

## **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 if deemed necessary, final applicants for volunteer positions. Any of the applicants that are applying to a department with a policy that is at least as restrictive as this policy are excluded.

Volunteers for Chatham County Parks and Recreation are also subject to 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 his/her suitability for continued employment 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 the 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.

### **Process**

#### ***For Chatham County***

The Assistant 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 Assistant Human Resources Director must agree to a Memorandum of Understanding

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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 Assistant Human Resources Director or in his/her absence the Assistant County Manager for Human Resources shall acquire and submit this information.

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

The Assistant Human Resources Director or in his/her absence the Assistant County Manager for Human Resources shall evaluate any crime for the purposes of employment. The following items will be considered:

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

The criteria for which a person would be denied employment or terminated is 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 based upon the criminal history record information, the Assistant Human Resources Director or in his/her absence the Assistant County Manager for Human Resources shall verify the existence of the record to ensure that it belongs to the individual. The Assistant Human Resources Director or the Assistant County Manager for Human Resources may either obtain a certified public record or submit a fingerprint card of the individual to the criminal information and identification section. The County will incur any costs associated with this process.

Any decision to deny employment, terminate employment or other action shall be made by the Assistant 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 year.

### ***For Emergency Response Organizations***

The Emergency Communications Director and Chief of the Emergency Response Organization must have

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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 Statue 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. The following items may be considered:

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

The criteria for which a person would be denied employment 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 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, terminate employment or other action shall be made in accordance to 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 year.

### ***For Parks and Recreation Volunteers***

The Assistant 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 Assistant Human Resources Director must agree to a Memorandum of Understanding

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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 Assistant Human Resources Director or in his/her absence the Assistant County Manager for Human Resources shall acquire and submit this information.

The Emergency Communications Director or Terminal Agency Coordinators shall provide the findings from the DCI search to the Assistant Human Resources Director or in his/her absence the Assistant County Manager for Human Resources. 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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### **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 is in conflict 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.