

Criminal Background Checks

For questions about policy interpretation or processes, contact Kathleen Scheible, Human Resource Director, 315-788-1530 or kathy@credocommunitycenter.com

Policy Summary

Criminal background checks are required for all final candidates, employees and volunteers, herein called “applicant”. Credo Community Center is responsible for initiating the criminal background check. If the background check reveals a conviction relevant to the position, the applicant may be disqualified from holding the position however each applicant will be carefully considered for possible employment or volunteer work. This policy does not automatically exclude from consideration for employment or volunteer work all individuals with criminal convictions.

Who Should Read this Policy

- Executive Director
- Top Managers, Managers, Supervisors, and anyone else hiring employees for positions that require a criminal background check
- Individuals applying for positions, current employees and volunteers

Why We Have This Policy

To protect the Credo Community Center and its assets, the organization needs to ensure that individuals assigned to clinical and support positions have no history of criminal behavior relevant to their employment or volunteer work. Those positions include but are not limited to people who:

- are management
- are responsible for the care, safety, and security of people or property
- have direct access to, or control over, cash, checks, credit card account information (includes cash handling or credit card acceptance positions)
- have authority to purchase or commit financial resources
- have control over the organization’s business processes, either through functional roles or systems security access (includes network administrators, system programmers, Human Resource Management System and Payroll functional leads)
- have access to detailed personally identifiable information about clients, staff, or alumni which might enable identity theft (includes clinical staff, fundraisers, Human Resources and Payroll specialists)
- are in possession of building master or sub-master key access to residences and certain other facilities, particularly laboratories (includes custodial services, Residential and Out patient employees)
- regularly operate Credo vehicles as part of assigned job duties (includes transit drivers, delivery staff)

Although this is no guarantee against criminal acts, it does reduce the likelihood of crime, and may reduce the organization’s liability in the event a crime occurs. It also helps protect Credo

from the possibility of lawsuits, which exact a heavy cost in time and morale, and from the cost of embezzlement.

How will Credo protect an individual's right to privacy?

Credo recognizes that its need to investigate an applicant's criminal history must be balanced with the need to protect that applicant's privacy. Credo policy and state and federal laws recognize the applicant's right to privacy and prohibit employees and others from seeking, using, or disclosing personal information except within the scope of their assigned duties.

Criminal history information will be used only for the purpose of evaluating applicants for employment or volunteer work and shall in no way be used to discriminate on the basis of race, color, national origin, religion, sex, disability or age. This policy does not automatically exclude from consideration for employment or volunteer work all individuals with criminal convictions. Criminal history record information will not be made part of the applicant's file or the employee's file or communicated to any unauthorized person.

Responsibilities of the Human Resource Director

- Coordinates and maintains policy, procedures and forms for criminal background check
- Consults with staff about policy interpretation
- Ensures that recruitment information, announcements, and descriptions state the position requires a criminal background check
- Notifies the individual under consideration for a position that an offer for employment or ability to volunteer is conditional on successful completion of the criminal background check and motor vehicle report, and that falsification of information submitted on Credo application materials will be cause for disqualification from consideration for employment or volunteer work
- Obtains a signed, written consent from the applicant prior to conducting a criminal background check and Department of Motor Vehicles check
- Conducts the criminal background check prior to the hire or approval of an applicant into a position
- Coordinates the Department of Motor Vehicles check prior to the hire or approval of an individual into a position
- Reviews only criminal background reports and motor vehicle reports that reveal convictions with a review committee within seven days to determine whether such convictions disqualify an applicant from a position
- Provides the subjects of criminal background checks with a summary of their background check results, regardless of outcome, and informs them when a conviction disqualifies them from employment or volunteer work
- Maintains confidentiality of all criminal background reports and motor vehicle reports

Performing a criminal background check does not relieve the Human Resource department of its obligation to perform reference checks, verify prior employment, obtain copies of licenses or certificates required for the specific position and perform other checks.

INITIATING A CRIMINAL BACKGROUND CHECK

If the applicant has lived in more than one state during the last three years, he or she must submit to a national FBI check in lieu of a State background check.

Credo authorizes the Human Resource Director to initiate a criminal background check concurrent with the consideration of employment or volunteer work of an applicant. The HR Director must notify the applicant under consideration in writing that the offer for employment or acceptance of volunteer work is conditional upon successful completion of the criminal background check. The notification must include a warning that falsification of information submitted on the Credo application materials is cause for disqualification from consideration for employment or volunteer work.

CONDUCTING A CRIMINAL BACKGROUND CHECK

1. The HR Director obtains consent from the applicant on the Applicant Release and Disclosure form and the Authorization to Obtain Motor Vehicle Report form.
2. The HR Director initiates the criminal background check through the New York State Department of Correctional Services and various web sites providing local, county, state and/or national information
3. The HR Director initiates the Department of Motor Vehicle check through a contracted insurance company.
4. The HR Director receives the results of both checks within 24 hours.
5. If the results show no convictions, the applicant can be considered for employment or volunteer work. If the results show that convictions exist, the results are forwarded to a review committee to determine the suitability of individuals for specific positions.
6. The HR Director will provide the subject of the background check with a verbal summary of the background check and motor vehicle report results.

IF THE CRIMINAL BACKGROUND CHECK REVEALS CONVICTIONS

1. A Criminal Background Check Review Committee, consisting of Credo Top Managers, will be notified of all criminal background checks and motor vehicle reports in which convictions are found. The Committee will review these reports and make final determinations regarding the suitability of an applicant for a specific position. The Review Committee may recommend implementation of additional controls before a department can employ an applicant with a conviction. The Committee will complete its review within seven days of receiving notification from the HR Director.
2. Only criminal convictions will be considered in determining an applicant's suitability for employment or volunteer work. Detention and/or arrest without conviction do not constitute valid grounds for employment decisions and cannot play a part in the decision-making process. However, if an applicant has a criminal case pending, his or her suitability for employment or volunteer work may be reviewed upon disposition of the case.
3. Certain types of convictions will automatically preclude hiring or acceptance of volunteer work. For example, applicants with convictions for theft, embezzlement, identity theft, or fraud cannot be hired into or volunteer for positions with fiduciary responsibilities. Convictions for child molestation and other sex offenses will automatically preclude an applicant from employment or volunteer work that involves direct unsupervised contact

with students, outreach programs, or access to residential sites. Workplace or domestic violence, or other convictions for behaviors that would be inappropriate for specific jobs, may also be grounds for denial of employment or volunteer work. The above list is not inclusive, but is intended to illustrate the decision-making criteria.

4. In determining an applicant's suitability for employment or volunteer work where the applicant under consideration has convictions, the Committee will consider:
 - a. the direct relationship between one or more of the previous criminal offenses and the specific duties of the position
 - b. the bearing, if any, the prior criminal offense(s) will have on the applicant's fitness or ability to perform one or more such duties or responsibilities
 - c. the applicant's age at the time the prior criminal offense(s) occurred
 - d. the applicant's current standard of living as opposed to when criminal behavior occurred
 - e. the seriousness of the offense(s)
 - f. granting employment or accepting volunteer work would involve an unreasonable risk to property or to the safety or welfare of individuals or the general public
 - g. the number of offenses and circumstances of each
 - h. and whether the offenses were disclosed on the application
 - i. any information produced by the applicant, or produced on the applicant's behalf, regarding the applicant's rehabilitation and good conduct
 - j. the legitimate interest of the employer in protecting property and the safety and welfare of individuals or the general public
 - k. the public policy of New York State is to encourage the employment of persons previously convicted of one or more criminal offenses
5. The HR Director will verbally notify all applicant's of the results of their criminal background check. If the results of the criminal background check preclude an applicant from employment or volunteer work, the HR Director will disclose to the applicant the date(s) and the types of conviction(s) found in the criminal background check and/or motor vehicle report.
6. Copies of these reports do not have to be provided to the subject under New York State law (Fair Credit Reporting Act). Subjects of background checks are, however, entitled to receive a summary of the background check from the reporting agency regardless of the results of the check. The HR Director will provide applicants of criminal background checks with information regarding how they can obtain the same information.
7. Upon unsuccessful completion of a criminal background check and/or motor vehicle report that results in an adverse action for the applicant, the HR Director will provide the name, address, and telephone number of the reporting agency that furnished the report to the HR Director; and include a statement that the reporting agency did not make the decision to take the adverse action and is unable to provide the applicant the specific reasons why the adverse action was taken; as well as notice of the applicant's right to obtain, under Fair Credit Reporting Act, section 612 [§ 1681j], a free copy of a report on the applicant from the reporting agency referred to above, which notice shall include an indication of the 60-day period for obtaining such a copy to dispute, under section 611 [§ 1681i], with a reporting agency the accuracy or completeness of any information in a report furnished by the agency.

Credo HR Office Responsibilities Checklist for Criminal Background Check Policy

HIRING

Designating a Position as requiring a Criminal Background Check

- ❑ Include a statement on all position descriptions, recruitment information, and announcements that the position will require a criminal background check and Department of Motor Vehicle check.
- ❑ State that employment or volunteer work is conditioned on completion and results of these checks. A committee will determine suitability of individuals with convictions for a position.

Notifying the Selected Applicant

- ❑ During the interview, explain that the offer of employment or acceptance of volunteer work is conditioned upon successful completion of a criminal background check and motor vehicle report, and that failure to pass will be cause for a review committee to determine suitability of the applicant for a position.
- ❑ Obtain consent from applicant to do criminal background check and Department of Motor Vehicle check using the “Applicant Release and Disclosure Form” and “Obtain Motor Vehicle Report” form.
- ❑ Upon successful completion of criminal background check and motor vehicle report, contact the applicant with the appropriate verbal notification.
- ❑ Upon unsuccessful completion of criminal background check and/or motor vehicle report, meet with Credo Top Managers to determine suitability for position and notify final candidate as appropriate.
- ❑ Upon unsuccessful completion of criminal background check and/or motor vehicle report, the HR Director will provide written notice including the name, address, and telephone number of the agency that conducted the background check to the individual when employment is denied based on information received from the reporting agency, as required by the Fair Credit Reporting Act, which also covers criminal background checks.
- ❑ Notify other top candidates as soon as a finalist has been selected for the position. If the selected finalist failed to clear the background check and is determined to not be suitable for the position, meet with Management to decide to reopen the candidate pool or re-advertise.

Board Approved 2/9/05

Implemented 2/10/05