

NORHT GEORGIA HEALTH DISTRICT
County Board of Health Personnel Policy #504
Cherokee, Fannin, Gilmer, Murray, Pickens, Whitfield

CRIMINAL HISTORY RECORD CHECKS

EFFECTIVE DATE: April 1, 2010

RELEASE DATE: April 1, 2010

REFERENCES: O.C.G.A. §31-7-350 *et seq.*, § 35-3-30 *et seq.*, and §49-2-14
Criminal Code of Georgia (O.C.G.A. Title 16)

The County Board of Health (CBH) is concerned about the health and safety of all individuals and the safeguarding of state property. It is the policy of the Board that all reasonable efforts will be made to provide a safe and secure environment for clients, patients, customers, staff and any other work-related contacts. Based on this objective, a criminal history record check will be completed on each employee's first day of employment in any job with the Board. Criminal history record checks are also to be completed on individuals with whom the Board contracts to perform direct care, treatment and/or custodial services.

**GENERAL
PROVISIONS**

1. All individuals who are selected for employment to any position with CBH are required to undergo a criminal history record check.
2. All employees are **required** to disclose felony convictions on the *Application For Employment*, and all employees are required to disclose convictions and/or pending charges on *State Security Questionnaire/ Loyalty Oath* forms.
 - 2.1 Falsification or misrepresentation of information, including criminal history, is **prohibited** and **may** result in an employee's separation of employment.
 - 2.2 **Material** falsification or misrepresentation of any information, including criminal history, **will** result in a separation of an employment.

NOTE: "Material" refers to information that directly influences and/or impacts the hiring decision based on records, credentials and/or qualifications.

- 2.3 Individuals who are separated from employment due to falsification or misrepresentation of information are not eligible for consideration for employment with

CRIMINAL HISTORY RECORD CHECKS (continued)

CBH for a **minimum of six (6) months** from the date the violation is discovered.

3. Employees are **required** to notify their supervisor or personnel representative of any arrests and/or convictions within five (5) calendar days of the date of arrest or conviction. A determination of appropriate action will be made on a case by case basis.

**CRIMES THAT
RESTRICT
EMPLOYMENT**

1. Individuals who have been convicted of a crime listed in this section, or any other offense committed outside of the State of Georgia that would have been considered one of these crimes if committed in Georgia, are **disqualified** from employment as indicated below.

2. There is a **mandatory** disqualification from employment in positions subject to criminal history record checks for a **minimum of five (5) years** from the date of conviction, plea of *nolo contendere*, or release from incarceration or probation, whichever is later, for the following crimes:

- ❖ Murder or Felony Murder;
- ❖ Attempted Murder;
- ❖ Kidnapping;
- ❖ Rape;
- ❖ Armed Robbery;
- ❖ Robbery;
- ❖ Cruelty to Children;
- ❖ Sexual Offenses;
- ❖ Aggravated Assault;
- ❖ Aggravated Battery;
- ❖ Arson;
- ❖ Theft by taking (O.C.G.A. § 16-8-2), by deception (O.C.G.A. § 16-8-3) or by conversion (O.C.G.A. § 16-8-4); and
- ❖ Forgery (in the first or second degree.)

3. CBH are **prohibited** from hiring into direct care or custody positions any individuals who have been convicted of child, client or patient abuse, neglect or mistreatment, regardless of the date, unless exceptions are approved.

CRIMINAL HISTORY RECORD CHECKS (continued)

- 3.1 This is a permanent hiring prohibition.
- 3.2 Any requests for exceptions to this prohibition will be closely reviewed on a case-by-case basis by the District Health Director and the District Personnel Office.
- 4. The following **minimum** sanctions are to be imposed on employees who have been convicted of a criminal drug offense:
 - 4.1 Disqualification from employment in any position for a period of two (2) years from the date of conviction for the first offense; and
 - 4.2 Disqualification from employment in any position for a period of five (5) years from the most recent date of conviction for the second or subsequent offense.

NOTE: For purposes of this disqualification, "conviction" does not include treatment under the Georgia First Offender Act or a plea of *nolo contendere*. (See Policy #1301 - Drug-free Work Place)

- 5. Employees may also be disqualified from employment, as determined appropriate by hiring officials or designees, if criminal history records indicate any of the following that have direct relevancy to the responsibilities or duties of the position.
 - 5.1 Any other conviction or pattern of convictions;
 - 5.2 A pattern of recent arrests; or,
 - 5.3 A significant recent arrest. (Disqualification to apply until such time as the charge is resolved.)

**NOTICE &
CONSENT
FORM**

- 1. Applicants must be notified that a criminal history record check is required upon employment with the CBH. This notification must be included on all job announcements.
- 2. Applicants/employees are to be advised of the required criminal history record check during the interview process.

CRIMINAL HISTORY RECORD CHECKS (continued)

3. At the time of a preliminary job offer, applicants/employees are to complete the *Consent For Release Of Information* form. (See **Attachment #1.**) Applicants/employees who refuse to sign the *Consent For Release Of Information* form will not be given further consideration for employment.

NOTE: The *Consent For Release Of Information* form is available at:

<http://10.155.0.90/nghd/>

4. Applicants/employees are to be advised that they may be separated from employment based on information received on criminal history record checks.

**FINGER-
PRINTING
PROCESS**

1. Once the supervisor/manager has selected an individual to be offered employment, the supervisor/manager **must** forward the completed *Consent For Release Of Information* form along with a Personnel Action Request and other required documents for that individual to the District Personnel Office.
2. On the first day of employment, the applicant will be directed to report to a contracted vendor to be fingerprinted.
3. Results of the background check will be downloaded from a secure website by the Personnel Representative.

**ACTION TO BE
TAKEN BY THE
DISTRICT
PERSONNEL
OFFICE**

1. If the results show that there is no criminal history, no further action will be taken.
2. If the results show that there is a criminal history that prohibits employment, the District Personnel Representative will contact a member of management to take appropriate employment action.
3. If the results show that there is a criminal history that may be job-related, the District Personnel Representative will contact a member of management to discuss. After a close review, management will make an employment determination.
4. If there is a pending charge, the supervisor/manager must meet with the employee to discuss the current status and specific facts.

CRIMINAL HISTORY RECORD CHECKS (continued)

- 4.1 An employee who refuses to discuss a pending charge is subject to disciplinary action, up to and including dismissal.
- 4.2 The employee is required to notify the District Personnel Office when a disposition of the pending charge is made. The personnel representative will inform a member of management.
- 4.3 A determination of appropriate action based on the disposition will be made on a case by case basis.

**REVIEW OF
INFORMATION
IN PERSONNEL
RECORDS**

- 1. The District Personnel Representative must compare the results received with information provided by employees on the *Application For Employment* and on the *State Security Questionnaire/Loyalty Oath* forms.

NOTE: The District Personnel Representative will ensure that *State Security Questionnaire/Loyalty Oath* Forms have been properly notarized.

- 2. Any discrepancies must be discussed with employees. Employees must be given an opportunity to provide a written explanation of discrepancies to the manager or personnel representative prior to any action being initiated. A determination of appropriate action will be made after receipt of the written explanation.
- 3. The District Personnel Representative will contact a member of management if the employee did not disclose criminal history information on the *Application For Employment* or *State Security Questionnaire/Loyalty Oath* forms.

NOTE: Minor traffic offenses would not warrant disciplinary action or separation unless such offenses are relevant to the job or the number of offenses indicates a serious lack of judgment. DUIs and other serious traffic-related infractions are not considered "minor traffic offenses."

- 4. If it is determined that an employee provided material falsification or misrepresentation of any information on the

CRIMINAL HISTORY RECORD CHECKS (continued)

Application For Employment or Security Questionnaire/ Loyalty Oath forms, the employee **will** be separated from employment.

- MAINTENANCE OF RECORDS**
1. Criminal history record information must be maintained separately from any type of personnel file.
 - 1.1 This information, when not in use, must be stored in a locked cabinet. Areas in which the information is processed and handled should be out of public view and restricted to authorized staff in the performance of their official duties.
 - 1.2 Criminal history record information is accessible only to authorized employees who have a need to know.
 2. The District Personnel Office will maintain criminal history record information for at least five (5) years.
 3. When an employee moves between County Boards of Health positions within the NGHD, criminal history record will remain in the District Personnel Office.
 4. All conviction data received can only be used for making employment decisions and will not be released or otherwise disclosed, except to a person or agency with a legal right to inspect the criminal history record file.
 - 4.1 The release of criminal history record information to unauthorized individuals may be grounds for disciplinary action, up to and including dismissal.
 - 4.2 Criminal penalties may be imposed for unlawfully accessing or communicating criminal history record information.

For additional information or assistance, please contact the District Personnel Office at 706/272-2342.

ATTACHMENTS:

Attachment #1 -*CONSENT FOR RELEASE OF INFORMATION*