

❖ Section 3 – General Employment Practices

Background Investigations for Employees, Interns, and Volunteers Policy

Approved by Regional Governing Board

Date: 3/12/12

It is the policy of Region V Systems to require reference and background checks for all full-time, part-time, and on-call employees, regardless of position held with the organization. Unless otherwise stated herein, this policy shall also apply to interns and volunteers.

PROCEDURES

Human Resources is responsible for conducting all reference and background checks for applicants, current employees, interns, and volunteers.

Applicants and Employees (*except where referenced for interns/volunteers*)

When Reference¹ and Background Checks² are Conducted

Prior to a conditional offer of employment, Region V Systems requires reference checks of an applicant's past three employers as well as background checks; character references may be considered but are not accepted in place of employer reference checks.

An offer of employment may be extended to an applicant prior to the completion of the background check process. However, the applicant will not be allowed to work independently with clients (including transporting clients or co-workers), prior to the satisfactory completion of the background check process. Individuals who are hired contingent on background checks will only be allowed to attend training or to job shadow.

Once an applicant accepts a conditional offer of employment, he/she will be required to submit to drug testing if applying for these positions: Professional Partner, Mentor, Prevention staff, and any other like-positions that may interact independently with clients and/or vulnerable populations on an ongoing basis. **See policy on "Drug and Alcohol Testing" for complete description of how drug testing is conducted by Region V Systems.**

Background checks (with the exception of drug screening) are required every two years after initial employment for all full-time, part-time, and on-call employees.

¹ Reference checks refer to verbal inquiry made by Region V Systems to an applicant's previous employer(s).

² Background checks refer to reports generated from third-party vendor and/or investigative processes by Region V Systems (see Page 2 of this policy).

How Background Checks Are Conducted

Region V Systems will use a third-party vendor to conduct most background checks, including drug testing. (drug testing is done only if required for positions noted above). Written authorization will be obtained from the applicant/conditional offeree prior to conducting background checks and drug testing.

Region V Systems' third-party vendor will conduct background checks by obtaining information from the following sources:

- a) Nebraska State Patrol
- b) Lincoln Police Department
- c) Nebraska Department of Motor Vehicles
- d) Adult and Child Abuse/Neglect Registry
- e) Sex Offender Registry
- f) Outstanding Arrest Warrant
- g) Bureau of Prisons
- h) Justice System
- i) Nebraska Department of Corrections
- j) Out-of-state / out-of-country checks, as applicable
- k) Global checks, including U.S. and foreign sanctions and watch lists

Region V Systems will conduct investigative processes as follows:

- a) Verification of work eligibility through the federal E-Verify program.
- b) Education verification of post-secondary degrees, if required for position.
- c) Drug screen through a licensed laboratory. **See policy on "Drug and Alcohol Testing" for complete description of how drug testing is conducted by Region V Systems.**

All background checks will be conducted in accordance with applicable state and federal law.

Disqualification of Employment

Although a disqualification for employment is possible, a previous conviction will not automatically disqualify an applicant from consideration for employment with Region V Systems. Likewise, potential future convictions that occur during the course of employment are not an automatic bar to continued employment. The organization will take into consideration the following factors:

- Nature of position.
- Nature of conviction.
- Number of convictions.
- Dates of convictions.
- Age of the candidate / employee when the illegal activity occurred.
- Whether hiring, transferring, or promoting the applicant/employee would pose an unreasonable risk to the organization.

Exceptions: If it has been found that the following applies to an applicant or current employee, he/she will be subject to the following restrictions/disqualification of employment:

- **DMV Record:** If an applicant has six or more points assessed against his/her driving record within the most recent two-year period, the applicant will be disqualified for employment in the following positions: Professional Partner, Mentor, Prevention staff, and any other like-positions that may transport clients and/or vulnerable populations on an on-going basis.

Individuals applying for other positions who have six or more points assessment against his/her driving record within the most recent two-year period may be eligible for employment but will be restricted from using a Region V-owned vehicle until his/her DMV record shows less than six points assessed during the most recent two-year period. If hired, the employee will also be restricted from using his/her personal vehicle to transport clients, co-workers, and vulnerable populations until the record shows less than six points assessed during the most recent two-year period.

Current employees who have such a driving record may be restricted from using Region V-owned vehicles or using their own vehicle to transport clients, co-workers, and vulnerable populations until the record shows less than six points assessed during the most recent two-year period. If such a restriction prohibits the employee from performing his/her essential job functions, he/she may be subject to termination of employment.

- **Nebraska Sexual Offender Registry, Child or Adult Abuse/Neglect Registry:** If an individual appears on any of these registries, as an applicant or during employment, he/she will be disqualified from employment for the following positions: Professional Partners and Mentors.
- **Positive Drug Testing (See policy on “Drug and Alcohol Testing” for complete description of how drug testing is conducted by Region V Systems.)** If the conditional offeree tests positive

for illegal drug use, provides a diluted specimen for the drug test, or refuses to consent to drug testing, he/she will be disqualified from employment.

- **Falsification/Withholding of Information:** If an applicant or current employee withholds or falsifies information pertaining to previous/current convictions, the applicant/employee may be disqualified from further employment consideration for any position with the organization due to falsification of an application or failure to provide accurate information.

Review of Negative Findings from Reference/Background Check Investigation

The Director of Operations & Human Resources is responsible for communicating directly with the Regional Administrator, and/or his/her designee(s) as directed, any negative findings obtained through the background check investigation for applicants, employees, interns, and volunteers. If such information pertains to the Regional Administrator, it will be reported to the Chair of the Governing Board. Reporting of such information is considered a priority to ensure the review process, and any subsequent action required by the organization, will be addressed in the shortest time possible.

Onset of Employment

All employment offers are contingent upon completion of a satisfactory background check.

Withdrawal of Employment Offer Based on Unsatisfactory Background Check

If the results of the background check are determined to be unsatisfactory, Region V Systems will rescind the employment offer and provide written notification to the individual of the action taken.

If the results of the background check are determined to be unsatisfactory and were obtained through a third-party consumer reporting agency, the organization will inform the individual that it plans to take adverse action, provide the applicant with a Statement of Consumer Rights from the Federal Trade Commission before adverse action is taken, provide the applicant the opportunity to review a copy of his/her consumer report, and advise the applicant of his/her rights to dispute inaccurate information. Applicants will be granted reasonable time to contest the information (normally 3-5 business days).

Confidentiality of Reference/Background Check Records

All information obtained from the reference and/or background check process will be used solely as part of the employment and/or intern/volunteer process and kept strictly confidential. All records pertaining to an applicant's or employee's background check investigation will be kept confidential by Human Resources. Background check records will be filed separately from an employee's main personnel file and may only be accessed with permission from the Director of Operations & Human Resources. Background check records related to applicants who are not hired and/or for intern/volunteers will be treated as confidential and maintained with the individual's application materials until designated time of destruction.

Interns and Volunteers

When Background Checks are Conducted

A background checks screening will be conducted on all individuals applying for internship or volunteering with Region V Systems if the individual will be interning/volunteering 40 or more total hours. At his/her discretion, the Regional Administrator may require a background checks screening if the individual is interning/volunteering for reasons other than academic purposes (e.g., work release programs, etc.). Intern/volunteer applicants are not subject to drug testing.

How Background Checks Are Conducted

Every attempt will be made to conduct the background checks screening prior to the commencement of the individual's internship/volunteering with Region V Systems. Since the majority of these individuals will be interning/volunteering for academic purposes (e.g., practicum programs) and not considered employees of Region V Systems, the individual may commence his/her internship/volunteering while the background checks process is being conducted. However, at no time, will the individual be authorized to work independently with clients (including transporting clients or co-workers), prior to the satisfactory completion of the background checks process; the individual will be subject to removal from the internship/volunteer program based on unsatisfactory background checks results.

Region V Systems will use the same third-party vendor [and sources a) - k) noted on Page 2 of this policy] to conduct the background checks screening for interns/volunteers. Written authorization will be obtained from the individual prior to conducting background checks.

Disqualification of Internship/Volunteering

Although a disqualification for internship/volunteering is possible, a previous conviction or negative finding will not automatically disqualify an individual from consideration for interning/volunteering with Region V Systems. The organization will take into consideration the following factors:

- Nature of internship/volunteering.
- Nature of conviction and/or negative finding.
- Number of convictions and/or negative findings.
- Dates of convictions and/or negative findings.
- Age of the individual when the illegal activity/negative finding occurred.
- Whether allowing the individual to intern/volunteer would pose an unreasonable risk to the organization.

Exceptions:

- If it has been found that the intern/volunteer appears on the Nebraska Sexual Offender Registry, Child, or Adult Abuse/Neglect Registry, he/she will be disqualified from the program.
- If an intern/volunteer withholds or falsifies information pertaining to previous/current convictions, he/she may be disqualified from the program due to falsification of an application or failure to provide accurate information.