



Deschutes County Administrative Policy No. HR-3
Effective Date: July 25, 2007

BACKGROUND CHECKS

STATEMENT OF POLICY

It is the policy of Deschutes County to ensure that all individuals who are employed by the County are well qualified, by conducting background checks of all applicants.

APPLICABILITY

This policy applies to the Personnel Department, all department heads, managers, supervisors and all job applicants, including applicants who are currently employed by Deschutes County.

POLICY AND PROCEDURE

In General

All applicants for jobs with Deschutes County shall be subject to a thorough investigation of past employment and employment-related activities, including checking employment references. Additional background checks may include, at County's option, criminal record checks and credit history checks depending on the nature and requirements of the position applied for.

Job announcements will state if finalists for the positions may be subject to a pre-employment background investigation. The department head, along with the Personnel Department, will determine which type(s) of background investigations will be required of applicants. Each applicant will be required to sign an authorization form permitting access to information and records regarding their work history and background. If an applicant refuses to sign the employment application authorizing the County to conduct the background investigation, the applicant will be removed from consideration for the position. Background investigations can be conducted prior to or following a conditional job offer. All finalists will be notified in writing that the job offer is contingent upon satisfactory results of a pre-employment background investigation, to be conducted by the County, which the County, in its sole discretion, will review and evaluate. The same process will be followed for current employees who are being promoted or reassigned to the specified positions. Criminal and civil records generally will be searched for any conviction history as an adult (dating back to the applicant's/employee's 18th birthday). Juvenile records generally will not be searched.

The Personnel Department will review the criminal history record with the hiring department head for his or her consideration in making the selection.

Classifications Requiring Criminal Record Checks

Applicants will be subject to a criminal background check if the duties applied for will involve delivering to or working with juveniles, the mentally ill, developmentally disabled or elderly. Applicants may, at the County's option, be subject to a criminal background check if the duties applied for will involve any of the following activities:

- A. Handling or processing cash and/or checks;
- B. Handling financial records;
- C. Law enforcement, correction, parole, probation or criminal justice;
- D. Maintaining medical, mental health, criminal and/or other confidential records or information;

- E. Building, maintenance, cleaning or repair services;
- F. Computer technology services;
- G. Any other job classification or position for which the County Administrator determines that it is appropriate to conduct and authorize criminal background checks.

Retention of Authorization Form and Record of Criminal Background Check

The Personnel Department will maintain the criminal background check authorization form signed by the applicant. The written criminal conviction records for persons that are not hired as employees or appointed as volunteers will be retained in accordance with the requirements of the Oregon Administrative Rules. The criminal conviction record of each applicant with a criminal conviction who is hired as an employee or appointed as a volunteer will be maintained by the Personnel Department in a confidential file separate from the employee's personnel file or volunteer's service file.

Procedures for Obtaining Criminal Background Checks

The Personnel Department will oversee the conduct of all criminal background checks. The Personnel Department will request an employee of the Deschutes County District Attorney's Office or Deschutes County Sheriff's Office, trained and authorized to perform criminal conviction checks through the LEDS system, to conduct the check on the prospective employee or volunteer and orally report to the Personnel Department whether the applicant's record indicates "no conviction record" or "conviction record." If the applicant's record is reported as "conviction record," the Personnel Department may, pursuant to OAR 257-10-025(C) as it currently exists or may from time to time be amended, request a written criminal conviction report from the Oregon State Police identification services section and pay the applicable fee for this service. The Personnel Department will review each applicant's criminal conviction report with the department head or persons responsible for making the hiring or selection decision for consideration in making the selection of an employee or volunteer.

Use of Criminal Background Checks

If an applicant for employment or volunteer service with Deschutes County has a felony conviction or convictions or a misdemeanor conviction or convictions involving moral turpitude, dishonesty or theft, the applicant's application and criminal conviction record will be reviewed by the County Personnel Services Manager, County Legal Counsel and County Risk Manager to determine if the applicant possesses the required degree of honesty and integrity to work or perform services for Deschutes County. Following this review, the Personnel Services Manager, County Legal Counsel and the Risk Manager will make a recommendation to the department head and County Administrator as to whether the applicant should or should not be disqualified from consideration for employment or volunteer service with Deschutes County.

Each employment or volunteer selection will be made on an individual basis, taking into account the applicant's qualifications, the requirements of the particular job or volunteer position applied for, and the results of the criminal background check. Factors which may be considered in determining whether or not an applicant's criminal conviction background is acceptable may include but are not limited to:

- Whether the candidate disclosed the conviction on the employment application (omission of facts called for in the application, including the reporting of criminal convictions, is cause for cancellation of the application and/or dismissal from employment).
- The nature and gravity of the offense, and whether it indicates a propensity to cause harm or potential to cause harm to other employees, County property, clients or citizens.
- The amount of time that has passed since the conviction or negative credit entry, or

completion of sentence and whether the individual completed required treatment or rehabilitation.

- The relationship between the nature of the offense and the job in question.
- The public sensitivity of the position under consideration.

The employment or volunteer service of any candidate with a record of felony criminal conviction or misdemeanor conviction involving moral turpitude, dishonesty or theft require approval by the County Administrator and the Board of County Commissioners.

If there will be a significant delay before the background investigation is complete, the applicant or current employee may be permitted to begin working in the position at the sole discretion of the department head on a case-by-case basis, but only under direct supervision and with written notification that employment may be terminated. In the case of a current employee, the department head may terminate the employee or return the employee to the former position, if negative information relevant to the position in question is revealed as a result of the background investigation.

The results of background investigations are considered confidential records and will be withheld from public disclosure to the full extent allowed by law. An individual's unauthorized access to or disclosure of these records will subject the individual to discipline, up to and including termination.

Procedures for Investigations Conducted through a Third Party Agency

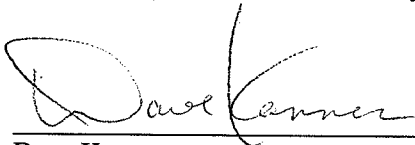
Background investigations may be conducted through a third party agency. The County will ensure that (where applicable) background investigations conducted by a third party are conducted in compliance with federal and state statutes, including the Fair Credit Reporting Act. (FCRA).

Post-Offer Drug Screening and Examinations or Evaluations

As a condition of a job offer for any position, all new hires must take and pass a drug screening test at a time and location designated by the County. Failure to submit to the testing or a verified positive test result will result in the withdrawal of the offer of employment and the applicant shall be barred from consideration for County employment for a period of not less than one year after a verified positive test. All offers of employment shall be conditional upon a verified negative controlled substances test.

If a medical examination, physical examination, physical capacity evaluation, psychological evaluation and/or other testing or evaluation is required for the position, the County will, in accordance with the Americans with Disabilities Act and any other applicable law, provide reasonable accommodation to the finalist during the examination, testing or evaluation.

Approved by the Deschutes County Board of Commissioners July 25, 2007



Dave Kanner
County Administrator