

DELAWARE COUNTY

Subject	Effective	Supersedes	This Sheet	T.Sheets
Criminal Background Checks Policy	6/28/2004	05/14/2001	1	4

1.0 Purpose

To provide a method to properly and legally review backgrounds for criminal activity of candidates for hire in safety sensitive positions with Delaware County, contractor reviews, or for client job placement purposes.

2.0 Scope

This policy pertains to all departments operating under the authority of the Delaware County Board of Commissioners and any appointing authority utilizing the Human Resources WebCheck terminal.

3.0 Distribution

To all departments operating under the authority of the Delaware County Board of Commissioners and any appointing authority utilizing the Human Resources WebCheck terminal.

4.0 Definitions

- A. *Individual.* An individual is a person who has applied for employment with or is currently employed by the County, a service contractor under review or a client utilizing job placement services with the Department of Jobs and Family Services.
- B. *Background check.* A background check may consist of any or all of the following: Interviews, reference checks, license/degree verification, background checks, and records checks of criminal convictions and pending charges.
- C. *Arrest.* An arrest indicates that a law enforcement officer had probable cause to detain an individual for possible involvement in wrongdoing. Arrest does not indicate guilt.
- D. *Conviction.* A conviction includes a plea, verdict, or finding of guilt regardless of whether a sentence is imposed by a court. An adjudication of delinquency for which the juvenile record has been sealed is not considered a conviction and should not be reported to and will not be considered by the County for employment purposes.
- E. *Authorized Personnel.* The Director of Administrative Services, Director of Emergency Services, Director and Assistant Director of Department of Job and

Family Services, Personnel Coordinator, Recruiter, Emergency Medical Services Manager, Emergency Telecommunications Manager, Emergency Management Agency Manager, Employment Services Supervisor, Daycare Coordinator, Foster Care Coordinator, Home Based Provider Coordinator, Social Services Aid and Adoption Specialist will be trained on the WebCheck System and will be the only individuals permitted to run background checks and obtain background check information.

5.0 Policy

1. **PROCUREMENT OF BACKGROUND CHECKS.** The County will request a background check only for legitimate, job-related employment, contractor review, or for job placement purposes. Background checks of pending charges and criminal conviction records may be conducted by the state Bureau of Criminal Information and Investigation (BCII) and Federal Bureau of Investigations (FBI). The Director of Administrative Services, Director of Emergency Services, Director and/or Assistant Director of Department of Job and Family Services, Personnel Coordinator, Recruiter, Emergency Medical Services Manager, Emergency Telecommunications Manager, Emergency Management Agency Manager, Employment Services Supervisor, Daycare Coordinator, Foster Care Coordinator, Home Based Provider Coordinator, Social Services Aid and Adoption Specialist will be the only authorized personnel to run criminal background checks and request criminal background check information.
2. **WRITTEN PERMISSION FOR BACKGROUND CHECKS.** The criminal background check report, is considered public information. The County will procure a background check report only with the written permission of the individual. Refusal to provide written permission to conduct a criminal background check is grounds for withdrawal of any offers of employment or contract services. Background check reports will be stored in the employee's personnel file upon hire or in the recruiting file if the candidate is not hired.
3. **INFORMATION INSPECTION OF BACKGROUND CHECKS.** The County will, upon written request and proper identification of any individual, allow the inspection of any and all background checks maintained regarding that individual per Ohio Open Records Laws.
4. **PROCUREMENT OF CONVICTION AND ARREST RECORDS.** Individuals are required to disclose information concerning criminal convictions, and the County reserves the right to obtain information regarding convictions from outside sources. The County will not ask an individual to disclose information concerning any arrest that did not result in conviction, nor will the County seek this information from any other source, except that the County may ask an individual about pending charges based upon an arrest for which he or she is currently released on bail or on his or her own recognizance pending trial.

5. **USE OF CONVICTION RECORDS.** The County may consider as a possible justification for the refusal to hire, suspension, revocation, or termination of employment any conviction that relates to an applicant's potential performance in the job applied for or an employee's performance in the job the employee currently holds. In making this determination, the County may consider the following factors:
 1. the relationship between each conviction and the responsibilities of the position;
 2. the nature and number of convictions;
 3. the facts surrounding each offense;
 4. the length of time between the conviction(s) and the employment decision;
 5. the employment history of the individual before and after the conviction;
 6. the rehabilitation efforts of the individual; and
 7. the possibility that a particular conviction would prevent job performance in an acceptable businesslike manner.
6. **FINGERPRINTING.** Individuals are required to submit fingerprints on standard impression sheets to be forwarded to the FBI or fingerprints will be scanned into WebCheck and forwarded on-line to the BCII to verify information about individuals and to obtain information including conviction records. Authorized personnel will obtain standard fingerprint impressions. The use of fingerprinting will be limited to verifying an employee's identity, obtaining criminal conviction records, and complying with immigration requirements.
7. **STATE OF OHIO VERSUS FEDERAL FBI BACKGROUND CHECKS.** Delaware County may perform a State of Ohio background check on all candidates being seriously considered for employment and/or any contract providers or clients deemed necessary or required under state law to be checked. If the mentioned candidates have lived outside of the State of Ohio within the last five (5) years, Delaware County may conduct a federal FBI check in addition to the State of Ohio background check.
8. **SYSTEM SECURITY.** The WebCheck system will be housed in a secure area and passwords will be utilized to ensure authorized use only. Software application security will be maintained by the WebCheck administrator.

DELAWARE COUNTY BACKGROUND CHECK CONSENT FORM

Having read and understood the Delaware County Background Check Policy, I hereby authorize Delaware County to conduct a job-related background check and obtain a background check for the position for which I am applying or currently hold. I authorize Delaware County to obtain any information that may be sought concerning me and my work, my habits, character and skill, and I hereby waive any privileges and release Delaware County and all referring entities from any liability involved in producing this information.

I further authorize Delaware County to make any lawful examination of my criminal conviction record, and I release any police or law enforcement agency, and all individuals connected therewith, from all liability in providing such information. I authorize Delaware County to forward my fingerprints to the Bureau of Criminal Identification and Investigation and the Federal Bureau of Investigation for the purpose of obtaining any criminal records maintained on me.

I understand that any employment with Delaware County, contractual relationship with Delaware County, or job placement by Delaware County will be contingent upon the result of any background check that I have so authorized. I understand that false or inaccurate statements on my employment application will be cause for the refusal of employment or for termination after employment.

Applicant or Employee Signature

Date