

CRIMINAL BACKGROUND CHECK POLICY AND PROCEDURES FOR APPLICANTS AND CRIMINAL CHARGES/CONVICTIONS REPORTING PROCEDURES FOR EMPLOYEES

Effective November 1, 2007

Approved October 22, 2007

PURPOSE OF POLICY: The purpose of this policy is to safeguard County assets, employees, and Alexander County citizens. This policy will assure that prospective employees are an asset to the County and citizens rather than a liability.

RESPONSIBILITIES: It shall be the Human Resources Director's responsibility, under the direction and final authority of the County Manager, to evaluate criminal background checks within the guidelines as described in this policy. This policy shall provide for fair and unbiased treatment regardless of gender, race, color, disability, national origin, marital status, religion, or other protected class of a candidate. This policy shall comply with the Fair credit Reporting Act, Americans with Disabilities Act, Equal Employment Opportunity Commission guidance, and other federal and state laws.

APPLICANT CRIMINAL BACKGROUND CHECK PROCEDURES:

Communication: The criminal background requirement will be announced on all vacancy announcements through the local television station, County website, Employment Security Commission, and any other means of advertisement.

Procedures for Conducting Applicant Criminal Background Checks: All positions (full-time, part-time, and temporary) within Alexander County shall require a criminal background check. Applicants shall complete a Criminal Background Check Consent Form prior to the check being conducted. Refusal to sign disclosure authorization statement will constitute grounds to discontinue any employment consideration for that candidate. All background checks will be discussed with management on an as-needed basis. It shall be the management staff's responsibility to maintain background check results in a highly confidential manner. The highest level of management or board of directors in the following departments shall review and approve the background checks in relation to the essential functions of the job: DSS, Register of Deeds, Health, Cooperative Extension, Soil & Water and Board of Elections. It shall be the responsibility of the Human Resources Director, under the direction of the County Manager, to qualify/disqualify applicants to hire for all County departments with the above exceptions. Should there be a disagreement among the Human Resources Director and the department head on the results of the check, the County Manager shall be the final authority. The Sheriff's Office has voluntarily agreed to comply with all requirements stated in this policy.

BACKGROUND CHECK PROCEDURES FOR EMPLOYEES: Effective November 1, 2007, all employees will be required to report any criminal convictions and/or charges to Human Resources and the department head in writing by the end of the following business day, not to exceed 48 hours. If verbal notice is given, the employee shall provide a written statement within 48 hours of the convictions/charges. Convictions/charges to be reported include, but are not limited to: detention, criminal summons, civil

summons, expired driver's license, warrant for arrest, order for arrest, traffic violations, etc. Minor citations such as expired inspection stickers, expired license plates, warning tickets, parking tickets, improper equipment, or any other non-moving violations shall be excluded from reporting procedures.

Employees who are promoted, demoted, or transferred to other positions within County employment shall be required to have a criminal background check conducted prior to moving into the position. Alexander County shall have the right to perform criminal background checks on any current employee for reasonable cause. Based on the severity of convictions/charges, offenses seven years or older may be alleviated from the disqualification criteria.

Disciplinary Action: Employees failing to report convictions/charges shall be subject to disciplinary action up to and including termination. Convictions/charges reported shall be evaluated in terms of the nature of the essential job functions versus convictions/charges to determine continued employment or disciplinary action.

GENERAL INFORMATION:

Description of Criminal Background Check: A criminal background check shall consist of a review of national criminal records to include convictions and/or charges, felonies, misdemeanors, and traffic violations that appear. In addition, a United States National Sex Offender Registry search shall be conducted. Maiden names shall also be checked.

Interpretation of Criminal Background Checks: The final determination to qualify/disqualify a background check shall be made by the Human Resources Director, and in consultation with the department head if necessary, under the direction of the County Manager. Disqualifying information is identified based upon the nature of convictions/charges versus the essential functions in the job and the associated risks, dates of convictions/charges, and the candidate's record since the date of the conviction. Professional discretion and consistent application must be used to ensure that only job-related disqualifications occur. ***Examples of disqualifying criteria include, but are not limited to:*** embezzlement or fraud conviction of an accountant applicant; sexual harassment judgment against a supervisory candidate; or drunk-driving convictions against an individual whose essential job functions require the operation of a motor vehicle. Based on the severity of convictions/charges, offenses seven years or older may be alleviated from the disqualification criteria. The Board or highest level of authority shall be the final decision maker for the following departments: Sheriff's Office, Register of Deeds, DSS, Health, Cooperative Extension, Soil & Water, and Board of Elections.

Notification of Disqualification and Appeal Procedures: In the event that disqualifying information is revealed during the background check process, applicants shall be notified in writing that the Conditional Offer of Employment is being withdrawn. Applicants shall have the right to appeal the disqualifying decision to the County Manager in writing within five business days from the date of receipt of the rejection notification letter. Applicants applying for positions at the Sheriff's Office, Register of Deeds, DSS, Health, Cooperative Extension, Soil & Water, and Board of Elections shall appeal to the board or highest level of management.

Employees will be notified in writing of the criminal convictions/charges through Alexander County's personnel policy Article X –Discipline and Dismissal for Just Cause. They shall have the right to appeal any disciplinary action or employment decisions related to convictions/charges by using the guidelines set forth in Alexander County's personnel policy, Article XI - Grievance.

Record Keeping: Evidence that a check was conducted, date and type of background check, and a sufficient record of a disqualifying outcome must be maintained. A copy of the disqualification notification to the applicant and the background check record must be retained in the position vacancy file.

Evidence of a background check that results in an employee being approved for hire and employee checks should be filed separate from their personnel file. However, background information that includes infractions, and other personal information will not be retained beyond its usefulness in approving the individual for employment, even if such information is favorable to the employee, unless a specific need for such records exists.

APPLICANT CRIMINAL BACKGROUND CHECK CONSENT FORM

I hereby authorize and request the release of any and all information you have concerning me (including a transcript of any academic work/education, prior employer verification, driving record, criminal history, or other records from various Federal, State, and local agencies regarding my past activities) to Alexander County upon presentation of this release or copy thereof. I understand that any information released and obtained by Alexander County from this authorization may be considered when determining my employability with Alexander County. Based on the information gathered from this release, I may not be considered for employment. Further, I authorize ongoing procurement of the above-mentioned reports at any time during my employment with Alexander County. I have been hired on _____ and I understand that on January 1, 2008 a criminal

background check will be conducted by Alexander County , and based on the results of this check, will determine whether my employment will or will not continue.

I hereby release you and your organization or others from any liability or damage which may result from furnishing the information requested above. I understand that Alexander County will not reveal to me the nature or contents of any confidential reports received. I certify that to the best of my knowledge and belief the information listed below is true and correct. I further certify that I have personally executed this waiver and release with my legal signature.

(Applicant's Printed Name) (Employment Date)

(Applicant's Street Address) (City) (State) (Zip)

(Previous Address (if at current address less than 7 years))

(Driver's License #) (State of Issuance) (Expiration Date)

FOR IDENTIFICATION PURPOSES (Please mark the appropriate answer):

Sex: _____ Male _____ Female **Date of Birth:** _____/_____/_____

Race: _____ Caucasian
_____ African American/Black (not of Hispanic Origin)
_____ American Indian/Alaskan Native
_____ Hispanic
_____ Other

Other Former Names: _____

(Applicant's Signature) (Date)

(Witness) (Date)

EMPLOYEE ACKNOWLEDGMENT OF REQUIREMENTS TO REPORT CIVIL OR CRIMINAL CHARGES AND CONVICTIONS

I hereby acknowledge that I am required to report any civil or criminal convictions and/or charges for which I receive formal notices. The manner of formal notice includes, but is not limited to:

1. Arrest
2. Detention
3. Criminal Summons
4. Civil Summons
5. Warrant for Arrest

- 6. Traffic violations
- 7. Order for Arrest
- 8. Exclusions: Minor citations such as expired inspection stickers, expired license plates, warning tickets, parking tickets, improper equipment, or any other non-moving violations.

This is not an all-inclusive list. When I have questions about the requirements to report charges/conviction, I have a duty to seek clarification from the Human Resources Director through my department head. If convicted/charged I am required to inform the Human Resources Department of the situation in writing by the end of the next business day, not to exceed 48 hours.

I acknowledge that failure to report any convictions/charges within the required time frame is unacceptable personal conduct and shall result in disciplinary action up to and including termination.

I authorize release of a criminal background check at any time during my employment and if I am being considered for a promotion, demotion, or transfer to another position within Alexander County.

I acknowledge that the County Manager, Human Resources Director, and my department head shall fairly evaluate any convictions/charges reported and determine, based on written policy, of the relatedness to my position with Alexander County whether my employment shall continue or disciplinary action shall be administered.

Employee Signature

Date

Witness

Date

ALEXANDER COUNTY

October 1, 2007

John Doe
123 Doe Lane
Taylorsville, NC 28681

Dear Mr. Doe:

This letter is to advise you that the results of your Criminal background Check were reviewed and evaluated in relation to the essential job functions associated with the EMS Paramedic position in which you applied for. Based on the results of this evaluation, I must inform you that you are ineligible to be employed for this particular position with Alexander County.

This letter serves as Alexander County's formal withdrawal of the Condition Offer of Employment extended to you on September 25, 2007. You have a right to appeal this decision in writing within five business days from the date of receipt of this letter. Mail appeal to:

Alexander County
Rick French, County Manager
621 Liledoun Road
Taylorsville, NC 28681

In the event you are interested in applying for other positions with Alexander County, you may view our website at www.alexandercountync.gov. Thank you for your interest in employment with Alexander County.

We wish you the best of luck in your endeavors.

Sincerely,

Sandra Gregory
Human Resources Director