

Contractor Employee (and Others) Requiring Unescorted Access Background Check Guidelines

The following guidelines are intended to assist Contractor only and are not intended to increase, limit, or otherwise vary the requirements set forth in the Provision. The Tesoro authorized rep may request additional background check requirements when the nature of the work warrants.

LEGAL AUTHORITY TO WORK IN THE U.S.

Contractor's completion of Employment Eligibility Verification Form I-9 or DHS's e-verify for all employees will facilitate Contractor's ability to establish employee's identity and employment eligibility. In most cases, Contractor is required by law to complete a Form I-9 on all of their employees.

VERIFY AND VALIDATE IDENTITY

A social security-name trace search will be conducted to reveal names associated with a social security number, past a present addresses, and fraudulent use of social security numbers.

CRIMINAL CONVICTION HISTORY

In evaluating an employee's suitability for access, Contractor should carefully assess the relevance of the individual's criminal conviction history to the position for which the individual is being considered. In making a determination, such factors as the following should be considered:

- type of crime, i.e. nature and degree of the crime.
- relationship of the crime to the task to be performed.
- number of convictions.

Contractor's employees will not be permitted access to facilities or assets if they have been convicted of; (1) a felony offense within the past seven (7) years; and-or 2 misdemeanors in past 12 months; and-/or 3 misdemeanors in past 3 years related to the following:

- Violent crimes, property offense, substance abuse, and fraud.
- Terrorism, espionage, sedition, or the unlawful possession, use, sale, distribution, or manufacture of an explosive, explosive device, firearm, or other weapon.
- Other crimes on established list of disqualifying crimes applicable to hazmat drivers and transportation workers at ports (see CFR Sec.1572.103)

Criminal conviction history checks should include a review of federal, state and local criminal conviction records. For purposes of these guidelines, the term "Criminal Conviction" includes deferred adjudication and no contest pleas.

FALSIFICATION OF APPLICATION

Contractor's employees falsifying material information on the Contractor's employment application should not be assigned to the Tesoro facility.

ASSIGNMENT EXCEPTION

Contractor's employees who fail to meet the background check criteria may be granted a waiver. Such waiver will be submitted in writing by the Contractor to the Tesoro Facility Security Officer ("FSO"). Contractor will be responsible to obtain required releases from the individual concerned appropriately releasing Tesoro from liability relating to Tesoro's granting of and/or use of the information in connection with the waiver. The FSO, with the concurrence of the Tesoro Facility Manager, will be responsible for granting a waiver.

Contractor representative will be notified in writing whether the waiver will be granted and access permitted to Contractor employee.

INFORMATION AN INDIVIDUAL MAY POSE A RISK TO THE TESORO FACILITY

Contractor employee will not be granted access to the Tesoro facility if the Contractor has knowledge or information indicating the Contractor employee may pose a threat. Examples of this type of information may be, but are not limited to, the following:

- The employee has a pending felony charge.
- The employee is on active parole or probation for one of the criminal convictions set out above.

BACKGROUND TIME LIMIT DISQUALIFICATION

The background check must have been conducted in the past 24 months preceding certification.

WAIVER OF CONTRACTOR BACKGROUND VERIFICATION

It is requested that a waiver be granted to allow _____ (“Employee”) to be permitted access to _____ for the period _____ to perform the following services _____ based on the following:

Employee requires a waiver because:

Mitigating circumstances regarding the Employee are as follows:

Contractor agrees to release and hold Tesoro harmless from liability relating to Tesoro’s receipt and use of this waiver, including any acts of the Contractor Employee in violation of Tesoro’s security policies. Contractor will maintain specific details of this matter in its records. In no way does this waiver relieve the Contractor of its obligations to perform and certify the background check of its remaining employees and/or the employees of its subcontractors’ working at a Tesoro facility.

Contractor shall continue to have exclusive direction and control of the Employee and shall be solely responsible for the acts and omissions of the Employee.

Please forward this form to the FACILITY SECURITY OFFICER (“FSO”).

CONTRACTOR

By: _____

Name: _____

Title: _____

For Use by Tesoro Only

Approved: _____

Denied: _____

By: _____

By: _____

Title: _____

Title: _____