

Questions for Department of Human Resources

Does your City or County have written policies regarding employment of people with felony or misdemeanor convictions?

What are the underlying laws regarding requirements for background checks in public employment? Are there ordinances or resolutions requiring background checks as part of the application process?

Please describe the application screening process. Who sees the applications initially? Is there a special process for considering applications where past criminal backgrounds are revealed? Is there a requirement that applicants list prior convictions or categories of convictions? Do job announcements notify applicants whether or not a background check is required?

At what point in the application process is a background check conducted? Who reviews the results of the background check, and at what point in the application process does the review take place? Are there written policies outlining procedures for this review?

How is the criminal background check done? Through the DOJ, private investigation service, Internet, commercial background screening companies, Probation Department?

Is the applicant informed that a background check will be done? Is the applicant provided a copy of the background check? Does the process provide the applicant an opportunity to correct the background check, or to appeal an adverse decision?

Who determines whether a candidate is qualified for a specific job position (Department heads, DHR central office staff?)

Is there a standard of review to determine whether a conviction is job-related? Are there written policies regarding this determination? Are they specific to each job category or is the determination made on a case-by-case basis?

What consideration is given to the length of time between last conviction and date of submitting the job application? Who makes this determination?

Is there a written policy about employing people on probation or parole?

Are applicants required to disclose dismissed or expunged offenses that have been officially removed from their records? Required to disclose juvenile records?

Who has access to disclosed criminal record information during the application process? What security is provided so confidentiality of these records is not violated?

How many times (if any) has your City or County been sued for negligent hiring of a person with a conviction history? What was the cost to your City or County?