

**Wood County Board of Developmental Disabilities
PROCEDURE**

Procedure #: 02-ALL-ALL-0844 (HR)
Effective Date: 08-28-2013
Person Responsible: Human Resources Coordinator

Subject: Investigations/Criminal Background Checks
Last Revision: 12-17-2024

Approvals/Date: Brent Ober 12/17/24
Superintendent, WCBDD Date

Julie Spurge 12/17/24
Department Director/Coordinator Date

The following definitions will apply:

Applicant: A prospective employee who is under final consideration for employment as a board employee with the Wood County Board of Developmental Disabilities

Board: The Wood County Board of Developmental Disabilities

Criminal Records Check: Any criminal records check conducted by the Superintendent of the Bureau of Criminal Identification and Investigation

Employee: A person employed by the Wood County Board of Developmental Disabilities

Direct Services Position: An employment position in which the employee has the opportunity to be alone with or exercises supervision or control over one or more individuals

Disqualifying Offense: Any of the offenses listed or described in divisions (A)(3)(a) to (e) of ORC 109.572.

Responsible Entity: The Wood County Board of Developmental Disabilities

Individual Served: a person with a developmental disability

Department: Ohio Department of Developmental Disabilities

1. The Board will require a person applying for employment to complete an employment application and provide names, addresses, and phone numbers of present and former employers.
2. Each person applying for employment shall be notified at the initial interview that background checks shall be conducted on each applicant who is under final consideration. The costs of these background checks will be paid by the applicant. If the costs are not paid, the applicant will not be employed by the board.
3. After the initial interview is completed and the applicant is under consideration for the initial offer of employment, the Human Resources Department will make an attempt to obtain references from the applicant's present and former employers regarding the applicant's work habits and reasons for leaving employment.
 - Written evidence (form 03-ALL-ALL-0448) that references were attempted and/or completed will be maintained in the personnel file.
 - The applicant shall not be hired to fill a position in either classified or unclassified service of the Board if the reference check discloses information that he or she has displayed work performance patterns that, in the judgment of the Superintendent or designee, would prevent him/her from performing the essential functions of the position being filled or has been dismissed for good cause from any branch of public service if the reason for dismissal bears a direct and substantial relationship to the position being filled.
4. The Board is responsible per OAC 5123:2-2-02 for checking each of the following databases to determine if the applicant is included:
 - a. Ohio Inspector General's Exclusion List
 - b. Abuser Registry (ORC 5123:52)
 - c. Nurse Aide Registry (ORC 3721.32)
 - d. Sex Offender and child-victim offender database
 - e. The United States general services administration system for award management database
 - f. Incarcerated and supervised offenders (ORC 5120.066)
 - g. The Ohio Department of Medicaid Exclusion and Suspension listThe Board shall not employ an applicant or continue to employ an employee if the applicant or employee is included in any of the databases identified. The Board will enter all employees into ARCS for continuous monitoring. When ARCS requests are due for annual employment verification, a manual SAMS check will also be done and entered into ARCS at that same time.
5. The Board, as a condition of employment, shall verify that an applicant has a valid motor vehicle operator's license and obtain a driving record prepared by the Bureau of Motor Vehicles if the duties of the position for which the applicant has applied requires the applicant to transport individuals, drive their own car to individual's homes as part of their job duties, or to operate the responsible entity's vehicles for any other purpose. The applicant will sign a Motor Vehicle Record Release at the conditional offer of employment (form 03-ALL-ALL-0447). The responsible entity may consider the applicant's or employee's driving record when determining whether to employ the applicant or to continue to employ the employee. A person having six (6) or more points on his or her driving record and/or three (3) moving violations is prohibited from transporting individuals or driving on board time. The board will obtain a driving record every three (3) years on all employees with driving as an essential function of the position. See 02-ALL-ALL-0606, Qualifications of Transportation Personnel, for more information on driving requirements for Vehicle Operators (bus drivers). When the applicant signs form 03-ALL-ALL-0446 (#6 below) they state they will **immediately** notify the Board, in writing, if they accumulate six or more points on their driving record or if their driver's license is suspended or revoked during their employment with the board.
6. Before employing an applicant the board shall require the applicant to submit a statement (form 03-ALL-ALL-1062) with the applicant's signature attesting that the applicant has not been convicted of or pleaded guilty to any disqualifying offense described in ORC

5123.081 and listed in ORC 109.572. An applicant or employee shall disclose to the board a conviction for any offense that has been sealed. Attached to the statement are five tiers of disqualifying offenses with corresponding time periods that preclude an applicant from being employed or an employee from remaining employed by a responsible entity per OAC 5123:2-2-02 (E)(1)(a)-(e) and ORC 109.572 (A)(3)(a) to (e). Included in this statement is a section where the applicant/employee agrees to notify the responsible entity within 14 days if, while employed by the responsible entity, the applicant is formerly charged with, is convicted of, or pleads guilty to a disqualifying offense described in ORC 5123.081 and listed in ORC 109.572. The agreement shall provide that failure to make the notification will result in termination of the applicant's employment.

7. A conviction of or plea of guilty to a disqualifying offense listed or described in paragraph (E)(1) of OAC 51232-2-02 shall not preclude an applicant from being employed or an employee from remaining employed by a responsible entity under the following circumstances:
 - a. The applicant, employee, or candidate has been granted an unconditional pardon for the offense pursuant to ORC 2967;
 - b. The applicant, employee, or candidate has been granted an unconditional pardon for the offense pursuant to an existing or former law of this state, any other state, or the United States, if the law is substantially equivalent to ORC 2967;
 - c. The applicant's, employee's, or candidate's conviction or guilty plea has been overturned pursuant to law;
 - d. The applicant, employee, or candidate has been granted a conditional pardon for the offense pursuant to ORC 2967 and the conditions under which the pardon was granted have been satisfied;
 - e. The applicant's, employee's, or candidate's conviction or guilty plea is not for an offense listed or described in paragraph (E)(1)(a) of this rule and the applicant, employee, or candidate has a certificate of qualification for employment issued by a court of common pleas with competent jurisdiction pursuant to section ORC 2953.25; or
 - f. The applicant's, employee's, or candidate's conviction or guilty plea is not for an offense listed or described in paragraph (E)(1)(a) of this rule and the applicant, employee, or candidate has a certificate of achievement and employability in a home and community-based services-related field, issued by the Ohio Department of Rehabilitation and Correction pursuant to ORC 2961.22.
8. As a condition of employment, the Board shall request from the Bureau of Criminal Identification and Investigation (BCII) and the Federal Bureau of Investigation (FBI) criminal records check of the applicant for all Wood County Board of Developmental Disabilities staff and volunteers. If the BCI and FBI report is delayed because BCII is researching and mailing the report directly from London, Ohio the employee cannot start General Orientation without the acceptable report(s) being received by the HR Department. The board shall terminate the applicant's employment if it is determined from a report that the applicant failed to inform the board that the applicant has been convicted of or plead guilty to a disqualifying offense.
9. All pre-employment requirements prior to general orientation must be checked and signed off on the New Hire Checklist (form 03-ALL-ALL-1049) by a Human Resources member before the employee can start general orientation.
10. The Wood County Board of Developmental Disabilities will enter all employees/volunteers into RAPBACK for constant monitoring of the BCI report. All Wood County Board of Developmental Disabilities employees will repeat the FBI report every five (5) years.
11. Any report obtained pursuant to this rule is not a public record for purposes of ORC 149.43 and shall not be made available to any person other than:
 - a. The applicant or employee who is the subject of the report or their representative.
 - b. The Board that requested the report or its representative.
 - c. The Ohio Department of DD may request the county board to provide a copy of the report to the Ohio Department of DD.
 - d. The Board, if an agency provider or subcontractor is the responsible entity that requested the report and the Board requests the responsible entity to provide a copy of the report to the county board; or
 - e. A court, hearing officer, or other necessary person involved in a case dealing with the denial of employment to the applicant or employee; the denial, suspension, or revocation of certification issued under section ORC 5123.166 or ORC 5123.45; or a civil or criminal action regarding the Medicaid program the department administers.

References:	ORC 2953.25	03-ALL-ALL-0448	03-ALL-ALL-0447
	OAC 5123-2-02	ORC 2961.22	03-ALL-ALL-0606
	ORC 5123.52	ORC 3319.39	03-ALL-ALL-1049
	ORC 3721.32	ORC 3319.391	03-ALL-ALL-1062
	ORC 109.572	ORC 3319.392	
	ORC 5120.066	ORC 3327.10	
	ORC 5123.081	OAC 3301-83-06	
	ORC 2967	ORC 149.43	

tar\procedure\hr0844