



Testimony | Amendment 35-511/Bill No. 35-0086

Good morning, Honorable Kenneth Gittens, Chairman of the Committee on Homeland Security, Justice, and Public Safety, committee members, non-committee members, the listening and viewing audience, colleagues, and the Division of Personnel team. My name is Cindy L. Richardson, Director of the Division of Personnel. Accompanying me here today is Ms. Milicent Aubain, Administrator Recruitment and Classification.

Thank you for the invitation to offer testimony on Amendment 35-511(Bill No. 35-0086), proposed by Senator Dwayne M. DeGraff, an Act amending title 3 V.I.C. Ch 1 Sec 10h to require background checks for all IT personnel and employees of BIT, agencies that have data centers, and any employee who handles confidential information.

The Division of Personnel did have the opportunity to provide feedback to Senator DeGraff and his staff regarding the various reasons as to why this bill could not be supported as amended. During the meeting, the senator was able to engage in healthy discussions with Division of Personnel team to fully understand the role the Division of Personnel plays in the hiring process and to flush out some implications that the amendment may have as written; hence the revised amendment was drafted and provided on Monday, November 6, 2023.

The DOP understands the importance of conducting background checks and has equipped all human resources staff with the tools and information necessary for agencies to conduct various levels of background checks as part of the interview and selection process. DOP holds monthly 2-hour training sessions with the human resources professionals through the GVI regarding various HR topics. As recent as September 26th, the session conducted in collaboration with Bureau of Information Technology (BIT) and the VI Police Department (VIPD), with 76 HR professionals in attendance, covered topics such as, but not limited to: *verifying employment information, maintaining legal compliance with governing bodies, the various types of background checks, using E-Verify, prior employment verification, education verification, reference checks, drug screening, sexual offender checks, credit checks, social media/ internet checks, driving records, local and national checks, and BIT's required Security Awareness Training.*

It is the responsibility of the agency to conduct the necessary background checks as part of the hiring process. Federal law also prohibits DOP from doing non-sensitive clearance that can stop someone from being interviewed for a position. Band the Box laws prevent DOP from asking an employee applying for a Government Job about a candidate's criminal history on the job application. We are an equal-opportunity employer.

In the revised amendment, it references that confidential clearance should be conducted for IT personnel to include employees who handle classified information. It is to be noted that the inclusion of these employees can encompass positions to include: HR Professionals, Payroll staff, fiscal teams, Insurance staff, medical personnel, and employees with various levels of ERP access, just to name a few. The inclusion of contractors would not include the agency/department hiring managers as the vetting would be part of the contracting process and would be conducted by the company themselves.

Finally, extensive and in-depth background checks can be costly. If this is to be mandated, it is my hope that funds will be allotted to support the requirement.

Based on how today's discussion evolves, DOP stands ready to provide the necessary feedback as needed.