

CTPS BACKGROUND CHECK POLICY

I. Policy Purpose

To establish a standardized policy and procedure for CTPS regarding criminal background checks of prospective and current employees who have or will have certain fiscal responsibilities and/or access to Protected Personal Information. Protected Personal Information includes (a) Social Security number; (b) driver's license number or state-issued identification card number; or (c) financial account number, or credit or debit card number, with or without any required security code, access code, personal identification number or password, that would permit access to a resident's financial account. *See* 201 CMR: 17.02.

While CTPS does not generally conduct background checks on prospective or current employees, the agency shall now conduct criminal history checks on prospective and current employees whose job duties require them to handle protected information.

II. Criminal Record Information

The following procedures are hereby adopted by CTPS for purposes of obtaining and reviewing criminal offender record information (CORI). CORI checks will only be conducted as authorized by the Department of Criminal Justice Information Services (DCJIS) and M.G.L. c. 6, § 172. At this time, CTPS shall only conduct CORI checks on prospective or current employees in the following positions:

- Executive Director
- Deputy Executive Director
- Finance and Operations Director
- Director of Policy and Planning
- Director of Projects and Partnerships
- Human Resource and Finance Staff
- IT division staff
- Positions with access to Protected Personal Information
- Positions as required by contract with an outside party

Current Employees will be notified by the Finance and Operations Group that their work or position requires a CORI check. A CORI check will be conducted on such current employees on a yearly basis and, if applicable, as requested by any current or future contract with an outside party.

Prospective Employees whose positions requires a CORI check would be advised of such in the relevant job posting. Upon a conditional offer of employment by CTPS, the selected candidate would be required to provide CTPS with a completed CORI Request Form. The cost of the CORI check will be assumed by CTPS.

Procedure

CTPS will register annually for iCORI service, a secure web-based service through which organizations request and receive CORI.

Current or prospective employees who will have fiscal responsibilities or access to Personal Protected Information where a CORI check is required or authorized will be given a CORI Acknowledgement Form to return to CTPS within 72 hours. If a new CORI check is conducted regarding the same employee within one year of signing a CORI Acknowledgement Form, the employee shall be given 72 hours' notice that a new CORI check will be conducted.

The current or prospective employee shall be informed in writing that by completing the CORI Acknowledgement Form, the current or prospective employee is consenting to a criminal background inquiry which shall be used to determine suitability to work on assignments involving Protected Personal Information or fiscal responsibilities.

All CORI obtained from the DCJIS is confidential, and access to the information is limited to those individuals who have a "need to know" including, but not be limited to, the prospective or current employee's manager, Finance and Operations group, Department Directors, Deputy Executive Director, Executive Director, MAPC Human Resources Manager and MAPC General Counsel. The CTPS Executive Director and MAPC General Counsel may duly authorize additional designees. MAPC will maintain and keep a current list of each individual authorized to have access to CORI. This list will be updated every six months and

is subject to inspection upon request by the DCJIS at any time. MAPC shall at all times comply with the records retention requirements set forth in 803 CMR 2.00.

MAPC shall maintain a secondary dissemination log to record any dissemination of CORI outside of CTPS, including at the request of the current or prospective employee.

All personnel authorized to review or access CORI at CTPS will review, and will be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS.

Once the current or prospective employee provides consent to conduct a criminal background inquiry, MAPC shall submit the CORI request using the iCORI service. In most cases, results will be returned instantaneously.

If a criminal record is received from the DCJIS, the information is to be closely compared with the information on the CORI Acknowledgement Form and any other identifying information provided by the current or prospective employee to ensure the record belongs to the current or prospective employee. If the information in the CORI record provided does not exactly match the identification information provided by the employee, the MAPC Human Resources Manager shall make a determination regarding the identification based on a comparison of the CORI record and documents provided by the employee.

At such time as the results of CORI are made available, CTPS shall act expeditiously to make a determination of suitability for the assignment within 72 hours. Unless otherwise provided by law, a criminal record will not automatically disqualify a prospective or current employee. Rather, determinations of suitability based on CORI checks will be made consistent with this policy and any applicable law or regulations. Factors considered in determining suitability may include, but not be limited to: (a) relevance of the record; (b) the nature of the work to be performed; (c) time since the conviction; (d) age of the employee at the time of the offense; (e) seriousness and specific circumstances of the offense; (f) the number of offenses; (g) whether the employee has pending charges; (h) any relevant evidence of rehabilitation or lack thereof; (i) any other relevant information, including information submitted by the prospective or current employee or requested by CTPS.

In the event that the current or prospective employee is to be privately questioned by the CTPS Executive Director about their criminal record, the current or prospective employee shall be provided with a copy of the criminal history record, whether obtained from the DCJIS or from any other source such as internet search results or legal databases, prior to such questioning. The source(s) of the criminal history record shall be disclosed to the employee.

If CTPS is inclined to make an adverse decision based on the results of a criminal history background check, the current or prospective employee will be notified immediately. The current or prospective employee shall be provided with a copy of CTPS's CORI policy and a copy of the criminal history. The source(s) of the criminal history will also be revealed. The current or prospective employee will then be provided with an opportunity to dispute the accuracy of the CORI record. Current or prospective employees shall also be provided a copy of DCJIS' Information Concerning the Process for Correcting a Criminal Record. CTPS shall make a final determination whether or not to approve the hiring of the applicant or continued employment of the current employee.