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| Background Investigations | ACA Standards: 2-CO-1C-18, 2-CO-1C-19, 4-4061, 4-4062, 4-ACRS-7B-05, 4-APPFS-3A-02, 4-APPFS-3A-03, 4-APPFS-3A-04 | | |
| Joe M. Allbaugh, Director Oklahoma Department of Corrections | Signature on File | | |

Employee Background Investigations and Post Conditional Offer of Employment Testing

I. Purpose and Scope

The following procedure outlines the process for the systematic collection, organization, and reporting of objective and factual information regarding an applicant's past conduct and behavior. The gathering of such information may be used by an appointing authority to evaluate the applicant's suitability for employment with the agency and the position for which the applicant has applied.

All inquiries made will be job related, all information obtained treated as confidential, and shared only with those persons responsible for evaluating the results.

Before finalizing any offer of employment to an applicant, the appointing authority will ensure a thorough background investigation is conducted in accordance with this procedure. (2-CO-1C-18, 4-4061, 4-ACRS-7B-05, 4-APPFS-3A-02)

II. Types of Investigations

A. Background Investigation

A background investigation will be conducted prior to offering employment as follows:

1. Any applicant for a full or part-time position with the Oklahoma Department of Corrections (ODOC), to include former employees seeking reinstatement.
2. Information Technology (IT) employees assigned fulltime through the Office of Management and Enterprise Services (OMES) will require a complete background investigation.
3. Persons hired under contract (i.e., vendors) who have direct supervision of inmates/offenders, provide direct services to inmates/offenders, or have direct daily contact with inmates/offenders will require a complete criminal background records check with exception of educational transcripts/professional licenses. (PREA 115.17(d)) Required transcripts and licenses will be verified through the contract approval process. The agency will consider any incidents of sexual harassment when determining whether to enlist the services of any contractor who may have contact with inmates/offenders. (PREA 115.17 (b))
4. All volunteers who have direct supervision of inmates/offenders, provide direct services to inmates/offenders, or have direct daily contact with inmates/offenders will be approved through volunteer services per [OP-090211](#) entitled "Volunteer Services."
5. Applicants for clinical practicums or internships will not require a complete background investigation per [OP-090211](#) entitled "Volunteer Services." A criminal record check is required.
6. Any temporary or professional services applicant for a full or part-time position.
7. In accordance with [OP-110235](#) entitled "Hiring and Promotional Procedures," a division head may give approval, in writing, for an applicant to enter on duty prior to the completion of a background investigation when exigent circumstances exist such as preventing the loss of the applicant for a critical position due to competing job offers. The division head will ensure a criminal records check, in accordance with this procedure, is completed prior to the employee entering on duty and the applicant is advised in writing that they will be subject to termination without due process in the event the investigation is unsatisfactory. In the event approval is given by the

division head, the background investigation will be initiated within three business days.

8. In accordance with [OP-110235](#) entitled "Hiring and Promotional Procedures", correctional officers may enter on duty prior to completion of a background check with the following successfully completed; a criminal records check, pre-employment drug testing program in accordance with [OP-110603](#) entitled "Pre-Employment Drug Testing Program" and completion of a physical exam in accordance with [OP-140116](#) entitled "Employee Health Evaluation." The background investigation will be initiated with three business days.

B. Criminal Records Check

Criminal record checks will be conducted in accordance with this procedure and before:

1. Hiring or assigning any temporary or professional services staff for any period of time;
2. Information Technology (IT) employees assigned to special projects through the Office of Management and Enterprise Services (OMES);
3. The assignment or placement of an intern into a position that will provide direct services to inmates/offenders or have direct daily contact with inmates/offenders;
4. Promoting any current agency employee into the correctional officer job class series, probation and parole job class series, fugitive apprehension agent, fugitive apprehension manager or correctional investigative administrator. Employees who are re-assigned to duties involving driving a commercial motor vehicle will have a DPS record check;
5. Volunteers assigned to responsibilities listed outside of those as identified in Section II. A. item 4. of this procedure;
6. Hiring or re-instating any applicant for a full or part time position with the ODOC; and
7. At least every five years for current employees and contractors with a contract to include all employees at private prisons. (PREA 115.17(e))

III. The “Applicant Questionnaire & Background Investigation Form”

The “Applicant Questionnaire and Background Investigation Form” ([Attachment A](#), attached), data and documents from the applicant will be the source of information to be verified by the investigator.

A. Before Conducting Initial Interviews

The Human Resources Management Specialist (HRMS)/Human Resources (HR) staff will ensure that each applicant for initial hire with the agency is furnished with:

1. “The Applicant Questionnaire and Background Investigation Form” ([Attachment A](#));
2. An “Application for Employment Cover Letter” ([Attachment B](#), attached) explaining the application and selection process;
3. An “Authorization to Release Information for Employment” form ([Attachment C](#), attached);
4. The job description for the position for which application is being made; and
5. The agency’s procedures for pre-employment drug testing, [OP-110601](#) entitled “Controlled Substances and Alcohol Use and Testing Procedures For Drivers of Commercial Motor Vehicles,” and [OP-110603](#) entitled “Pre-Employment Drug Testing Program.”

B. HR staff will review all forms for completeness. If the forms are not properly completed, or the applicant fails to submit documents to substantiate the minimum requirements for the job, all documentation will be returned to the applicant for completion. Failure to submit proper documents may be grounds for denial of consideration for employment. After completion of the background investigation, the investigation report, completed forms and all attachments will be returned to HR for review by the appointing authority.

IV. Conduct of the Investigation

The investigator will follow the prescribed format and use discretion in making inquiries or following leads developed in the course of the investigation. All inquiries and information received must be job related and treated with confidentiality. If at any time the investigator obtains information that would definitely lead to the rejection of an applicant, the investigator may submit a

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“Request to Discontinue Investigation” form ([Attachment H](#), attached) to the appointing authority in accordance with Section V. A. item 1. of this procedure.

A. Search for Prior Background Investigations

(Revision-01 08/01/2017) Before beginning any background investigation, the investigator will check with the Central Human Resources unit to determine if the applicant was a former ODOC employee. If so, the investigator will check with the applicant’s last known facility to determine if a previous background investigation has been conducted.

1. If a previous background investigation is located, the investigator will verify and update the information, and ensure the appointing authority is notified of any previous rejection for employment, and the reasons for the rejection.
2. Background investigations older than six months should be researched for information but cannot be substituted in lieu of a current investigation.
3. (Revision-01 08/01/2017) The investigator will check the failed background investigation log by contacting Bertha Hespe of the Central Human Resources unit.

B. (Revision-01 08/01/2017) Failed Background Investigation Log

(Revision-01 08/01/2017) Bertha Hespe of the Central Human Resources unit will maintain a data base of background investigations that have been discontinued for cause or otherwise resulted in a failure to hire, as reported by the background investigator or the appointing authority. Information will be maintained in the data base for a period of two years.

C. Interviewing the Applicant and Review of Documents

Whenever possible, before commencing inquiries, the investigator will interview the applicant and review the questionnaire for completeness and clarity, discuss any questionable areas, and gather any additional facts that would assist in the specific investigation. Any inconsistencies, conflicting statements or omissions should be discussed.

1. The investigator will review the requirements for the position the applicant is under consideration for and ensure that the file contains, if required for employment or for verification of the information reported on the questionnaire:
 - a. Copies of any educational transcripts (excluding contract

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employees). Transcripts are not required for positions requiring a professional license;

- b. Professional licenses (excluding contract employees);
 - c. Driver's license;
 - d. Military DD 214 (containing narrative summary of conditions of discharge and re-enlistment status); and
 - e. Proof of citizenship.
2. The applicant will provide any original documents required for the investigation. The investigator will copy all originals for the file and return the originals to the applicant.
 3. The investigator will complete an "Oklahoma Department of Corrections Request For Record" form ([DOC 090211B](#)) and ensure that the applicant has signed an "Authorization to Release Information for Employment" form ([Attachment C](#)).

D. File Documentation

During the course of the investigation, the investigator will maintain a confidential file containing the names, addresses, and telephone numbers of all persons interviewed; interview notes which include the date, time and location of interview; copies of all inquiries mailed and the responses received; and any other documentation regarding the conduct of the investigation or information gathered.

E. Fingerprinting

The investigator will ensure two sets of fingerprints are secured from the applicant by referring the applicant to the nearest facility/district utilizing the Live Scan. All information on the cards will be completed in black ink or typed and delivered to the office of Inspector General. The Communications Unit within the Office of Inspector General will ensure the fingerprints are submitted to the Oklahoma State Bureau of Investigation (OSBI).

F. Criminal Record Checks (2-CO-1C-18, 4-4061, 4-ACRS-7B-05, 4-APPFS-3A-02)

In order to ensure an appropriate criminal record is obtained, the investigator will ensure the following steps are completed:

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1. A ODOC "Request For Record" form ([DOC 090110B](#)) will be used to obtain criminal history information from the following agencies:
 - a. OLETS
 - (1) Federal Bureau of Investigation (FBI);
 - (2) Oklahoma State Bureau of Investigation (OSBI);
 - (3) Oklahoma Department of Public Safety (DPS);
 - (4) National Crime Information Center (wanted) (NCIC);
 - (5) Any other state repository for criminal records where the applicant has lived as an adult. A two letter abbreviation for the state will be used;
2. Dispositions/Documentation

The investigator will determine the dispositions of all arrests and obtain verification and documentation from the applicable court clerk's or district attorney's offices.
3. The investigator will review any required licensure, certification, or credential requirements and contact the appropriate state licensure/certification/credentialing board regarding license information and any related disciplinary history.
4. If any information in matters with potential terrorism connections is found, the investigation will be forwarded to the office of Inspector General for submission to the local Joint Terrorism Task Force (JTTF) or similar agency as required. (4-4061, 4-ACRS-7B-05)

G. Employment Verification

1. Review of the Background Investigation Form/Interview of Applicant

The investigator will review the background form to ensure complete responses are provided regarding the reasons for leaving any past employment(s).
2. Interview of Past Employers and Supervisors
 - a. Inquiries of past employers and supervisors will be conducted by interview, in person or telephone, or through the mail. The present employer and supervisor will be contacted for all applicants applying for correctional officer, fugitive apprehension agent or probation and parole officer series. The present employer and supervisor may be

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contacted with the permission of the applicant on all other positions. All mailed inquiries will contain a self-addressed, stamped envelope for response. Requests for employment verification will include the "Authorization to Release Information for Employment" ([Attachment C](#)), the "Applicant Information Cover Letter" ([Attachment E](#), attached), and the "Confidential Request for Employment Verification" form ([Attachment F](#), attached).

- b. If the applicant is a former employee of the agency, the closed personnel file will be reviewed for any past disciplinary action and the final performance appraisal will be copied for inclusion in the report.
- c. (Revision-01 08/01/2017) Ineligibility to Rehire
 - (1) (Revision-01 08/01/2017) The investigator will contact the Human Resource Management Specialist at the employee's last known facility to review the personnel file to ensure "Ineligibility to Rehire" as established in [OP-110237](#) entitled "Employee Separation Process" is not present.
 - (2) (Revision-01 08/01/2017) The investigator will contact the Human Resource Management Specialist at the employee's last known facility to query the "Ineligibility to Rehire" data base for former employees with an "Ineligibility to Rehire" form.
 - (3) (Revision-01 08/01/2017) If the investigator locates an "Ineligibility to Rehire" form ([OP-110237, Attachment E](#)) or information is present in the data base, the investigator may submit a request to terminate the investigation by completing a "Request to Discontinue Investigation" ([Attachment H](#)).
- d. If the applicant was an ODOC employee within the last five years, past supervisors will be interviewed.
- c. If the applicant is a current employee of another state agency, the most recent performance appraisal will be requested and reviewed in addition to any other gathered employment information.
- d. If the applicant is a prior employee of any institutional setting, the previous employer will be contacted to determine if the applicant has ever been the subject of a substantiated sexual abuse report or any resignations during a pending investigation. (PREA 115.17(c)(2), (h))

H. Applicant References

The investigator will make inquiries of three to five personal references listed by the applicant or developed by the investigator. The investigator will ensure that the references selected for inclusion in the report have more than casual knowledge of the applicant. The "Authorization to Release Information for Employment" form ([Attachment C](#)), the "Applicant Information Cover Letter" ([Attachment E](#)), and the "Confidential Questionnaire to References" form ([Attachment G](#), attached) will be used to collect information/responses from references.

I. Verification of Education/Licensing

The investigator will verify, through the appropriate registrar or licensing board, that the applicant completed the requisite course of study and received any required diplomas or licenses. The investigator will verify the accreditation status of all educational facilities.

J. Social Media

The investigator will conduct a search, via internet, of the applicant and review any materials regarding the applicant relevant to the qualifications or eligibility for the job for which the applicant has applied, which may include looking at evidence the applicant is involved in criminal activity. Any negative evidence which is located should be presented to the applicant, who will be presented an opportunity to respond.

K. Topics Not Included in the Background Investigation

Investigators will not make inquiries, or include any information in the report, pertaining to: any medical issues, to include the present or past health of the employee, any prior worker's compensation claims, substance abuse history or treatment, the applicant's family/marital status or financial condition, or any political, religious, or ethnic affiliations.

L. Follow-Up/Discrepancy Interview

The investigator may require follow-up interviews with the applicant to gather or verify additional facts or information, or to resolve any discrepancies in information, or to answer questions arising during the conduct of the investigation. The investigator will exercise diligence in protecting the confidentiality of the source of any information obtained during the conduct of the investigation. The contents of the investigation are confidential and cannot be released to the applicant.

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V. The Background Investigation Report

The format specified below will be used for all background investigation reports.

A. Report Format

The background investigation report will contain factual information in a narrative format typed in a black font. The investigator will include an evaluation; however, the determination as to whether to hire the applicant will be made by the appointing authority. The report will be submitted to the appointing authority with all verifying documentation, returned forms and letters, interview notes and all other pertinent material. All information contained in the report must be verified or noted as “unverified.”

1. (Revision-01 08/01/2017) If the investigator determines, during the course of the investigation, that there is good reason to discontinue the investigation, the “Request To Discontinue Investigation” form ([Attachment H](#)) will be completed and forwarded to the appointing authority. If approved, the form will be placed in the investigative file, and the investigation closed. A copy of the form will be forwarded to Bertha Hespe of the Central Human Resources unit for documentation in updating the failed background database.
2. Reasons for discontinuing the investigation include:
 - a. Applicant withdrawal from consideration;
 - b. Failure to meet educational or licensing requirements for the position;
 - c. Falsification of documents or reporting false information;
 - d. Incomplete/omission of required documentation;
 - e. Conviction of a felony or a misdemeanor domestic violence charge, if the applicant is being considered for a probation and parole officer, fugitive apprehension agent, Inspector General supervisor or correctional officer; and/or
 - f. A verified episode of extremely unsuitable or aberrant behavior, such as violence in the workplace.
3. No applicant who reports currently undergoing treatment for a mental illness, condition, or disorder can be hired into any position that requires, or may require, CLEET certification, such as probation and parole officer, fugitive apprehension agent, correctional officer, fugitive apprehension manager or correctional investigative administrator.

“Currently undergoing treatment for a mental illness, condition, or disorder” is defined as diagnosis by a licensed physician or psychologist as being afflicted with a substantial disorder of thought, mood, perception, psychological orientation, or memory that significantly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life and such condition continues to exist. (70 O.S. § 3311.D.1.)

4. In evaluating the investigative material gathered, the investigator will give greater weight to information regarding the most recent behavior.
5. The background investigation report format is as follows:

- a. Personal

This section will contain the applicant’s full name, current address, home and business telephone numbers or other numbers at which the applicant can be reached, social security number, and if applicable, whether applicant is a citizen of the United States.

The investigator will attach any documentation for the above information.

- b. References

This section will contain the names, addresses, and telephone numbers of references; nature and length of relationship with applicant; and a brief narrative of each reference’s description of the applicant concerning dependability, display of interpersonal skills, integrity, and other factors pertinent to suitability or unsuitability for employment.

- c. Education/Licensing

- (1) This section will contain information that verifies whether the applicant possesses the required education, training, or professional licenses required for the position for which the applicant has applied. The investigator will list the names of the schools or licensing boards, dates of attendance, degrees, licenses or certificates received. The investigator will also determine any dates of expiration or renewal that apply.

- (2) Copies of transcripts, licenses or certificates will be

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attached. Only the highest education level reported must be verified.

- (3) If the investigator has contacted educators/trainers in developing references, this information will be included in the reference section.

d. Employment

- (1) This section will contain the applicant's verified employments, starting with the most recent. Any employment not verified will be identified and listed after the verified employers. The employment history will include the name of the employer/company, dates of employment, type of employment, and a summary of the information obtained in response to the questions listed on the employment verification form.
- (2) If the applicant has no employment history or sporadic employment, the investigator will provide the reasons, or a description of the circumstances, as provided by the applicant. If the investigator has verified this information, the report will so indicate.
- (3) If the applicant is a former ODOC employee, the investigator will contact the central Human Resources Unit as part of the employment verification process.
- (4) For co-workers contacted as references, their assessment of the applicant will be included in the reference section.

e. Military

- (1) This section will contain the dates of military service, branch of service, type of discharge, and any disciplinary record. If the applicant has never served in the military, the investigation will so state.
- (2) If the investigator contacted commanding officers or military acquaintances as references, that information will be placed in the reference section.
- (3) All DD 214's will be attached and must reflect the type of discharge and separation code.

f. Criminal/Driving Record

- (1) Criminal Record

- (a) The investigator will list any arrests (to include dispositions and jurisdictions) located for applicant. Disposition will include any subsequent pardon, expungement or restoration of rights. All rap sheets will be attached.
- (b) Applicants for the positions of probation and parole officer, fugitive apprehension agent, correctional security officers or managers, correctional chiefs of security, fugitive apprehension manager or correctional investigative administrator may not have any felony, or a misdemeanor domestic violence conviction.

(2) Driving Record

The report will indicate whether the applicant has a valid driver's license, the class of license, license number, and verification of insurance. Any record that is relevant to the applicant's selection for employment, such as any suspension or revocation, accident, or ticket involving drugs or alcohol or driving under suspension/revocation or leaving scene of accident will be listed. The DPS record and a copy of the driver's license will also be attached.

g. Summary and Evaluation

This section will contain a summary of the highlights, both favorable and unfavorable. The investigator will state:

1. Whether the applicant has the requisite degrees or licenses for the position;
2. Whether the employment history is favorable (e.g., stable, no problems noted, dependable, etc.) or unfavorable (no history and no explanation, sporadic, work problems such as discipline or inappropriate conduct);
3. Whether the references furnished any information to support hiring or reasons why the applicant should not be hired; and
4. Whether the applicant has a criminal record or reportable driving record.

The director's approval is required prior to extending an offer of employment based on a questionable background investigation report.

h. Attachments

This section will list all documents attached to the report.

VI. Access to and Maintenance of the Investigation Report/File

A. Access

The investigative report and all supporting documentation will be:

1. Released only to the appointing authority or designee making the decision whether to hire the applicant or other authorized personnel such as Human Resources, legal, or investigative staff; and
2. Held as confidential information and not be released to any applicant.

B. Maintenance

At the conclusion of the hiring/selection process, the original background investigation file will be forwarded to the appropriate facility/district/unit's Human Resource Management Specialist (HMRS) for placement in the employee or position file in accordance with [OP-110105](#) entitled "Employee Personnel Records."

A copy of the investigation will be maintained in the employee personnel file for a period of two years as directed by the Oklahoma Department of Libraries.

VII. Investigative Resources

The regional directors and director of Probation and Parole Services will ensure that each facility/district/unit has access to staff trained to conduct pre-employment background investigations. Staff assigned to conduct pre-employment background investigations will have access to resources to include: law enforcement and court clerk listings, college and university listings and accreditations, and all job class description/requirements.

VIII. Training Requirement

Only staff who have completed training in pre-employment background

investigations within the last five years may conduct background investigations. The office of Inspector General will provide a minimum of two training sessions per year as it relates to the pre-employment background process in accordance with [OP-100101](#) entitled "Training and Staff Development." Individuals requesting training on pre-employment background investigations will submit their request to the inspector general. Requests for a listing of all ODOC staff currently trained on the pre-employment background investigation process should be submitted to the office of Inspector General.

IX. Post Conditional Offer of Employment

Following a conditional offer of employment and before entering on duty, applicants may be subject to drug testing, MMPI testing and job related medical examinations. (2-CO-1C-19, 4-APPFS-3A-03)

A. Drug Testing (4-APPFS-3A-22)

1. Applicants will be required to undergo pre-employment drug testing in accordance with [OP-110601](#) entitled "Controlled Substances and Alcohol Use and Testing Procedures for Drivers of Commercial Motor Vehicles" and [OP-110603](#) entitled "Pre-Employment Drug Testing Program."
2. Any positive test, attempt to adulterate a specimen, failure to submit for testing, or other conduct that serves to interfere with the testing process, will result in a withdrawal of the offer of employment.

B. Medical Exams (2-CO-1C-19, 4-4062, 4-APPFS-3A-03)

Medical exams will be conducted in accordance with [OP-140116](#) entitled "Employee Physical Examinations and Medical Screenings."

C. Psychological Testing

Applicants for positions as probation and parole officers, fugitive apprehension agents, fugitive apprehension managers or correctional investigative administrators will be required to undergo psychological evaluation by a psychologist, licensed by the State of Oklahoma and with whom the agency contracts for such services. Only those psychological instruments approved by CLEET may be used.

1. The evaluation must include a determination that the applicant is either "suitable" or "not suitable" to serve as a peace officer in the State of Oklahoma. (4-APPFS-3A-04)

2. The conditional offer of employment will be withdrawn for any applicant who is found “not suitable.” Such applicant may not be re-evaluated for a period of at least one year.

X. References

Policy Statement No. P-110100 entitled “Uniform Personnel Standards” and P-110300 entitled “Drug Free Workplace Program”

OP-090211 entitled “Volunteer Services”

OP-100101 entitled “Training and Staff Development”

OP-110235 entitled “Hiring and Promotional Procedures”

(Revision-01 08/01/2017) OP-110237 entitled “Employee Separation Process”

OP-110601 entitled “Controlled Substances and Alcohol Use and Testing Procedures for Drivers of Commercial Motor Vehicles”

OP-110603 entitled “Pre-Employment Drug Testing Program”

OP-140116 entitled “Employee Physical Examinations and Medical Screenings”

70 O.S. § 3311

40 O.S. § 554

57 O.S. § 510

18 USC 922

PREA 115.17

XI. Action

The appropriate regional director/division head is responsible for compliance with this procedure.

The Inspector General is responsible for the annual review and revisions.

Any exceptions to this procedure will require prior written approval from the director.

This procedure is effective as indicated.

Replaced: Operations Memorandum No. OP-110210 entitled “Employee Background Investigations and Post Conditional Offer of Employment Testing” dated November 3, 2015

Distribution: Policy and Operations Manual

Agency Website

| <u>Referenced Forms</u> | <u>Title</u> | <u>Location</u> |
|-----------------------------|---------------------------------------------------------|---------------------------|
| DOC 090211B | “Oklahoma Department of Corrections Request for Record” | OP-090211 |

| <u>Attachments</u> | <u>Title</u> | <u>Location</u> |
|-------------------------------------------------------------|----------------------------|---------------------------|
| (Revision-01 08/01/2017) Attachment F | “Ineligibility for Rehire” | OP-110237 |

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| Attachment A | ”Applicant Questionnaire and Background Investigation Form” | Attached |
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| Attachment B | “Application for Employment Cover Letter” | Attached |
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| Attachment C | “Authorization to Release Information for Employment” | Attached |
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| Attachment D | RESERVED | |
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| Attachment E | “Applicant Information Cover Letter” | Attached |
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|------------------------------|----------------------------------------------------|----------|
| Attachment F | “Confidential Request for Employment Verification” | Attached |
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| Attachment G | “Confidential Questionnaire to References” | Attached |
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| Attachment H | “Request to Discontinue Investigation” | Attached |
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