



Administrative Policy and Procedures Manual

- Policy
- Procedure
- Protocol/Best Practice

Section : **2.15.1**

History of Approvals:

REVISED/FINAL 7-8-18

2.15.1 - Criminal Background Checks

The District complies with the Uniform Conviction Information Act (20 ILCS 2635/1) requiring criminal background checks on all employees and is a condition of employment to pass the screening prior to the employment. The District is also committed to ensuring a safe environment for all staff, participants and visitors of the District's programs, services, facilities and parks. Thus, the District requires the same background check for volunteers of the park district, recognized affiliate groups, contractual volunteers, and third party contracted vendors.

All employees are required by law to comply with the Act. Due to legislation passed in 2012, criminal background checks are also required for minors under the age of 18. However, results of the checks are only released and used as a condition of employment when a disqualifying result is reported. Volunteers are not required by law; however, the District has made this a requirement to ensure the safety and well-being of all involved. The determining factor used to establish this requirement for a volunteer is if, during their assigned duties, they will be conducting business and activity while engaging with youth under the age of 18 on owned and operated property of the District, or private property engaging in a park district or affiliate activity.

The District has contracted in cooperation with the National Recreation and Park Association the Southeastern Security Consultants, Inc. (SSCI) as part of the Operation TLC – Making Communities Safe Program. SSCI is a corporation specializing in conducting criminal background checks for employees and volunteers in full compliance of the parks and recreation industry standards and expectations. The system used is a customized web based system that provides the convenience for applicants and volunteers to complete at their convenience on line, and critical encrypted security of all confidential information.

Each submitted screening entails and verifies the following items:

- Social Security Verification – the applicant's name and date of birth against the social security number provided which is utilized to determine the possibility of false names and/or information.
- Address Trace – the applicant's address and identifies previous addresses critical to determine the jurisdiction in which the background check will be conducted.
- Local Criminal Record Search – State and County Criminal record searches are performed to capture all misdemeanor and felony records. This is based on address history and multiple county searches.
- National Criminal Record Search – is conducted through and accessed through the National Background Directory
- Sex Offender Registry – Search in all 50 State repositories and the District of Columbia for known sex offender convictions.

Employees

All employees, regardless of the position held, are required by law through the Uniform Conviction Information Act (20 ILCS 2635/1) to successfully complete a criminal background check as a pre-employment requirement. Criminal background checks will be facilitated and coordinated through the office of the Human Resources. Results remain on file in each employee's personnel file. All records are kept confidential and are only available to the District Services Department and Executive Director. In cases where the results of an employee criminal background check present an issue where the conviction records (1) would inhibit or prohibit the employee from performing the essential duties and responsibilities of the job and/or (2) is deemed not to be in the best interests of the District to hire the employee, the Executive Director will determine whether to extend or revoke the offer of employment. Records must be recorded as a conviction and not just an arrest. Due to Illinois legislation in 2012, criminal background checks will be conducted on employees under the age of 18 and despite being a minor, conviction results of severe thresholds will be released by the screening agency upon request of the District. This is required to ensure the safety and well-being of all involved and for the benefit of public safety decisions regarding the hiring of minors with a criminal conviction record. The presence of a conviction record does not automatically disqualify a pending employee from employment with the District.

Volunteers

All volunteer coaches/managers and board members of park district programs or affiliate programs using park district facilities and properties are required to successfully complete a criminal background check prior to assuming their volunteer duties. The criteria set forth for this requirement is that the individuals being checked are over 18 years of age and during their volunteering activities will have access or engagement with youth under the age of 18.

No team game, practice, event or activity can take place without a minimum of one successfully checked adult on site. Other helper parents are not required to have a criminal background check completed, however helper parent or other volunteers who have not completed this requirement will not be permitted to volunteer alone with youth and must be accompanied by an adult who has successfully completed the background check requirement. Each affiliate group is expected annually, or by season if more than one season per year, to provide the District with an official list of volunteer coaches or other required individuals.

The criminal background check requirement may be waived if the volunteer, during their activities, will always be accompanied by a full-time employee of the Park District. The same protocol will be used for volunteers as is completed with employees about confidentiality, assessment and procedure in review of conviction records.

Contractual Instructors or Volunteers

All contractual instructors hired by the District to provide programs and services to the community are also subject to successfully completing a criminal background check. The same protocol will be followed for contractual instructors and volunteers as illustrated for employees. The Park District will accept a verification letter from the contractor's company, if in the course of being an employee of the contractual company, the instructor or volunteer was already required to complete a successful criminal background check. However, such verification must be submitted to the Park District in writing from an authorized individual of the company and state that the background check conducted is in compliance with the Park District policy including, but not limited to, conviction records of disqualifying events.

However, in cases where an issue arises with a conviction record of an affiliate volunteer, the review, assessment and determination of accepting or revoking privileges to volunteer or work with the District will be jointly determined by the President of the respective affiliate organization, park district affiliate liaison, park district

Volunteer Coordinator and the Human Resources Manager. In cases where this is apparent for a contractual instructor of a park district program, the review, assessment and determination of revoking the contractual relationship with the District will be jointly determined by the Superintendent of Recreation, Executive Director and Human Resources Manager. In any circumstances where an issue or grievance arises out of the course of the screening process and review, the Executive Director will be involved and the decision by the Executive Director is both final and binding.

Third Party Contractors and Subcontractors

The District enters into a variety of contracts with third party contractors and subcontractors to perform skilled labor and services on park district property and facilities. These contracts are secured by a purchase order or sealed bid process. The District does not conduct criminal background checks for these individuals, however the District reserves the right to require a submitted certification from an authorized officer of the contractor or subcontractor prior to commencing work on District property. This requirement and certification would be for all individuals who will be performing work on park district property in the course and scope of the work contracted with the District. Sensitivity to this requirement will be evaluated pending the scope of the work contracted and the access or interaction with staff and participants the contractor or subcontractor would have when performing their work. The District may also require the certification as a term within an executed contract or bid specification or if any suspicion or complaint is forwarded the District or observed by District staff. In cases where a contractor or subcontractor does not have the means or rejects the request to certify successful criminal background checks on workers on District property, the District reserves the right, for the public's interest, to deny access to the contractor or subcontractor or require the contractor or subcontractor to submit checks through the District's system at the sole cost of the contractor or subcontractor and with all required consent and waivers prior to work commencing on District property. All review, assessment and determination of conviction results will be solely the responsibility and authority of the Executive Director.

Consent and Waivers

Every individual required to submit to a Background Check screening must complete, sign and date a Consent and Waiver Release form. This may be accomplished either through the on-line portal option or hard copy form. All consent and waiver forms must be submitted to the District for processing a minimum of ten (10) business days prior to the individual assuming the duties and responsibilities of their position. Failure to provide a valid and completed consent and waiver form by the deadline will automatically disqualify the individual from performing their position and related activities until a successful screening is completed. Falsification of any and all information provided on the consent and waiver or screening application is grounds for disqualification, revocation and/or dismissal.

Frequency and Grace Periods

After the initial background check screening is completed, subsequent checks of existing employees and volunteers still meeting the criteria to have a successful background check on file will be re-initiated every three (3) years or if any substantiated suspicion or complaint is filed against an individual on file. Notification to the District will be provided on any completed profile on file with the District when new criminal activity on a previously completed screening is found. Any affiliate or approved group requiring background check screenings will not accept or allow to be accepted any individual who refuses to consent to the criminal background check policy and procedures and agree per the provisions of the Affiliate Agreement enforce and follow all provisions of this policy and disqualifying individuals when convictions results warrant such action. Failure to comply with all provisions of this policy may result in temporary suspension or permanent revoking use of District property or facilities.

A 30-day grace period will be applied from the date of the submitted screening, however every effort should be made to have results on file prior to the employee or volunteer assuming their assigned duties and responsibilities. If the grace period is necessary, then during the 30-day period, the individual must be under the constant and direct supervision of a qualified adult who has successfully completed the background check screening. It is the responsibility of the Human Resources Manager to identify employees in this situation and the affiliate group leadership for an affiliate or approved group and inform the District accordingly. Upon completion of the grace period, the individual may not participate unless the background check screening is successfully completed. Individuals, who are awaiting results or determination of acceptance or revocation, will be provided a grace period as well but under the same requirements of direct supervision until such results or determination is completed.

Any individual that fails the background check screening procedure is not permitted to reapply for another screening for a period of one year from the date on the signed consent and waiver form.

Proper Documentation

All background check screenings require a valid completed Consent and Waiver Form along with the required information used to conduct a complete screening. All forms which are incomplete or illegible or not signed will be rejected and not processed by SSCI.

Upon submittal of the Consent and Waiver form being submitted and accepted the District will request said screening to be completed by SSCI on behalf of the District. Within 2-5 days after this request the District will typically be provided with a complete background check profile on each submitted individual. The profile will include all relevant information related to the background screening process. If no criminal record is found, this will be noted along with the jurisdictions that were searched. If a conviction is found in the profile, all details including charges, court disposition(s), and sentencing will be provided. If the profile includes any of the listed disqualifying records within this policy, the designated and authorized staff of the District will be notified. The individual with the conviction records will also be notified immediately upon their determined disqualification and will receive a copy of the background check profile results and the "Summary of Your Rights under the Fair Credit Reporting Act (FCRA).

Individuals who have a desire to dispute the profile records should follow the procedures illustrated in this policy under Disputes and Appeals. Background check profile reports on all individuals, whether passing or failing, will be retained confidentially in the employee's personnel file or volunteer file indefinitely.

Process

The following process and procedures are outlined and followed to initiate and complete all criminal background checks by the District:

For On Line Portal Option (Preferred)

1. District provides employee/volunteer with the web based link through the employee and volunteer enrollment packets to complete the screening on line.
2. Employee or volunteer completes and signs the consent and waiver, and the required screening personal information identifiers through the secure and encrypted on line portal.
3. SSCI processes the criminal background check accordingly and sends the complete criminal background check profile results to the District.

For Hard Copy Option

1. District provides employee/volunteer with a copy of the Background Investigation Authorization Form (Consent and Waiver) through the employee and volunteer enrollment packets.
2. Employee or volunteer completes and signs consent and waiver form and provides the required screening personal information identifiers necessary to conduct the background check.
3. Human Resource Manager or his/her designee reviews all submitted forms for completeness and accuracy.
4. Form and information is then entered into the web based on line portal provided by SSCI by the Human Resources, Volunteer Coordinator or Risk Management (pending the individual being screened and nature of their responsibilities) to initiate the processing of a criminal background check screening.

Remaining Steps for both On-Line and Hard Copy

1. Completed profile records are reviewed by the Human Resources Manager or his/her designee for any disqualifying conviction records in accordance to this policy.
2. Each completed profile record is recorded in a District managed data base indicating the date completed and whether or not the screening was successful or failed.
3. If profile records indicate a conviction the Human Resources Manager informs the Executive Director and the review, assessment and determination process is initiated as prescribed in this policy. The Human Resource Manager is responsible for issuing any required written notices to the employee or volunteer in a confidential manner. Individuals upon request will be provided a copy of the results if a profile indicates a conviction.
4. Profile results are recorded and retained by the District.
5. Process is complete until next screening is due or suspicion arises to conduct another criminal background screening prior to renewal period.

Data Security and Confidentiality

The District and SSCI take the issue of employee and volunteer privacy of personal information seriously and have developed this policy and set forth this program and partnership to ensure the confidentiality and privacy of personal information for all employees and volunteers required for a criminal background check screening. The Executive Director at his/her sole discretion has the authority and discretion to interpret and make decisions on any exceptions or variances as it relates to the type of offenses, timing and frequency of offenses and the nature of the offense as it relates to the employee's or volunteer's assigned duties and responsibilities as deemed to be in the best interest of the District.

All personal information is closely protected, not disclosed outside of the District and shared internally only to those individuals required to successfully completing the process and provisions of this policy. Sharing outside the District will only be done in extraordinary circumstances when required by law or a court directive injunction. Should information be found by the District that would disqualify an individual, the Human Resource Manager or his/her designee will be responsible and held accountable for issuing any required written notices to the employee or volunteer in a confidential manner. It is the responsibility of the individual screened for taking any appropriate action with SSCI to have the results of the criminal background check corrected if they believe the information provided in the profile was reported in error.

SSCI follows all Fair Credit Reporting Act (FCRA) guidelines pertaining to reporting agencies, including state specific guidelines for Illinois. SSCI is a member of the National Association of Professional Background Screeners and

remains current on any and all legislative issues governing background checks. SSCI does provide guidance regarding any and all issues pertaining to the National Screening Program. SSCI takes proactive steps to protect against loss, misuse or unauthorized alteration of personally identifiable information collected through the program. Care is exercised in providing secure and encrypted transmission of all personal information from computers to the servers used in the screening process. SSCI also has the latest and most updated encryption, anti-virus and anti-spyware software to maintain high integrity to the equipment and system used in the program.

Data is housed and backed up on servers at the SSCI data center. SSCI provides Level 5 physical security and cyber security with Fort iGATE Firewall and state-of-the-art and redundant PCI compliant unit. The center is SAS 70 Level Type II and is SSAE 16 compliant and the servers are equipped with dual quad core processors and shadow arrays. The overall system is certified through the federal government guidelines and related programs.

Disqualifying Profile Records

The following list of automatic criminal history disqualifiers for all staff and volunteers will be enforced by the District in order to achieve its purpose for a safe and secure work environment and the public safety of all visitors to District parks and facilities.

The District will revoke the employment offer to any individual or a volunteer will be disqualified and prohibited from serving as a volunteer if the individual in question has been found guilty of any of the below listed crimes and circumstances. For the purposes of this policy, guilty is defined as an individual was found guilty following a trial, entering a guilty plea, entered a no contest plea accompanied by a court finding of guilt (regardless of adjudication), or received court directed programs in lieu of a conviction.

The disqualifying criminal records and circumstances are as follows:

Sex Offenses – regardless of the amount of time since an offense, any form of child molestation, sexual assault, sexual battery, sodomy, prostitution, solicitation, indecent exposure or any other form that requires the individual to register as a sex offender.

Felonies – All felony violence regardless of the amount of time since offense. Examples include, but not limited to, murder, manslaughter, aggravated assault, kidnapping, aggravated burglary. Also, all felony level offenses other than violence or sex within the past 10 years. Examples include, but not limited to, drug offenses, theft, embezzlement, fraud, child endangerment.

Misdemeanors – Two (2) or more misdemeanor violence related offenses within the past 7 years. Examples include, but are not limited to, simple assault, battery, domestic violence, hit and run. Also, any drug or alcohol related offenses within the last 7 years including, but not limited to, driving under the influence, simple drug possession, drunk and disorderly, public intoxication, possession of drug paraphernalia.

Other Misdemeanors – All other misdemeanor level offenses that would be considered to inhibit or negatively affect the individual employee from performing their essential functions of their job or an individual volunteer that would be considered a potential threat or danger to children or directly related to their functions of the volunteer service they would provide.

Pending Cases

Individuals found during the background screening check to have a pending court case for any of the defined disqualifying offenses listed in this policy will be disqualified or unable to be employed or volunteer with the District

until such case is remedied. If the disposition of the pending case does not meet the criteria for disqualification, the individual will be cleared and reinstated accordingly.

Handling Results

It is the responsibility of the Human Resources, Volunteer Coordinator, Risk Management or designee, for securing the written results of all background check screenings and profiles in a safe, secure and confidential location and manner. Also, that all proper storage of said information is maintained in storage for the time period required by law or six years, whichever is greater.

Should a background check screening indicate that an individual has criminal charges pending that fit the description of charges of disqualifiers, the individual may be rejected or suspended until there is a resolution of the pending charges. Should an individual who has previously and successfully passed a background check screening and subsequently have any criminal charges brought against them that meet a disqualifying event, the individual will be required to immediately disclose the nature of the charges to the Human Resources Manager, and be placed on administrative leave, with or without pay if applicable, and as determined by the Executive Director, until a final determination is made by the District regarding the effect of the pending charges on the individual or court proceedings.

Appeals and Grievances

All appeals or grievances regarding the records within any individual's profile of a criminal background check screening must be initiated by the individual and dealt directly with SSCI. The park district will not take any action or discretion on an individual's behalf regarding the validity of records on any individual profile.

For appeals and grievances regarding the interpretation and review of an individual's background check screening with regard to whether such a criminal record warrants disqualification, the individual must submit a written request for review and may elect to meet with the Executive Director to appeal the disqualification decision. However, after such meeting and discussion the final and sole decision of the Executive Director regarding the status of said appeal is binding.