

**STATE OF CONNECTICUT  
DEPARTMENT OF DEVELOPMENAL SERVICES**

**Procedure No. I.C. 2 PR. 013**

**Issue Date:** June 16, 2008

**Subject: Criminal History Background Verification**

**Revised Date:** June 5, 2009

**Section: Individual support**

**A. Purpose**

It is the policy of the Department of Developmental Services (DDS) that a documented review of a criminal history record is required for all new employees who will have direct and ongoing contact with individuals who receive services or supports from the Department of Developmental Services. Such review and documentation shall be completed before a final offer of employment is extended.

This procedure describes the requirements of the Department of Developmental Services that all individuals or family members who hire their own employees for residential or day supports under an Agreement for Self Directed Services shall follow. The requirements outlined in this procedure must be completed before an offer of employment is extended

**B. Applicability**

This procedure is applicable to individuals and their families who utilize departmental resources to directly hire staff.

**C. Definitions**

**Biometric:** Method for identifying a person on the basis of some biological or behavioral characteristic.

**Conviction or convicted:** The final judgment on a verdict or finding of guilty. A plea of guilty, or a plea of nolo contendere, but not including a final judgment that has been expunged by pardon, reversal, set a side, or otherwise rendered null.

**Criminal history record:** Documentation of the final judgment of the court of arrests unless documentation has been erased pursuant to statute

**Fingerprinting:** Biometric methodology using the impression made by the Minute ridge formations or patterns found on the fingertips.

**Individual:** Means a person who has applied for and been determined eligible for the programs and services of the department, or who has been determined eligible by operation of law and who is maintained as such in the departments individual database.

**Offense:** any crime or violation that constitutes a breach of any law of this state for which a sentence to a term of imprisonment or to a fine, or both, may be imposed. A violation of law for which the only sentence authorized is a fine is not considered an offense for the purposes of this policy.

**Employer:** A participant, family member or responsible person who hires an Individual Provider and who is also the employer of record for the Individual Provider.

#### **D. Implementation**

The following steps are required prior to extending an offer of employment:

1. All candidates for employment must fill out the standard employment application provided by a fiscal intermediary on contract with the DDS. It requires applicants to disclose past convictions. It says that falsification of information regarding past convictions will disqualify the applicant from employment.
2. This application includes a signed release by the employee to allow for the Criminal History Background Check and registry check.
3. Any offer of employment must be made on a conditional basis that is contingent on the completion and review of the Criminal History Background Check, Drivers License check, and DDS Abuse Neglect Registry check. The Fiscal Intermediary can complete the Criminal History Background check, driver's license check and is responsible for the DDS Abuse Neglect Registry check. Any candidate who is on the DDS Abuse Neglect Registry cannot be hired.
4. The employer of record can choose the method for completing the Criminal History Background Check, which includes a State of Connecticut criminal history background check using name and date of birth or a fingerprint check. Fingerprint-based checks generally provide a more thorough and accurate check of a person's criminal conviction record.
5. The offenses listed below generally represent felonies involving crimes against persons indicating potential for serious harm to individuals who receive services or support from the DDS and their families. DDS will not authorize payment for any employee who has a felony conviction record for one or more of the offenses listed below as defined by state law.

#### **List of Prohibited Criminal Offenses**

Arson	Assault and Related Offenses
Burglary and Related Offenses	Child Pornography
Conspiracy	Cruelty to Persons
Domestic Violence	Felony Drug Offenses
Forgery and Related Offenses	Fraud
Harassment	Homicide
Kidnapping and Related Offenses	Larceny, Robbery and Related Offenses
Manslaughter	Perjury and Subornation
Sexual Offense	Stalking
Threatening	Unlawful Restraint
Weapons Violations	

6. DDS requires an administrative review when an employer wants to employ an individual with a conviction history other than those crimes, which are prohibited from authorization for DDS payment, listed above in #5. The employer must request a DDS administrative review of the candidate's employability through his or her broker or case manager using the form in this procedure. The broker or case manager will forward the form to the Director of Human Resources.
7. The DDS Director of Human Resources or designee will review all of the employability factors listed below with the employer (individual or family member) who will carefully consider each of these factors and the impact on the job duties and responsibilities:
  - a) Applicant's age at the time the offense was committed.
  - b) Mitigating factors at the time the offense was committed
  - c) Number of offenses for which the individual was convicted.
  - d) Efforts and success at rehabilitation
  - e) The amount of time since the offense was committed.
  - f) The likelihood the offense will be repeated.
  - g) Individual's employment related references (history) since committing the offense.
  - h) The relationship between the job and the offense committed.
  - i) The training, structure and supervision available on the job.
8. After evaluation of the listed employment review factors above, the Director of Human Resources or their designee will sign the form indicating that all of the factors have been reviewed with the employer. The form will be returned to the broker or case manager.
9. If an employer (individual or family member) wants to employ an individual with a conviction history other than those crimes which are prohibited from authorization for DDS payment, the employer must sign the Acknowledgement documenting that the issues raised during the DDS Administrative review were fully evaluated as outlined in the factors affecting employability. The employee cannot begin working until the Fiscal Intermediary has received this acknowledgement. This review is only applicable for the employer requesting the review.

**E. References**

- a. DDS Policy No. II.D.POL.006 Criminal History Background Verification

**F. Attachments**

- a. Criminal History Background Verification: Acknowledgement