

Chatham County Criminal History Check Policy

Purpose

The purpose of this policy is to establish a procedure for conducting criminal history checks through the Division of Criminal Information Network (DCI). The Criminal Records Check policy was first approved by the Chatham County Board of Commissioners on June 6, 2011.

Subject to Policy

The pre-employment criminal conviction investigation applies to all final applicants for full-time, part-time, limited term, and temporary employment and applicants for volunteer positions. Candidates applying to departments with equally or more restrictive policies, such as volunteers of the Chatham County Sheriff's Office, are exempt from this policy. In addition to a criminal history check through the Division of Criminal Information Network (DCI), all volunteers are run through the United States Department of Justice National Sex Offender Registry and the North Carolina State Bureau of Investigations Sex Offender and Public Protection Registry.

Chatham County also reserves the right to conduct criminal background investigations on any employee or volunteer when the employee or volunteer is charged with any crime that reflects their suitability for continued employment or volunteer opportunities or during an administrative investigation when circumstances warrant further investigation.

Additionally, Chatham County has the authority to run criminal history checks for the following Emergency Response Organizations that choose to use this service:

1. North Chatham Fire Department
2. Bennett Fire Department
3. Bonlee Fire Department
4. Silk Hope Fire Department
5. Moncure Fire Department
6. Siler City Fire Department
7. Goldston Fire Department
8. Pittsboro Fire Department
9. Chatham County Rescue

Chatham County shall run criminal history checks for all employees or volunteers in that organization, only after Chatham County and the Emergency Response Organization have entered into a Memorandum of Understanding.

In accordance with N.C.G.S. §153A-94.2(b) if a position being filled by the county requires an applicant for employment to work with children in any capacity requires the applicant, if offered the position, to be subject to a criminal history record check conducted by the SBI. These checks must be conducted in accordance with G.S. 143B-1209.26, the statute which authorizes the SBI to provide a fingerprint-based state and national criminal record check to cities and counties. This enhanced criminal history record check will not be required for volunteers.

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Process

For Chatham County

The Human Resources Director must have a signed access agreement with the State Bureau of Investigations before this process may be followed. Additionally, the Emergency Communications Director and Human Resources Director must agree to a Memorandum of Understanding before this process may be followed.

Once a Memorandum of Understanding has been agreed upon, the Emergency Communications Director or Terminal Agency Coordinators in the Emergency Operations Center shall be responsible for using DCI. A thorough search of local and state criminal records shall be conducted through DCI to determine if the applicant has been convicted of any crime.

The individual's name and date of birth are the necessary identifying information for this search. The Human Resources Director or in their absence the Human Resources Analyst shall acquire and submit this information.

The Emergency Communications Director or Terminal Agency Coordinators shall provide the findings from the DCI search to the Human Resources Director or in their absence the Human Resources Analyst. The findings shall only be provided if all necessary agreements with the Statue Bureau of Investigation Division of Criminal Information have been executed.

The Human Resources Director or in their absence the Human Resources Analyst shall evaluate any crime for the purposes of employment or volunteer opportunities. The following items will be considered:

1. Nature of the offense;
2. Circumstances of the offense;
3. Time frame of the offense;
4. Applicants' or volunteers' employment record since the offense;
5. Number of convictions; and
6. Rehabilitation.

The criteria for which a person would be denied employment, volunteer opportunities, or terminated are subject to the items listed above as they relate to the essential job functions or position applied for.

Before the County may deny or terminate employment or volunteer opportunities based upon the criminal history record information, the Human Resources Director or in their absence, the Human Resources Analyst shall speak with the candidate to verify the existence of the record and ensure that it belongs to the individual. The Human Resources Director or the Human Resources Analyst will offer the candidate the opportunity to provide facts or circumstances surrounding the offense that the individual feels should be considered.

If the individual believes the record or records are incorrect, the Human Resources Director or Human Resources Analyst will provide a letter to the candidate with the location(s) of the conviction to allow the candidate the opportunity to deliver proof within five (5) calendar days, that such record or records are in error. Certified public records from the county or counties would be considered proof. The

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candidate will incur any cost associated with obtaining such records or proof.

Any decision to deny employment or volunteer opportunities, terminate employment or volunteer opportunities, or other action shall be made by the Human Resources Director, or in their absence the Human Resources Analyst, with the appropriate department head and/or appointing authority.

All criminal history records shall be received and maintained as part of a confidential file in Human Resources, which is separate from employee personnel files. All criminal history records shall be kept on file for at least one (1) year.

For Chatham County Enhanced Background Check Positions

In addition to the above-listed steps, the following information is also required:

- The fingerprints of the applicant;
- A form signed by the applicant consenting to the criminal record check and use of fingerprints and other identifying information required by the State and National Repositories of Criminal Histories;
- and any additional information required by the SBI.

For Emergency Response Organizations

The Emergency Communications Director and Chief of the Emergency Response Organization must have a signed access agreement with the State Bureau of Investigations and must agree to a Memorandum of Understanding before this process may begin.

Once a Memorandum of Understanding has been agreed upon, the Emergency Communications Director or Terminal Agency Coordinators in the Emergency Operations Center shall be responsible for using DCI. A thorough search of local and state criminal records shall be conducted through DCI to determine if the applicant has been convicted of any crime against a person, crimes against property where intent is an element or any drug or gambling related offense.

The individual's name and date of birth are the necessary identifying information for this search. The Chief of the Emergency Response Organization shall acquire and submit this information.

The Emergency Communications Director or Terminal Agency Coordinators shall provide the findings from the DCI search to Chief of the Emergency Response Organization. The findings shall only be provided if all necessary agreements with the State Bureau of Investigation Division of Criminal Information have been executed.

The Chief of the Emergency Response Organization shall evaluate any crime for the purposes of employment or volunteer opportunities. The following items may be considered:

1. Nature of the offense;
2. Circumstances of the offense;
3. Time frame of the offense;
4. Applicants' or volunteers' employment record since the offense;
5. Number of convictions; and

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6. Rehabilitation.

The criteria for which a person would be denied employment or volunteer opportunities or terminated may be subject to the items listed above as they relate to the essential job functions or position applied for.

Before the Emergency Response Organization may deny or terminate employment or volunteer opportunities based upon the criminal history record information, the Chief shall verify the existence of the record to ensure that it belongs to the individual. The Chief may either obtain a certified public record or submit a fingerprint card of the individual to the criminal information and identification section. The Emergency Response Organization will incur any costs associated with this process.

Any decision to deny employment or volunteer opportunities, terminate employment or volunteer opportunities, or other action shall be made in accordance with the policies and procedures of the Emergency Response Organization.

All criminal history records shall be received and maintained as part of a confidential file with the Emergency Communications Director or Terminal Agency Coordinator. All criminal history records shall be kept on file for at least one (1) year.

For Parks and Recreation Volunteers

The Human Resources Director must have a signed access agreement with the State Bureau of Investigations before this process may be followed. Additionally, the Emergency Communications Director and Human Resources Director must agree to a Memorandum of Understanding before this process may be followed.

Once a Memorandum of Understanding has been agreed upon, the Emergency Communications Director or Terminal Agency Coordinators in the Emergency Operations Center shall be responsible for using DCI. A thorough search of local and state criminal records shall be conducted through DCI to determine if the applicant has been convicted of any crime.

The individual's name and date of birth are the necessary identifying information for this search. The Human Resources Director or in their absence the Human Resources Analyst shall acquire and submit this information.

The Emergency Communications Director or Terminal Agency Coordinators shall provide the findings from the DCI search to the Human Resources Director or in their absence the Human Resources Analyst. The findings shall only be provided if all necessary agreements with the Statue Bureau of Investigation Division of Criminal Information have been executed.

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4. Applicants' or volunteers' employment record since the offense;
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Before the County may deny or terminate employment or volunteer opportunities based upon the criminal history record information, the Human Resources Director or in their absence, the Human Resources Analyst shall speak with the candidate to verify the existence of the record and ensure that it belongs to the individual. The Human Resources Director or the Human Resources Analyst will offer the candidate the opportunity to provide facts or circumstances surrounding the offense that the individual feels should be considered.

If the individual believes the record or records are incorrect, the Human Resources Director or Human Resources Analyst will provide a letter to the candidate with the location(s) of the conviction to allow the candidate the opportunity to deliver proof within five calendar days, that such record or records are in error. Certified public records from the county or counties would be considered proof. The candidate will incur any cost associated with obtaining such records or proof.

Any decision to deny employment or volunteer opportunities, terminate employment or volunteer opportunities or other action shall be made by the Human Resources Director with the appropriate department head and appointing authority.

All criminal history records shall be received and maintained as part of a confidential file in Human Resources, which is separate from employee personnel files. All criminal history records shall be kept on file for at least one (1) year.

Authority and Interpretation

This policy shall be adopted by the Chatham County Board of Commissioners and may only be amended by the Commissioners. Human Resources officially interprets and houses the policy and shall make recommendations to the Board regarding changes it deems necessary. If the policy is amended, the State Bureau of Investigations will be notified of any changes. The County shall always retain a copy of the policy, and each agreed upon Memorandum of Understanding.

If this policy or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this policy, which can be given separate effect and are declared severable. Any policy or part of a policy that conflicts with this policy shall be repealed.

The County shall ensure that it is in compliance with its access agreement with the SBI and DCI regulations and fee payment terms.