**Fingerprint-Based Criminal History Record Check**

# PURPOSE

To describe the terms and conditions under which background checks are conducted in order to protect the funds, assets, property, and personal safety of clients/families/co-workers and other individuals.

**POLICY**

CareKnots requires that all new freelance caregiversa undergo fingerprint background check as a condition of employment.

# DEFINITIONS

1. Conditional Offer of Employment

Conditional offer of employment means a bona fide offer of employment from Vital Wellness Healthcare contingent upon the successful completion of background checks, drug and alcohol testing and medical suitability, in accordance with their related policies.

1. Criminal Record Check

Criminal record check means verifying that the selected candidate does not have any undisclosed criminal history.

1. Sex And Violent Offenders Registry Check

Sex and violent Offenders Registry check means verifying that the selected candidate does not have undisclosed convictions of certain sex and violent crimes.

1. Education Confirmation

Educational confirmation means ensuring that the selected candidate has all educational credentials listed on the application, resume or cover letter, etc. that qualifies him/her for the position wanted.

1. Employment Confirmation

Employment confirmation means ensuring that the selected candidate actually worked in the positions listed on the application, resume, cover letter, etc. that qualifies him/her for the position wanted.

1. License Confirmation

License confirmation means:

1. ensuring that the licenses listed on the selected candidate’s application, resume or cover letter, which qualify him/her for the position being sought, are valid and current; and,
2. confirming that the selected candidate has a valid motor vehicle license, and has the appropriate class of driver’s license for transporting clients, if required for the position being sought.
3. Personal and Professional References Check

Personal and professional references check means verifying that the written references the selected candidate has submitted are valid and accurately represent the reference provider’s assessment of the selected candidate.

1. Medical Suitability

Medical suitability means obtaining written confirmation from a licensed Health Care Provider stating that a candidate is medically able to perform the duties of the position being sought.

1. Drugs/Alcohol

Drugs/Alcohol means verifying that the selected candidate does not test positive for drugs and alcohol.

**PROCEDURES**

1. Prior to implementing this policy, the CareKnots Representative shall speak with a lawyer or representative from the Department of Labor (DOL) or the Equal Employment Opportunity Commission (EEOC) to determine what the State law is regarding pre-employment background checks.
2. If pre-employment background checks are legal, the Agency’s policy for pre-employment background check states that:
3. Pre-employment background checks are required for all new employees, whether they are full-time or part-time workers.
4. Pre-employment background checks are required for all former employees who are being rehired after being separated from the Agency for 90 days or more.
5. Pre-employment background checks must be completed and the results verified before any candidate commences work.
6. Candidates shall give consent to undergo pre-employment background checks by completing and signing a “*Pre-Employment Background Check Authorization”,* in accordance with State regulations.
7. As a condition of employment, successful candidates shall undergo background checks to verify the following:
8. criminal record;
9. sex and violent offenders registry;
10. education;
11. employment history;
12. licenses;
13. personal and professional references;
14. medical suitability; and,
15. drugs/alcohol.
16. Candidates shall not be hired if the criminal records report indicates that they have a record of conviction of any of the following criminal offenses:
    1. manufacture, delivery or trafficking of cannabis;
    2. manufacture, delivery or trafficking of controlled substances;
    3. unlawful use of weapons or aggravated discharge of a firearm;
    4. theft, financial exploitation of an elderly or disabled person, robbery or burglary;
    5. criminal trespass;
    6. arson;
    7. kidnapping or child abduction;
    8. unlawful restraint or forcible detention;
    9. assault, battery or infliction of great bodily harm;
    10. sexual assault or sexual abuse;
    11. abuse or gross neglect of a long-term care facility resident criminal neglect of an elderly or disabled person; and/or,
    12. murder, homicide, manslaughter or concealment of a homicidal death.
17. Candidates shall have the right to obtain a copy of the criminal records report and may challenge its accuracy.
18. The Agency shall have the right to make employment decisions arising out of any an all of the pre-employment background checks.
19. If pre-employment background check(s) are unfavorable, the Manager/Administrator shall rescind the offer of employment in writing and advise the candidates about any relevant rights they have.
20. Candidates shall be given the opportunity to review a copy of the background report(s), which informs them of any rights they have under the federal Fair Credit Reporting Act (FCRA) and under relevant State law to dispute incorrect information.

**GUIDELINES**

1. Manager/Administrator shall include the following statement in all oral and written conditional offers of employment: "*This offer is contingent on the Agency’s verification of credentials and other information required by State/other law and Agency policies, including the completion of a criminal history check and Sex and Violent Offender Check."*
2. Manager/Administrator shall arrange for background checks after the successful candidate has accepted the conditional offer of employment.
3. All results of criminal and sex and violent offenders’ convictions/issues shall be treated as confidential and shall be kept in a locked cabinet within the Agency office.
4. The Agency shall maintain records for all employment, education, and license verifications, which specify:
5. the item /verified;
6. the name of the individual who completed the verification;
7. the date of the verification; and,
8. the status of the verification.

These records shall be kept in the individual’s personnel file.

1. The Agency shall keep all requests for background checks for employees on file for the period specified by the authority responsible for licensing, inspecting or certifying the Agency.
2. The Agency shall make any files available for inspection upon request by the authority responsible for licensing, inspecting or certifying the Agency.