

BURLINGTON COUNTY BOARD OF CHOSEN FREEHOLDERS
Background Screening Policy July 2010

Statement of Purpose:

The Board of Chosen Freeholders (hereafter, the “Board”) seeks to employ qualified individuals for all County jobs. As stewards of the public’s trust, the Board believes that all candidates for employment should be adequately screened and vetted prior to commencing public service. The Board also recognizes the need for heightened scrutiny of candidates in sensitive positions where said candidates may have access to secure or proprietary business delivery systems and/or other sensitive information. The policy outlined below addresses these objectives, and it supplements the existing hiring procedures that have been developed by the Human Resource Department for hiring new employees.

Application:

This policy shall apply to all County departments other than those that primarily carry out law enforcement functions. For the purposes of this policy, departments that primarily carry out “law enforcement functions” generally encompass the Prosecutor’s Office, Sheriff’s Department, Corrections Department, Juvenile Detention and Public Safety Services.

The Board is aware that conducting background screenings of candidates for employment, to include a criminal records search, may have an unintended impact on certain individuals or groups. It is not the intention of the Board to automatically exclude from employment, those whose background screening reveals a criminal history that would not impact an individual’s ability to competently perform the duties associated with a given position. Accordingly, the presence of arrests and/or convictions in a prospective employee’s background screening will not automatically disqualify candidates from employment with the County. Rather, department managers shall evaluate the totality of the circumstances surrounding such arrests and/or convictions to determine whether they constitute good cause to disqualify a candidate from employment.

In order to determine whether a criminal history should disqualify a particular candidate from employment, the following factors will be considered:

1. The nature and seriousness of the crime;
2. The circumstances under which the crime occurred;
3. Whether the conduct in question would impede the candidate’s ability to competently perform the duties of the job that the candidate is seeking;
4. The age of the candidate when the crime was committed;
5. Whether the incidents occurred recently or whether they occurred in the remote past;
6. Whether the crime was an isolated event;
7. The degree, severity and number of offense(s)

8. The context in which the conduct occurred (including but not limited to whether the conduct was provoked, whether drugs or alcohol influenced the behavior, or whether the incident was precipitated as the result of prior or current domestic abuse);
9. Evidence of the candidate's efforts to rehabilitate his or her life or employment record; and
10. Any other relevant factors.

General Verification of Applicants:

All candidates for employment with the County, as well as current employees wishing to advance into management or other sensitive roles as described below, have an obligation to be truthful in responding to reasonable inquiries by County department managers when applying for jobs. This duty to be truthful encompasses providing accurate answers to employment applications and/or questionnaires, including responses to Civil Service postings, and cooperating with the terms of this policy.

All department managers have an obligation to check personal references and to verify employment with current and/or prior employers for all candidates seeking employment with the County. After an employment offer has been made, candidates for jobs involving strenuous physical or mental stress may be required to pass an appropriate examination as a condition of employment and candidates in safety sensitive positions may be required to successfully pass a drug and alcohol screening as a condition of employment. The positions or titles subject to physical (or psychological) examinations shall be determined by County Administration and the Human Resources Department.

For positions requiring a college degree, completion of a specific major, an advanced degree, and/or license or certification by a trade organization or governmental authority, departments shall make a good faith effort to verify that the candidate has received the necessary degree or certificate of completion, and that any licenses or certifications are current and held in good standing. To that end, candidates for employment may be required to provide proof of any licenses or certifications that they have obtained as part of the verification process. Department managers shall also inquire with any trade organization or other licensing or certifying authority whether the candidate's credentials have ever been suspended or terminated and the circumstances surrounding the same.

Specific Verification of Applicants:

In addition to the requirements above, department managers, County Administration and/or the Human Resources Department shall require additional screening for candidates and current employees seeking the following types of positions:

1. Unclassified managerial positions such as department head or division head and unclassified administrative / support titles such as Confidential Assistant, Confidential Secretary or Confidential Aide;

2. Any position within the Department of Information Technology wherein such employee will have access to the County's information systems, networking capabilities, infrastructure, telecommunications capabilities, hardware (to include servers), software (to include operating platforms and applications) and databases;

3. All positions within the Office of the County Solicitor;

4. All positions within the Human Resources Department;

5. All positions within the Department of Public Safety Services;

6. Any position within the Department of Finance that has access to the County's general ledger / chart of accounts, asset management database, BurlCo. system (as it presently exists or may hereafter be upgraded); investment accounts, bank accounts, grant, trust, capital and special funds, and purchasing database;

7. Any position within County Administration wherein the employee or candidate for employment would have access to the information maintained by the departments outlined above.

8. Any other position that is not specifically enumerated above which is deemed by County Administration and the Human Resources Department to require additional or more intensive screening.

The additional verification required for the positions above may include civil judgment searches and credit history reports and/or other reasonable inquiries.

Distribution:

This policy shall be posted on the County's website in a conspicuous location on the webpage where County job openings and the County's employment application are posted. Additionally, all candidates for employment as described above shall be required to sign such documents or forms that are prepared by the Solicitor's Office, permitting County department managers to obtain the information required by this policy.

Assumption of Costs:

Candidates for employment shall be responsible for the entire costs for any criminal records check and credit reports that are performed by or requested by the County. Current employees who may be required to undergo additional screening consistent with this policy shall be reimbursed for the cost of such screening(s).

Retention of Records:

If the County hires the candidate, then the records (criminal history, credit reports, civil judgment searches, etc.) obtained via screening shall be filed within the "Individual Employee Jacket File", Record Series Number: 0407-0000 and retained for six (6) years after termination of employment.

If the County does *not* hire the candidate, then the records (criminal history, credit reports, civil judgment searches, etc.) obtained via screening shall be filed within "Employment Applications/Resumes-Persons Not Hired", Record Series Number: 0404-0000 and retained for three (3) years from the date of application.