of Title 6, "Government Personnel," of the District of Columbia Municipal Regulations (DCMR) authorizes the Director of the D.C. Department of Human Resources (DCHR) to determine, *based on the duties of the position, or if required by law or regulation*, to determine which positions shall be subject to background checks or investigations or mandatory criminal background checks; and
2. D.C. Official Code § 1-609.02 states in part that *each person holding an Excepted Service appointment is intended to be an individual whose primary duties are of a policy determining, confidential, or policy advocacy character and who reports directly to the head of an agency.*


Judy D. Banks
Interim Director

Note: E-DPM instructions that are strictly procedural in nature have direct applicability only to agencies and employees under the personnel authority of the Mayor. Other personnel authorities or independent agencies may adopt any or all of these procedures or guidance materials for agencies and employees under their respective jurisdictions.

Inquiries: Policy and Planning Administration, DCHR (202) 442-9700

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GOVERNMENT OF THE DISTRICT OF COLUMBIA

EXECUTIVE OFFICE OF THE MAYOR

Office of Communications



PRESS RELEASE

FOR IMMEDIATE RELEASE

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MAYOR GRAY ORDERS TOP DOWN REVIEW OF ALL EXCEPTED SERVICE APPOINTEES

Detailed Criminal and Civil Background Checks to Be Required

(Washington, DC) Today Mayor Gray ordered a more stringent personnel review and background check of all Excepted Service appointees in his administration. This action is the result of his concern that the vetting process currently in place is not sufficient to identify all of the challenges that may be experienced by potential hires.

“While a vetting process was implemented, it is clear that the approach was not thorough enough to address all relevant issues and questions for Excepted Service appointments,” said Mayor Gray. “Moving forward, I want to make sure that we check and double-check all current and future Excepted Service appointees by also engaging our own Metropolitan Police Department.”

Mayor Gray’s cabinet level hires were vetted through an extensive transition background check that included personal, civil and criminal background checks. The checks consisted of credit history, criminal offenses, driving and traffic records, bankruptcies, property ownership, liens and judgments. It also covered education, legal, and business affiliations. These checks were performed by an outside entity and paid for by private donations.

Gray acknowledged that in moving quickly to fill positions below the top level, there was not the same degree of rigor as utilized with the cabinet posts. In certain cases, assumptions were made that because an individual had worked in the previous administration, or was currently employed in the government, background checks had been performed.

The more extensive effort ordered by the Mayor will include current appointees in the Excepted Service as well as future candidates. *“While it is hoped that candidates for jobs such as these would voluntarily reveal significant aspects of their history that could influence the decision to hire them, clearly that has not always occurred,”* said Mayor Gray.

The Mayor’s action is unprecedented. He will direct the Metropolitan Police Department to conduct criminal background checks consistent with prevailing law enforcement norms on each of the Mayor’s Excepted Service appointees.

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