

THE CENTER FOR DISCOVERY

SUBJECT: Criminal History Record Check	MANUAL: Corporate Compliance
	SECTION: Section 5

Purpose:

Pursuant to applicable law, The Center performs criminal background checks for all employees or interns who may, in the course of their employment, have regular and substantial unsupervised or unrestricted physical contact with people receiving services. These checks are performed by the State of New York and the State of New Jersey (where applicable) based upon fingerprints taken by a NYS designated agency.

Policy:

- Consent:** As part of the application process, each applicant will be required to consent to submit his or her fingerprints to The Justice Center / OPWDD (Office for People With Developmental Disabilities) for criminal background clearance, as well as to consent for The Center to investigate the underlying facts related to a pending charge or a criminal conviction.
- Receipt of criminal history:** Pursuant to applicable laws, the mere fact that an individual has a criminal record or has criminal charges pending does not per se disqualify the individual for employment with The Center. Upon receipt of the criminal history indicating conviction of a crime or criminal charges pending, The Center may be directed by OPWDD to deny an application, to hold the individual's employment in abeyance pending the resolution of pending charges, or to conduct a safety evaluation relating to the particular employee, the facts underlying any criminal conviction, and the particular job for which the prospective employee applied. Based upon the results of the safety evaluation, The Center may choose to deny employment for the particular position for which the individual applied, hold the applicant's employment in abeyance pending resolution of an outstanding criminal charge, or allow the individual to work in the particular job.
- Confidentiality Requirements:** Only authorized representatives of the Office of People Operations and other administrative staff shall have access to the criminal history record information, the results of any investigation as to the facts and circumstances of pending charges or convictions, or summary of the criminal history record information received by The Center.
- Criminal History Records Check – New Jersey:** Certain employees of The Center will work in a residence in which children from New Jersey are placed, and therefore are regulated by the State of New Jersey as well as The State of New York. These employees will also be required to undergo a background check through the New Jersey Central Registry. The Central Registry is a confidential web-based registry, maintained by the New Jersey Department of Human Services, of paid caregivers and volunteers, determined by the Department to have abused, neglected or exploited an individual with a developmental disability.

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5. **Criminal Charges or Convictions Following Employment:** Staff members are expected to notify their immediate supervisor or a member of People Operations within 24 hours if they are arrested for any reason following their employment with The Center. Upon receiving notification from The Justice Center / OPWDD regarding the conviction or pending charge, or upon becoming aware of a conviction or pending charge subsequent to the initial criminal history record check, The Center will:
- a. Conduct a safety assessment, evaluating the job duties of the individual, and the facts and circumstances underlying the pending charges, and will take all appropriate steps to protect the health and safety of the persons receiving services. The safety assessment and steps shall be documented;
 - b. If the conviction or pending charge is listed among the disqualifying crimes listed in section 633.98 of the OPWDD regulations, or after completion of the safety assessment, The Center determines that the nature, facts and circumstances of the criminal charge may present undue risk to the individuals served at the Center, the employee will be placed on an unpaid leave of employment until such time as a final disposition of any pending legal action is received. Final disposition will only be accepted from the Criminal Background Unit of The Justice Center / OPWDD
 - c. If the results of the safety assessment permit the individual to continue employment, the results of such safety assessment will be made available to The Justice Center and OPWDD. Upon resolution of the charges, The Justice Center or OPWDD may require a new safety assessment.

Procedures:

1. Specific procedures for each of these elements are described within their respective policies as a part of the Employee Handbook.

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