

SUBJECT: CRIMINAL RECORD INVESTIGATIONS, EMPLOYMENT
VERIFICATION, BACKGROUND INVESTIGATIONS

APPROVED BY:

EFFECTIVE

DATE: 04-07-11 (replaces 02-16-11)

Executive Director

Reviewed (no changes): _____

POLICY

McIntosh Trail Community Service Board is committed to comply with Department of Behavioral Health and Developmental Disability Services policies and procedures and Healthcare Facility Regulations regarding consumer care that will insure the safety and protection of those persons served by the agency.

PROCEDURE

A. Application of Policy

1. All applicants who are selected for employment to any position with McIntosh Trail are required to undergo a FBI criminal history record check.
2. This policy provides for a mandatory disqualification from employment for persons with a documented record of criminal conviction of any of the felonies listed in Attachment #2, provided there has been less than a five year lapse since the applicant was convicted, pled nolo, or was released from incarceration (whichever is later). An applicant may also be disqualified as determined by the appointing authority or his/her designee if the criminal records history reflects any other conviction or pattern of convictions that has a direct job relevancy to the position.
3. Current employees selected for transfer, promotion, or demotion to a position requiring a criminal background check will be required to comply with these procedures.

B. Authorization and Release

1. All applicants for positions will be requested to sign a release form authorizing checks to be conducted and the information gathered by such checks to be released to authorized personnel.
 - a. They will be further advised that information obtained during the investigations may be used as a basis for denial of appointment.
 - b. A refusal to sign the release form will result in a termination of the employment process.
2. An applicant may be appointed to a position pending completion of criminal record, background, and employment history investigations but will be released from employment if the results of the investigations are not satisfactory. **In Residential sites and Child & Adolescent sites, no applicant can be appointed without a satisfactory pre-employment criminal background check.**

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PROCEDURE (Continued)

- C. How Criminal, Background and Employment Investigations Are To Be Conducted
1. All employees will be fingerprinted within their first 10 days of employment.
 2. Human Resources will register the employee for a live scan to be done by Cogent on their first day of employment. They will be given a list of Cogent sites in the area.
 3. Fingerprint results will be sent to the Department of Behavioral Health and Developmental Disability Services and a determination letter will be sent to McIntosh Trail Human Resources Office.
 4. Employment investigations may be conducted by oral or written verification of employment listed on the State of Georgia Application for Employment at least five years prior to the date of application.
 5. Background investigations may be conducted by verification of highest level education listed on the State of Georgia Application and by obtaining oral or written information as it is deemed necessary from friends, relatives, associates or organizations listed by the applicant/employee on the Georgia Loyalty Oath. Background investigations should include verification of a valid driver's license for positions requiring the license.
 6. A confidential file, separate from other records or files concerning the applicant, will be developed containing all information obtained in the investigation(s). The file will be maintained by the Human Resources Office. The file and the information contained in the file will be held in the strictest confidence and shared with other agency officials on a "need to know" basis only or as required by law.

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PROCEDURE (Continued)

D. The Use of Criminal, Background and Previous Employment Investigations

1. An applicant selected for employment with a documented record of criminal conviction for one or more of the offenses listed in the Department of Behavioral Health and Developmental Disability Services policy on criminal investigations is disqualified for employment in that position or similar positions provided there has been less than a five year lapse since the applicant was convicted, pled nolo, or was released from probation or incarceration, whichever is later.
2. Employees have the right to challenge the contents of their Criminal History Records Check by contacting the Department of Behavioral Health and Developmental Disabilities, if they choose to do so.
3. Confidentiality of information obtained through investigations must be maintained except as required by law, rule, or regulation.
4. In all other instances, following a careful analysis of relevant data to determine the job relatedness of the criminal record, background or previous employment investigation, the hiring official in conjunction with the Human Resources Manager will prepare a written report with a recommendation to employ/not employ the applicant and forward the report to the Executive Director, who will make a decision to approve or disapprove the hiring of the applicant.
5. Applicants rejected for employment based upon information obtained from the Criminal History Records Check will be notified of the determination made by the Department of Behavioral Health and Developmental Disabilities.
6. Working test employees (classified only) dismissed based upon information obtained from the Criminal History Records Check will be terminated in accordance with State Personnel Board Rules and Regulations. In addition, the employee will be notified of the determination made by the Department of Behavioral Health and Developmental Disabilities.

MCINTOSH TRAIL
COMMUNITY SERVICE BOARD

POLICY NO. 3065
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PROCEDURE (Continued)

E. Security Provisions.

1. Criminal record, employment verification and background investigation information will be accessible only to those Department of Behavioral Health and Developmental Disability Services or CSB employees and agents involved in hiring or any other person who has a legal right to inspect the file.
2. Criminal record, employment verification and background investigation information must be stored in a locked cabinet in the Human Resources Office. Areas in which the information is processed and handled should be out of public view and restricted to authorized personnel in the performance of their official duties.
3. Criminal record, employment verification and background investigation information must be maintained separately from employee personnel files.
4. Release of criminal record, employment verification or background investigation information to persons other than those authorized to receive it may be grounds for disciplinary action.

Attachment(s): 1. Authorization for Release of Information
2. Listing of Crimes and Covered Positions
Reference: DBHDD Policy #04-104

MCINTOSH TRAIL CSB AUTHORIZATION FOR RELEASE OF INFORMATION

My signature below evidences my understanding that should I be selected to fill the position of _____ at _____, a FBI Criminal History Record Check will be conducted with regard to me. An employment history, educational history, background or motor vehicle record investigation may also be conducted with regard to me. I further understand that information obtained during the investigation(s) may be used as a basis for the denial of appointment, as well as termination of employment. I understand that I have the right to challenge the contents of the Criminal History Record Check information, should I choose to do so. I understand that refusal to sign this release will result in termination of the employment process.

All information I hereby authorize to be obtained from the GBI and FBI will be held strictly confidential for the purpose listed above and cannot be released by the recipient without my written consent. I agree, however, that the Georgia Department of Behavioral Health and Developmental Disabilities and its officials, employees, and sub-agencies, will be relieved of any responsibility for any inappropriate use of this information by representatives of the contracting agency. I understand that this authorization will remain in effect indefinitely. I understand that unless otherwise limited by state or federal regulation, and except to the extent that action has been taken which was based on my consent, I may withdraw this consent at any time by giving written notice to the entity to which I am applying for appointment. I also acknowledge that providing false information or failure to provide information pertaining to my identity or criminal history may be a violation of O.C.G.A. disclose §16-10-20.

Hiring Official Signature or Designee Date _____
Employee Signature Date

PERSONAL DATA (Please Print)

Name: Last, First, Middle/Maiden _____
Social Security Number

Address City State Zip

Telephone Number _____
e-mail address (if applicable)

Birth Date _____
Place of Birth - COUNTY AND STATE _____
Citizenship - i.e. USA

Height _____
Weight _____
Eye Color _____
Hair Color _____
Sex _____
Race

LISTING OF FELONIES REFERRED TO IN POLICY 3065

- a. Murder or felony murder
- b. Attempted murder
- c. Kidnapping
- d. Rape
- e. Armed robbery
- f. Robbery
- g. Cruelty to children
- h. Sexual offenses
- i. Aggravated assault
- j. Aggravated battery
- k. Theft by taking, by deception, or by conversion
- l. Forgery (1st or 2nd degree)
- m. Arson