

TRUMBULL COUNTY BOARD OF DEVELOPMENTAL DISABILITIES

Policy

Section 3.9

EVALUATION OF APPLICANTS/BACKGROUND INVESTIGATIONS

Applicants shall be evaluated according to how well their qualifications meet the requirements of the position. Not all applicants will be interviewed for each vacancy. Applicants must submit to reference checks, interviews, background checks, validated performance tests, and/or other job-related screening procedures.

An applicant shall be required to provide any information such as transcripts, licenses and certificates, and undergo any examinations necessary to demonstrate qualification for the position sought, insofar as such information and examination is job-related. All applicants for positions will be subject to a medical examination and drug testing after a conditional offer of employment.

The Board seeks to hire and keep qualified individuals who have the goals of the organization in their interest. The Board will not employ or continue to employ any individual who has been convicted or pled guilty to any offense that bears a direct and substantial relationship to the duties of the individual's position authorized by the Board. In accordance with Ohio law, this policy addresses the Board's obligation to conduct appropriate background investigations of applicants and employees.

Investigations/Criminal Background Checks:

All applicants for employment with the Board shall undergo an initial background check in order to determine the fitness of the applicant to provide direct services or perform other duties for the Board. This background check shall include but not be limited to a request for information regarding any prior criminal convictions or pleas of guilty by the applicant. (Reference O.R.C. §5123.081)

Each individual applying for employment shall be notified at the initial interview that a background check shall be conducted on each individual who is under final consideration including a set of impressions of the applicant's fingerprints for a criminal records check and a certified abstract of the applicant's record of convictions for violations of motor vehicle laws if the applicant will be required to transport program participants or operate a Board vehicle for any other purpose. At the time of the initial application, the Board may notify the applicant that the Board will charge the applicant a fee for the costs incurred by the Board in obtaining a criminal records check, fingerprint impressions, or an abstract and that unless the fee is paid the applicant will not be employed by the Board. The applicant shall be required to sign an authorization for the release of information from his/her present or previous employer(s) and for criminal convictions from law enforcement agencies in any community in which the applicant has resided, the Bureau of Criminal Identification and Investigation (BCII) and any other state or federal agency. In addition, the Board shall request the Registrar of Motor Vehicles to supply certified abstract regarding the record of convictions for violations of motor vehicle laws of each applicant who will be required by his employment to transport individuals with developmental disabilities or to operate the Board's vehicles for any other purpose.

When the initial interview is completed and the applicant is under final consideration for final offer of employment, the Superintendent or designee shall initiate the following procedures for the background check:

- A. Contact the applicant's present or previous employer(s) regarding the individual's work habits and reasons for leaving employment.
- B. Request information pertaining to any criminal convictions or any pleas of guilty by the applicant. This information shall be requested from the law enforcement agency that has jurisdiction in the applicant's current and/or last area of residence and/or from the BCII and any other state or federal agency.
- C. Contact personal references submitted by the applicant for information concerning the individual.
- D. Arrange for the applicant to be fingerprinted by the Trumbull County Sheriff's Office or by the Board and the fingerprint card forwarded to the BCII, or, at the discretion of the Superintendent, any other state or federal agency. It shall be accompanied with a notarized request authorized by the applicant for a report on the criminal record of the applicant. Information shall not be requested on arrests in those cases where there was no conviction or guilty plea. An applicant's refusal to be fingerprinted or to sign and have notarized the request form shall result in no further consideration of his/her application. If an applicant becomes a Board employee and the employee holds an occupational or professional license or similar credentials, the Superintendent may request that the regulating state or federal agency supply the Board with a written report of any information pertaining to the employee's criminal record that the agency obtains in the course of conducting an investigation or in the process of renewing the employee's license or other credentials.
- E. Request a driver's abstract for all applicants who will transport individuals with developmental disabilities or operate the Board's vehicles for any other purpose.
- F. Review the findings of the background check(s) and consider them along with other factors in the decision to employ or retain an individual. The applicant shall not be appointed to fill a position in either the classified or unclassified service of the Board if the background check discloses information that he or she has:
 1. Displayed work performance patterns that, in the judgment of the Superintendent or designee, would prevent him/her from performing the essential functions of the position being filled;
 2. Been dismissed for good cause from any branch of public service if the reason for dismissal bears a direct and substantial relationship to the position being filled;
 3. A driving record unacceptable to the Board or Board's insurance carrier for those applicants who are seeking a position in which driving is an essential component of the duties of the position,
 4. In accordance with O.R.C. §109.572 and 5123.081, and subject to the rules of the Ohio Department of Developmental Disabilities, been convicted of or pled

guilty to the violation of any disqualifying offense described in O.R.C. §5123.081 and listed in §109.572.

- G. The Board shall, prior to employing an applicant, require the applicant to submit a statement that the applicant has not been convicted of or pled guilty to any disqualifying offense described in O.R.C. §5123.081 and listed in O.R.C. §109.572. All applicants will be required to sign an agreement stating that the applicant will notify the Superintendent within fourteen (14) calendar days if, while employed by the Board, the person is ever formally charged with, convicted of, pleads guilty to, or is found eligible for intervention in lieu of conviction for any disqualifying offense described in O.R.C. §5123.081 and listed in O.R.C. §109.572 and that failure to provide notification may result in termination from Board employment. (Reference O.R.C. §5123.081)
- H. The Superintendent, or designee, shall be notified of the reasons for hiring or not hiring any applicant. The EEO officer of the Board shall maintain files of this information.
- I. The BCII response (and the response from any other local, state, or federal agency contacted) regarding any felony convictions or guilty pleas shall be compared to the information of the application and statement signed by the applicant. If the applicant has been appointed to a position, any falsification on the application or statement, which is discovered by this comparison, shall be cause for removal of the employee from his position.

If the Superintendent or other management employee reasonably believes that an employee is or has violated the law or a departmental rule, the Superintendent may, at his discretion, initiate an investigation of the alleged violation including any or all of the procedures set forth for pre-employment background investigations. Any such investigation shall follow the guidelines set forth above for determining if an offense is related to the position of the individual in question.

BCII Records:

BCII reports and similar criminal records checks are not public records for purposes of O.R.C. §149.43 and shall not be made available to any person except the applicant, Board members or employees responsible for employment, or any hearing officer in a case denying employment. Such reports will not be maintained in the employee personnel files but will be maintained in a separate file in the Personnel Director's office.

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Reference:
O.R.C. §5123.081
O.R.C. §109.572
O.R.C. §149.43