

## 2.30 Background Checks

---

### **Statement:**

The Sisters of St. Dominic (SSD) have a duty of care to take all reasonable steps to protect sisters, staff, guests and clients from harm and to ensure that employees, independent consultants and volunteers provide services in a professional manner. Background checks are conducted as just one layer of our due diligence and accountability in the selection and retention of our employees, volunteers (includes Board Directors) and independent consultants. Generally, positions that require Criminal History Background Checks (CHBC) include those positions where the person is responsible for the care of vulnerable persons; works in the immediate vicinity; or has regular access to vulnerable persons. Additional positions that require CHBCs are positions where the person has access to confidential sister and/or staff information, or access to drugs/medical records. In meeting this duty of care, a CHBC is required for all employees, independent consultants and volunteers. Positions that are responsible for financial accountability or handling of cash will also require a Credit Check. Positions that require driving as an essential function or those who may occasionally drive their own car for job-related business will also require a Motor Vehicle Record (MVR) Check.

This policy includes prospective and current employees, volunteers and independent consultants of SSD.

### **Definitions:**

**Vulnerable persons:** includes children, aged persons, persons with a physical or intellectual disability or mental illness and persons temporarily incapacitated due to illness or treatment.

**Relevant Criminal Record:** is based on the potential risk in relation to the nature of the work involved in the position.

**Adverse Action:** The term "adverse action" is defined very broadly by Section 603 of the Fair Credit Reporting Act (FCRA) which governs the use of third parties for background and credit checks. "Adverse actions" include all business, credit, and employment actions affecting consumers that can be considered to have a negative impact as defined by Section 603(k) of the FCRA – such as denying or cancelling credit or insurance, or denying employment or promotion.

**Probationary Period Classification (for MVR checks):** is the 12 months following the most recent violation on the MVR.

### **Procedures:**

**Prospective Employees/Consultants/Volunteers:**

After an offer of employment/transfer/promotion is made, the applicant/consultant/volunteer must authorize the background investigation in writing using the form provided for that

## 2.30 Background Checks

purpose. The job offer is contingent upon the CHBC, Credit and/or MVR check as appropriate to the position being filled. The chosen candidate is not to begin work prior to the hiring manager receiving approval from Human Resources. SSD will inquire only about convictions, if any, and not arrests, unless required by applicable laws.

### Current Employees/Consultants/Volunteers:

Current employees, independent consultants and volunteers are required to authorize the background investigation in writing using the form provided for that purpose as a condition of continued employment/consulting/volunteer opportunity. Once the current employee/consultant/volunteer population CHBCs and Credit History Checks have been processed, a recheck will be conducted every five years. MVR checks, for positions where it is required, will be conducted annually.

The Human Resource Director will order the background check upon receipt of the signed release form, and an employment screening service will conduct the check. The Human Resource Director will review all results. The Human Resource Director will notify the hiring manager regarding the results of the check.

Criminal History Check (every 5 years)	SSD will request criminal records related to felony and misdemeanor convictions. Crimes of particular concern include crimes against persons, crimes involving weapons, crimes involving theft or fraud, and crimes involving drugs and alcohol.	All positions
Motor Vehicle Record (MVR) (annually)	SSD will obtain a MVR in situations where there is a business necessity for such information.	Positions where driving is an essential function, or for positions which may occasionally drive a personal vehicle on job-related business.
Credit History Report (every 5 years)	SSD will obtain a credit report in situations where there is a business necessity for such information, e.g., security-sensitive positions.	Security-sensitive positions include positions in Finance/Accounting, managerial positions, and any positions which involve access to cash or negotiable securities, responsibility for the execution or approval of financial transactions, responsibility for accounting related to accounts receivables, responsibility for inventory receipt and control, and access to sensitive data such as SSD's computer systems, credit cards, and personal information.

If an individual's exclusion from further consideration is unclear, the candidate will be provided an opportunity to demonstrate that the exclusion should not be applied due to

## 2.30 Background Checks

his/her particular circumstances; and consideration will be given by SSD as to whether the additional information provided by the candidate warrants an exception to the exclusion and shows that the policy as applied is not job related and consistent with business necessity. In any event, SSD will not terminate or refuse to hire an individual based upon a conviction record unless the circumstances of the offense are substantially related to the job.

If a decision to not hire, retain, transfer or promote a candidate is made based on the results of a background check, there may be certain additional FCRA requirements. The Human Resource Director will be responsible for handling such FCRA requirements as necessary. SSD will follow all applicable FCRA requirements throughout the background check process. Any questions regarding FCRA must be directed to the Human Resource Director.

Information obtained during a background investigation is kept confidential, under lock and key and maintained in a secured file separate from employees' personnel files. The background information is only viewed by the Human Resources Director, unless there is the potential for an adverse action, at which time, only the necessary management will be apprised.

SSD reserves the right to modify this policy at any time without notice.

### **Action Taken on Response Record**

- **Negative response record.**

A negative response record indicates that the name of the applicant/employee was not associated with any criminal, credit or MVR issues in the source's database. SSD relies on this information alone; no other research of the applicant's/employee's criminal, credit and/or MVR history will be made. A copy of the report will be printed and placed in a file separate from the employee's personnel file for auditing purposes.

- **Positive response record.**

A positive response record indicates that the name of the applicant/employee was found and associated with criminal, credit and/or MVR issues in the source's database. The Human Resource Director, with the appropriate management when necessary, will assess the potential risks and liabilities related to the job's requirements and determine whether the individual should be hired/retained, transferred or promoted. If the record is for a current employee, independent consultant or volunteer, their work may be suspended pending the outcome of the assessment. The background check for individuals with a positive response record will be conducted as follows:

## 2.30 Background Checks

### Considering criminal information:

The following categories may disqualify applicants:

NO TIME LIMIT FELONY Homicide/Attempted Homicide Crimes Against Persons: i.e. Manslaughter Child Molestation Robbery Arson Felony Assault Felony Battery Felony Drug Conviction Any 2 Felony convictions for any Felony offense; violent or non-violent	10 - YEAR LIMIT FELONY Burglary Fraud Crime against property Theft Other non-violent Felonies
5 - YEAR LIMIT MISDEMEANOR - VIOLENT Crimes Against Persons; Simple Assault Sex Offenses Weapons Violations Child Abuse Domestic Violence	5 - YEAR LIMIT MISDEMEANOR-NON-VIOLENT Fraud Theft Gambling Drug possession Driving while intoxicated Prostitution

*Note: All time limits are calculated from the date of the conviction or the date of release from jail, prison, probation or parole whichever is most recent.*

The following factors will be considered for those applicants/independent consultants/employees with a criminal history in determining whether to hire the external applicant or retain, transfer or promote the internal applicant/independent consultant/employee:

- the nature of the crime and its relationship to the position (SSD will only terminate or refuse to hire an individual if the offense is substantially related to the job);
- the time elapsed since the conviction or completion of the sentence;
- the number (if more than one) of convictions;
- rehabilitation efforts and subsequent employment history since the conviction(s) and;
- whether retaining, hiring, transferring or promoting the applicant/employee would pose an unreasonable risk to the organization.

### Considering credit information:

No specific event is necessarily disqualifying; however, a trend of inability to manage one's own finances may indicate that the person is not well suited to

## 2.30 Background Checks

handle SSD financial matters or cash. The following factors will be considered for those applicants/independent consultants/employees with a problematic credit history in determining whether to hire the external applicant or retain, transfer or promote the internal applicant/independent consultant/employee:

- the nature of the financial issue and its relationship to the position;
- the time elapsed since the issue;
- the number (if more than one) of issues;
- rehabilitation efforts and subsequent employment history and;
- whether retaining, hiring, transferring or promoting the applicant/employee would pose an unreasonable risk to the organization.

### Considering MVR information:

The following classifications will be used for those applicants/independent consultants/employees in considering their MVR Check:

- **Satisfactory:** eligible to drive. Driving record reflects less than or equal to:
  - one (1) moving violation in recent 12 months
- **Probationary:** eligible to drive with the stipulation that the individual's MVR will be checked periodically (every four months) over the period of probation and their driving record reflects greater than the criteria for Satisfactory status or equal to:
  - two (2) moving violations in past 24 months
- **Unacceptable:** applicants may not be hired or not allowed to drive for job-related business if their driving record reflects:
  - suspended or revoked license
  - three (3) or more moving violations in the past 36 months
  - one (1) or more DUIs/DWIs within the past 24 months
  - at fault in a fatal accident within the past 5 years
  - leaving the scene of an accident within the past 36 months
  - reckless driving within the past 12 months

Any employee without a valid driver's license will not be allowed to operate a company vehicle or drive for SSD business. If driving is an essential job function, the employee may be terminated. If the MVR of an existing employee with a valid driver's license meets or exceeds Probationary status criteria, the employee will be placed on Probationary Status and will be subjected to the requirements of that status until the end of the probation. If during a subsequent periodic MVR check, the employee's record indicates further violations, SSD will review the specific circumstances surrounding the individual and determine appropriate action.

If an adverse action may occur following consideration of information in the CHBC, Credit Report and/or MVR Check:

## 2.30 Background Checks

- an initial letter will be sent to the applicant/independent consultant/employee along with a copy of the CHBC and/or Credit report, their rights under the Fair Credit and Reporting Act (FCRA) and contact information for the vendor from whom the report was obtained.
- a final letter will be sent (approximately five days after the initial letter) to the applicant/independent consultant/employee indicating the final decision regarding their application for employment/transfer/promotion or retention.

If a current employee/consultant/volunteer is found to have falsified information regarding conviction/credit, MVR history, the employee/consultant/volunteer may be immediately terminated.

If an applicant/consultant is found to have falsified information regarding conviction/credit/MVR history, the applicant/consultant will not be considered for employment/volunteering.

In the event an employee/consultant/volunteer has a conviction or motor vehicle violation during the period between scheduled background and MVR checks, they are to report the conviction/violation to the Human Resources Director within five (5) days. Failure to comply may result in termination.