

DAKOTA GASIFICATION COMPANY PROCEDURE

Origination Date: 1/25/10	Procedure No.: 054	Revision No.: 5
Affected Area(s): All	Originating Department: HSSE	
	Final Approval: /s/ Dale Johnson	Date: 8/28/17
Procedure Description: DGC Contractor Background Check		

I. PURPOSE

- A. Security performance measures to protect the facilities, employees, and assets.

II. SCOPE

- A. In order to comply with Chemical Facility Security Program regulations of the Department of Homeland Security (DHS), Dakota Gasification Company (DGC) requires a background check of all individuals seeking unescorted access to DGC facilities.

III. REFERENCES

- A. 6 CFR Part 27 – Chemical Facility Anti-Terrorism Standards
- B. Transportation Security Administration – Transportation Worker Identification Credential Program
- C. North Dakota Safety Council – Energy Coalition for Contractor Safety
- D. DGC Procedure No. 3323 – Synfuels Plant Access Control
- E. Form DGC 0462 – Contractor Site Access Requirements Waiver

IV. DEFINITIONS

- A. None

V. RESPONSIBILITIES

- A. Each contractor, subcontractor, or others requiring unescorted access shall make a good faith effort to verify the identity of its employees in order to verify that such individuals do not pose a risk to DGC, its personnel, or its facilities, by meeting the criteria outlined in this procedure.
- B. The employers of the individuals shall be responsible for performing background checks in compliance with applicable local, state, and federal laws.

VI. INSTRUCTIONS

- A. Best practice calls for a background check policy that includes verification of work history, social security number, education, references, and qualifications. However, DGC requires, at a minimum, the background check policy include:

Procedure No. 054	Revision No. 5
Procedure Description: DGC Contractor Background Check	

1. Verification of U.S. citizenship or for non-U.S. citizens, verification of legal authority to work in the U.S.
 2. Review of an individual's criminal conviction record for the past seven years.
 3. Identification of any other information or knowledge the employer may possess indicating an individual may pose a risk to DGC, its personnel, or its facilities.
- B. Acceptable alternatives:
1. In lieu of conducting a background check, DGC may allow unescorted access to individuals having one of the following credentials in their possession:
 - a. Transportation Worker Identification Credential (TWIC)
 - b. Hazardous Materials Endorsement (HME) Driver's License
 - c. NEXUS Credential – Western Hemisphere Travel Initiative Program
 - d. FAST Credential – Free and Secure Trade Program
 - e. Security Passport – Alliance Safety Council personnel surety credential
- C. The individual undergoing a background check authorizes DGC to submit personal identification information to the DHS for the purpose of screening against the terrorist screening database. Written authorization shall be obtained at time of completion of the DGC contractor safety orientation.

VII. PROCESS

- A. Proof of an acceptable background check may be met by completing one of the following, prior to arriving at the facility.
1. The preferred method is all contractors, subcontractors, and others requiring unescorted access, submit their employee information to the North Dakota Safety Council (NDSC), and have the information posted on the Energy Coalition for Contractor Safety (ECCS) website (www.ndsc.org/ECCSofND).
 2. Submitting a written statement attesting that the requesting company has a background check policy, including a listing of employees stating the date background checks were completed. The statement shall be signed by the company's human resources representative or company official.
 3. Submitting documentation of an acceptable background check.
 - a. Documentation shall be sent to DGC's facility security officer (FSO) prior to the contractor, service representative, or vendor receiving DGC contractor safety orientation.
- B. After verification that an acceptable background check has been performed, the contractors and their subcontractor employees, and any others requiring unescorted access shall be granted access to DGC's facilities upon presentation by the individual of a "government issued photo identification card" such as a driver's license.

Procedure No. 054	Revision No. 5
Procedure Description: DGC Contractor Background Check	

VIII. FAIL CRITERIA

- A. If the background check identifies any of the following issues, unescorted access to DGC facilities shall be denied.
1. The potential employee is not a U.S. citizen and does not have legal authority to work in the United States.
 2. The potential employee has been convicted of a felony. Listed on part A (permanent disqualification list) of Transportation Security Administration (TSA) Transportation Worker Identification Credential (TWIC) disqualifying offenses list.
 3. The potential employee has been convicted of a felony listed on part B (interim disqualification list) of TSA TWIC disqualifying offenses list in the past seven years.
 4. The potential employee is wanted or under indictment for a felony listed under part A or part B of TSA's disqualifying offenses list.
 5. A background check of the employee has not been conducted within the past five years.
 6. In the event DGC becomes aware that a potential or current contract employee is suspected of meeting the fail criteria, DGC reserves the right to confirm the legitimacy of the undisclosed information, and deny access to the individual.
 7. DGC managers reserve the right to deny access at their discretion.

IX. REVIEW PROCESS

- A. Upon receiving a request to review an individual's background information, the FSO shall make a determination as to whether or not the individual poses a risk to the company, its personnel, or its facilities. The FSO may consult with the appropriate manager prior to making the final determination. If it is determined that the individual does pose such a risk, the person shall be denied access to DGC facilities.
1. The FSO shall provide written notification of the determination to the contract coordinator and contractor.

X. AUDITS

- A. If requested by DGC, contractors and their subcontractors or others requesting unescorted access, shall demonstrate the validity and comprehensiveness of their background check methodology.

XI. EXCEPTIONS

- A. In the event that site access is required for individuals who do not have a background check as described in this procedure, Form DGC 0462 may be authorized by the plant manager, or designee.
1. Personnel named on the waiver shall be escorted as outlined in DGC Procedure No. 3323.