

## ❖ Section 3 – General Employment Practices

### *Background Investigations for Employees, Interns, and Volunteers Policy*

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It is the policy of Region 5 Systems to require reference and background checks for all employees, regardless of position held with the organization. Unless otherwise stated herein, this policy also applies to interns and volunteers.

Unless required by local, state, federal, or other contract mandates, Region 5 Systems does not require fingerprinting or proof of immunizations as a part of its employment eligibility criteria. Fitness-for-duty exams are only required if the applicant or employee needs to demonstrate the ability to perform the essential functions of the job.

#### **PROCEDURES**

Human Resources is responsible for performing all reference and background checks, which are conducted in accordance with applicable local, state, and federal law. All employment/intern/volunteer offers are contingent upon completion of a satisfactory background check.

### **Applicants and Employees**

#### **When Reference and Background Checks are Conducted**

Human Resources may initiate the reference checks process at any time during the application and employment vetting process, contingent upon written authorization from the applicant. The background checks process and drug screen (as applicable) will be initiated once an applicant accepts a conditional offer of employment (see Page 2). **See policy on “Drug and Alcohol Testing” for complete description of how drug testing is conducted by Region 5 Systems.**

New hires will be allowed to begin employment prior to the completion of the reference checks and background checks process (in general, drug screens must be completed prior to start of employment); however, the new hire will not be allowed to work independently with program participants (including transporting participants or co-workers) prior to the satisfactory completion of the background checks process. All other job duties may be performed, including the ability to attend trainings or to job shadow related to program participants.

Background checks (with the exception of drug screening) are required every two years after initial employment for all employees.

### **Background Check Categories**

Region 5 Systems uses a third-party vendor to conduct most background checks, including drug testing. Written authorization will be obtained from the conditional offeree/employee prior to conducting background checks and drug testing. Region 5 Systems' third-party vendor conducts background checks for these categories:

- a) Statewide Criminal History (7 years)
- b) Nationwide Federal Criminal
- c) National Multi-Court Jurisdictional Database
- d) Global Report
- e) Nebraska Department of Motor Vehicles
- f) Nebraska Adult and Child Abuse/Neglect Registry
- g) National Sex Offender Registry
- h) Applicant History Trace for SSN
- i) Candidate Supplied Address History for SSN
- j) Drug screen through a licensed laboratory. See policy on "Drug and Alcohol Testing."

#### **Region 5 Systems will conduct investigative processes as follows:**

- a) **List of Individuals and Entities from Federally Funded Healthcare Programs (LEIE Database):** Audit checks through the Office of Inspector General's (OIG) online searchable "Exclusions Database."
- b) **Verification of work eligibility through the federal E-Verify program.**
- c) **Education verification of post-secondary degrees, if required for position:** Evidence of post-secondary education credentials is required for new hires who provide direct services to persons served, including new hires who provide clinical consultation, and for all other positions that require post-secondary education according to the job description requirements. Primary source verification of credentials is performed by Human Resources at time of hire. If clinical personnel are employed, their credentials (licenses) are verified after each renewal period.

Every effort will be made to verify credentials of applicants and employees. In such situations where credentials cannot be verified for legitimate reasons (e.g., it is verified that the individual attended the post-secondary institution, but the institution will not release confirmation of degree), Human Resources will document the reason learned and place this documentation in the employee's personnel file.

### **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 5 Systems. Likewise, potential future convictions that occur during the course of employment are not an automatic bar to continued employment. The following factors will be taken into consideration, recognizing that this policy is not meant to cover every potential situation that could occur. Region 5 Systems reserves the right to

consider other mitigating factors that could affect an applicant's or current employee's ability to perform their job and/or may place Region 5 Systems in potential harm's way.

- Nature of position.
- Nature of conviction.
- Number of convictions.
- Dates of convictions.
- Age of the applicant / employee when the illegal activity occurred.
- Whether hiring, transferring, promoting, or retaining 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:

**1) Department of Motor Vehicle (DMV) Record**

*(Note: In the context of these protocols, "assessed against" reflects the "final disposition" date on the individual's DMV record.)*

- Applicants – Direct Service Positions:** If a conditional offeree has six or more points assessed against his/her driving record within the most recent two-year period, the conditional offeree will be disqualified for employment for direct service positions or any other like-positions that may interact independently with program participants and/or vulnerable populations on an ongoing basis.
- Applicants – Other Positions:** 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 5 Systems-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 persons served, co-workers, and vulnerable populations until the record shows less than six points assessed during the most recent two-year period.
- Current employees:** Employees who incur driving convictions (that result in six or more points assessed against their driving record within a two-year period may be restricted from using Region 5 Systems-owned vehicles or using their own vehicle to transport persons served, 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.

**2) Sexual Offender Registry, Child or Adult Abuse/Neglect Registry**

If an individual whose position is/will be in a direct service provision position, or any other like-position that may interact independently with program participants and/or vulnerable populations on an ongoing basis, appears on any of these registries as an applicant or during employment, he/she will be disqualified from employment.

**3) Positive Drug Test**

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. **See policy on “Drug and Alcohol Testing” for complete description of how drug testing is conducted by Region 5 Systems.**

**4) Falsification/Withholding of Information**

If a conditional offeree or current employee withholds, falsifies, or fails to provide accurate information pertaining to previous/current convictions, the individual may be disqualified from further employment consideration for any position with Region 5 Systems.

**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 reference checks process or background checks investigation for conditional offerees, employees, interns, and volunteers.

If such information pertains to the Regional Administrator, it will be reported to the Chair of the Governing Board.

If such information pertains to the Director of Operations & Human Resources, it will be reported directly to the Regional Administrator by the designated person who conducted the background check.

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.

**Withdrawal of Employment Offer Based on Unsatisfactory Background Checks**

If the results of the background/reference checks conducted directly by Region 5 Systems are determined to be unsatisfactory, Region 5 Systems will rescind the employment offer and provide written notification to the individual.

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

## **Interns and Volunteers**

### **When Background Checks are Conducted**

A background checks screening will be conducted by Human Resources for all individuals applying for internship or volunteering with Region 5 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.

Every effort will be made to conduct the background checks screening prior to the commencement of the individual's internship/volunteering with Region 5 Systems. Since the majority of these individuals will be interning/volunteering for academic purposes (e.g., practicum programs) and not considered employees of Region 5 Systems, the individual may commence his/her internship/volunteering while the background checks process is being conducted. At no time will the individual be authorized to intern/volunteer independently with persons served (including transporting persons served or co-workers), prior to the satisfactory completion of the background checks process.

### **Background Check Categories**

Region 5 Systems will use the same third-party vendor background check categories listed in this policy for interns/volunteers. Written authorization will be obtained from the individual prior to conducting background checks.

### **Disqualification of Internship/Volunteering**

The individual will be subject to removal from the internship/volunteer program based on unsatisfactory background checks results.

Although a disqualification for internship/volunteering is possible, a previous conviction or negative finding will not automatically disqualify an individual from interning/volunteering with Region 5 Systems. The following factors will be taken into consideration:

- 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**

1. **Sexual Offender Registry, Child or Adult Abuse/Neglect Registry**

If it has been found that the intern/volunteer appears on the Sexual Offender Registry, Child, or Adult Abuse/Neglect Registry, he/she will be disqualified from interning/volunteering at Region 5 Systems.

2. **Falsification/Withholding of Information**

If an intern/volunteer withholds, falsifies, or fails to provide accurate information pertaining to previous/current convictions, he/she may be disqualified from interning/volunteering at Region 5 Systems.

**Confidentiality of Reference/Background Check Records**

All information and records obtained from the reference and background check process will be used solely as part of the employment and/or intern/volunteer process and kept strictly confidential by Human Resources. may only be accessed with permission from the Director of Operations & Human Resources. Reference and background checks 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.