



Background & Drug Screening
Policy for Third Party Resources



1 Introduction

BMC Software (“BMC”) is committed to providing a safe and secure work environment for its employees and contingent workforce and to protecting valued company assets and intellectual property. The screening of Third Party Resources, including contractors, temporary workers and other non-employees engaged by or assigned to BMC contributes significantly towards achieving these objectives.

2 Scope and Compliance

This policy applies to all Third Party Resources and other non-employees engaged by or assigned to BMC Software (consisting of all global BMC entities; collectively, “BMC”) This policy also applies to background checks required on Third Party Resources in conjunction with engagements to provide services on behalf of BMC to a BMC customer.

Where permissible by law, background screening and drug testing will be performed by employers of Third Party Resources or a Background Screening Provider. Background screening components may vary by location depending on generally accepted practices allowed by law. BMC employees are required to comply with this policy as described in the [Overview of Corporate Policies](#). Staffing companies, BMC partners and other third party companies providing Third Party Resources or contractors to, or on behalf of, BMC must comply with this policy. Pre-employment screening requirements for BMC employees are contained in a separate [policy](#).

3 Definitions

- A. Third Party Resource** - A Third Party Resource is a non-employee worker resource who performs work that benefits a BMC organization. Third Party Resources generally fall into two categories: **staff-augmentation workers** (time and materials not associated with a Statement of Work) and **project-type workers** (time and materials or fixed fee associated with a Statement of Work). For purposes of this policy, Third Party Resources also include partner employees and other non-BMC employees who require BMC network access, unescorted badge access to a BMC facility or who provide services at BMC customer facilities on behalf of BMC.
- B. Background Screening** - Where permissible by law, background screening for US-based Third Party Resources shall include, but is not limited to: verification of the Third Party Resource’s employment eligibility; search of local, state and federal criminal records; search of sex offender registries; and a check against the US Treasury Office of Foreign Assets Control Specially Designated Nationals and Blocked Persons List (“OFAC”). Other checks may be required for certain BMC assignments. For non-US locations, background screening will conform to local laws and regulations and consist of criminal records checks, OFAC checks and other generally accepted local employment screening practices.
- C. Drug Testing** - Substance abuse testing, when required, will be done in accordance with applicable laws and will consist of a urinalysis test for amphetamine, barbiturates, benzodiazepine, marijuana metabolites, methaqualone, cocaine metabolites, opiates, phencyclidine, methadone and propoxyphene.
- D. Background Screening Provider** - A third party vendor, whose principal business is conducting background verification investigations and facilitating drug testing. Vendor(s) will be evaluated and approved by BMC Global Security Services in collaboration with BMC procurement protocols.

4 Policy Statement

Assignments of Third Party Resources to BMC, or to BMC customers on behalf of BMC, require the successful completion of a background investigation and drug screen by the Third Party Resource's employer or confirmation from the employer of the Third Party Resource assuring compliance with this policy. Exceptions or modifications to these requirements must be approved by BMC Global Security. **The scope and requirements of background checks and drug testing should be included in BMC contractual agreements with the provider/employer of the Third Party Resource. These requirements may be modified by BMC in order to adhere to specific BMC requirements contained in the engagement agreement or Statement of Work (SOW).**

4.1 Background Screening

Background screening checks (see section 3B) are required for Third Party Resources for assignments/engagements where the Third Party Resource will be issued a BMC photo identification badge, allowed unescorted access to non-public areas at a BMC facility, have access to BMC internal systems, provide services on behalf of BMC at a BMC customer site or have access to a BMC customer network. Some BMC customers may require additional screening outside of the standard checks conducted by BMC.

For US-based assignments, the scope of the background screening checks will include: verification of Third Party Resources identity and employment eligibility; a search of federal, state, and local repositories of criminal conviction records for all counties of residence and employment for the past seven years; a review of applicable sex offender registries; and a check against the U.S. Treasury Office of Foreign Assets Control Specially Designated Nationals and Blocked Persons List ("OFAC"). Some assignments may require verification of the Third Party Resource's employment history, education (highest degree earned), motor vehicle driving records and other checks. In addition, some assignments may require periodic rechecks. The above requirements may differ for some **project-type** Third Party Resources associated with a Master Service Agreement (MSA) and/or Statement of Work (SOW). In these situations, the background screening requirements specified in the MSA or SOW will apply. Likewise, the employer of the Third Party Resource may broaden the scope of the background screening.

For **non-US assignments**, background screening will conform to local laws and regulations and consist of criminal records checks, OFAC checks and other generally accepted local employment screening practices.

4.2 Drug Tests (Substance Abuse Testing)

A ten panel drug test (see section 3C) is required for Third Party Resources for US-based assignments/engagements where the Third Party Resource will be issued a BMC photo identification badge or allowed unescorted access to non-public areas at a BMC facility or provide services on behalf of BMC at a BMC customer site. Drug testing may be waived at BMC discretion for Third Party Resources who require BMC system access only and do not need unescorted facilities access. Some BMC customers may require drug testing prior to the assignment of the Third Party Resource. The above requirements may differ for some **project-type** Third Party Resources associated with a Master Service Agreement (MSA) and/or Statement of Work (SOW). In these situations, drug testing requirements specified in the MSA and/or SOW will apply. Additionally, the employer of

the Third Party Resource may broaden the scope or frequency of the drug test required. Drug Testing will generally not be required for non-US based assignments. Any drug testing required for non-US based assignments will be conducted according to the applicable law of the relevant country.

4.3 Disqualification

BMC will follow federal and state laws when considering factors which may lead to the disqualification of a Third Party Resource for a US-based assignment. Providers of Third Party Resources will not assign any worker to perform services for BMC who has been: (a) convicted of a felony or any crime involving assault or combative behavior, cyber or computer activity, dishonesty or deceit, theft, fraud, misappropriation of assets, embezzlement, forgery, bribery, misuse or disclosure of intellectual property or confidential information, inappropriate sexual behavior, drugs, weapons, terrorist threats, or other serious crimes; (b) failed or refused to take the drug screening test; (c) does not have the legal right to work in the United States; or (d) made material misrepresentations regarding their criminal background, education, work experience, or qualifications. Exceptions require the approval of BMC Global Security.

For non-US assignments and where permissible by law, providers of Third Party Resources will not knowingly assign a Third Party Resource who has been convicted of a serious crime similar to those listed in item “(a)” in the preceding paragraph, does not have the legal right to work in the country, or made material misrepresentations regarding criminal background, education, work experience and qualifications. Exceptions require the approval of BMC Global Security.

If a Third Party Resource does not successfully complete the background screening check and drug test, per the requirements of this policy, the Third Party Resource will be ineligible for assignment at BMC for a period of six months. A Third Party Resource’s previous background screening check or drug test may be taken into consideration when evaluating a Third Party Resource’s subsequent application(s) and qualifications.

4.4 Break in Service and Other Information

Third Party Resources who incur a break in service with BMC of greater than 90 calendar days require an updated background screening and drug test.

Background screening and drug tests will be done in conformance with all applicable laws and regulations.

5 Roles and Responsibilities

BMC Global Procurement, in collaboration with the BMC employee responsible for sponsoring or managing the project or duties of the Third Party Resource, must: (a) ensure that the employer/provider of the Third Party Resource is aware of these policy requirements, (b) confirm that appropriate language is included in contractual agreements addressing these requirements, and (c) make periodic inquiries with the employer/provider of the Third Party Resource to confirm compliance.

Employers of Third Party Resources and third-party vendor management services (VMS) will take reasonable and necessary actions to ensure compliance with this policy. All costs for background checks and drug testing shall be borne by the employer of the Third Party Resource.

Global Security Services will provide guidance on policy requirements and evaluate and approve/deny exception requests.

6 Related Information

[Third-Party Code of Conduct](#)

Pre-Employment Screening Policy for BMC Employees

Substance Abuse Prevention Policy

7 Document Information

Category:	Corporate
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