

 <p>VSU: Criminal Background Checks</p>	Tracking Number	CD-2014.01
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	Revision Date (<i>most recent</i>)	
	Subject Matter Expert (<i>title</i>)	
	Approval Authority (<i>title</i>)	Commissioner
	Signed by (<i>signature for hard copy; name for online</i>)	

1.0 Purpose

This policy sets forth requirements for criminal background checks in employment decisions and decisions relating to persons who do or may provide goods or services under contract with the Vital Statistics Unit (“VSU”) of DSHS.

2.0 Policy

The policy of DSHS is to conduct criminal history background checks on current and prospective employees and current and prospective contractors who provide or may provide goods or services with the VSU.

- 2.1 Applicants – Applicants who are offered positions with the VSU must be checked for prior criminal history by the submission of their fingerprints to the Department of Public Safety (“DPS”) or a vendor approved by DPS for the purpose of the DSHS obtaining the criminal history record information (“CHRI”).
- 2.2 Employees – DSHS will complete annual background checks on all current employees.
- 2.3 Contractors – Contractors must be checked for prior criminal history by the submission of their fingerprints to the Department of Public Safety (“DPS”) or a vendor approved by DPS for the purpose of the DSHS obtaining CHRI.
- 2.4 DSHS will receive updated CHRI on current and newly-hired employees, and contractors of VSU, through the wrap-back service, which provides criminal history updates through DPS subsequent to the initial background check.

3.0 Definitions

- 3.1 Criminal History Record Information – information on an individual’s criminal history maintained by DPS and including related national information from the Federal Bureau of Investigation (“FBI”).
- 3.2 Conditional Offer of Employment - a job offer that is dependent upon whether the applicant passes DSHS review of the applicant’s criminal history. A successful review must be done for the position prior to employment.
- 3.3 Contract – Contract means either the written agreement relating to, or the act of entering into a written agreement between DSHS and a person or entity for the provision of goods or services to the VSU.
- 3.4 Contract Manager – The DSHS employee designated by the Director of VSU to manage contracts involving that unit.
- 3.5 Contractor – An individual who or an employee or subcontractor of an entity that contracts to provide goods or services to the VSU.

- 3.6 Contraindication - A conviction for any offense may be considered a contraindication to employment or contracting due to the severity of the offense and the risk that similar behavior may pose to DSHS clients, employees or property.
- 3.7 Convicted – A person has been convicted if the person: has been adjudicated guilty; has entered a plea of guilty or nolo contendere; or has been assessed probation or community supervision for an offense.
- 3.8 Employee – A person employed by DSHS who is assigned to work in the VSU.
- 3.9 Offense – A violation of the Penal Code, the criminal laws of another state, federal law, or the Uniform Code of Military Justice.
- 3.10 Reportable Event – With respect to any offense, a reportable event is any: arrest; indictment; adjudication of guilt; plea of guilty or nolo contendere; assessment of probation, pretrial diversion, community supervision and/or deferred adjudication; or dismissal, acquittal or similar final outcome that does not involve a plea of guilty or nolo contendere.

4.0 Persons Affected

This policy applies to all DSHS employees assigned to positions performing duties in VSU, all applicants for employment in such positions, all contractors, and all individuals and entities that may contract with DSHS for the provision of goods or services to the VSU.

5.0 Responsibilities

All DSHS employees working in a position assigned to VSU and contractors must comply with this policy. These employees and contractors have special roles and responsibilities outlined in Section 6.0 Procedures.

6.0 Procedures

- 6.1 Applicants for Employment – All DSHS applicants who receive a conditional offer of employment to work in VSU must promptly (1) submit fingerprints in a form acceptable to VSU; and (2) read, complete and sign Form HR0202 “Notice of Criminal Offense Self-Reporting Requirement for Employees.”
- 6.2 Employees – After the effective date of this policy, the Director of VSU will announce a deadline, which is at least seven (7) calendar days following the announcement, by which each current VSU employee must: 1) submit fingerprints in a form acceptable to VSU; 2) read, complete and sign Form HR0202 “Notice of Criminal Offense Self-Reporting Requirement for Employees;” and 3) report their criminal history using Form HR0202A “Criminal Offense Self-Reporting for Employees.” Employees with no criminal history are still expected to read, complete and sign that form indicating they have no criminal history.

For any reportable event occurring after the initial criminal history self-reporting described above, DSHS employees working in VSU are required to report any such event to their respective supervisors within five (5) calendar days of such reportable event by reading, completing and signing the Form HR0202A “Criminal Offense Self-Reporting for Employees”.
- 6.3 Prospective Contractors – Upon request by the DSHS contract manager, a prospective contractor must promptly (1) submit fingerprints in a form acceptable to VSU; and (2) read, complete and sign Form HR0202 for Contractors “Notice of Criminal Offense Self-Reporting Requirement for Contractors” and submit the same to the contract manager.
- 6.4 Contractors – After the effective date of this policy, and at least fourteen days (14) in advance, the Director of VSU will announce a deadline by which each current VSU

Contractor must: 1) submit fingerprints in a form acceptable to VSU; 2) read, complete and the form titled "Notice of Criminal Offense Self-Reporting Requirement for Contractors," attached to this policy; and 3) report each of the contractors' employees criminal history on the form titled "Criminal Offense Self-Reporting for Employees," attached to this policy. Contractors whose employees have no criminal history are still expected to read, complete and sign that form indicating the contractors' employees have no criminal history.

Following the initial criminal background check of Contractors' employees as required in this section, Contractors are thereafter required to report to their DSHS contract manager within five (5) calendar days of any reportable event by reading, completing and signing the form for Contractors titled "Criminal Offense Self-Reporting for Contractors."

6.5 Supervisors & Contract Managers – DSHS supervisors and contract managers supervising employees or contractors in VSU must ensure that direct-report employees submit fingerprints and read and sign Form HR0202 "Notice of Criminal Offense Self-Reporting Requirement for Employees" to acknowledge that they understand the self-reporting requirement. Upon discovering the occurrence of a reportable event, the supervisor or contract manager, as appropriate, must act as follows:

- immediately inform his or her next-level supervisor;
- consult with a human resources specialist, if the person with a reportable event is an employee;
- consult with the DSHS Office of General Counsel; and
- proceed to take appropriate corrective or disciplinary action, following consultation with human resources and the Office of General Counsel.

6.6 Consequences of Conviction – DSHS will not hire or maintain as an employee in VSU an individual who has been convicted of an offense that constitutes - in the determination of DSHS - a contraindication to employment. DSHS will not enter into or continue a contract under which a person providing goods or services to the VSU has been convicted of an offense that constitutes - in the determination of DSHS - a contraindication to contracting.

6.7 Consequences for Failure to Report – The failure to report a reportable event will result in disciplinary action up to and including dismissal for employees who fail to report and in corrective action up to and including contract cancellation for contractors. A person's failure to report will be assessed on a case-by-case basis. In assessing the appropriate response, DSHS will consider the following:

- the specific duties of the employee's/contractor's position;
- the nature and seriousness of the offense;
- the relationship between the specific duties of the employee's/contractor's position and the nature and seriousness of the offense; and
- whether the employee/contractor failed to self-report an arrest versus a conviction, indictment, or deferred adjudication.

7.0 Revision History

Date	Action	Section
8/1/2014	Policy put in place.	