

Individual and Family Fact Sheet

Pre-Employment Background Checks

June 2008

Making good hiring decisions...

What are pre-employment background checks and why are they needed?

It is the policy of the Department of Developmental Services (DDS) to have all employees hired to support individuals with disabilities funded by DDS to complete background checks prior to employment. These pre-employment background checks include a criminal background check, an abuse and neglect registry check and a driver's license check. This fact sheet provides information on the criminal background check. The DDS abuse and neglect registry check fact sheet and the DDS driver's record fact sheet provide information on other pre-employment checks required by DDS. The purpose of all of the DDS pre-employment checks is to help ensure that individuals and their families have the information needed to make good hiring decisions.

What is a Criminal History Background Check?

A criminal history background check provides a review of police records in Connecticut. DDS policy requires all employers receiving DDS funding to conduct criminal background checks on persons who will work directly with individuals with mental retardation. If you receive money from DDS to hire staff, **you must get completed criminal background checks on all people you want to hire before they can start working for you.** If you hire your supports through a private provider agency, that agency is required to complete criminal background checks for its employees before they start working.

How do I check to find out if someone has a criminal record?

Step #1: A standard job application must be completed by the potential employees you want to hire. All potential employees are required to fill out a standard application for employment. You can obtain this standard application through your fiscal intermediary, or through your case manager. You can let all possible candidates know that, once all the background checks are completed, you will make a hiring decision. If a potential employee fails to disclose a prior conviction on the application, they are disqualified from employment. This statement is included in the application.

Step #2: Decide how you want to get the criminal background check done. There are a few different options you can consider to conduct criminal background checks. State of Connecticut criminal background checks can be done using name and date of birth only or they can include a fingerprint check as well. DDS policy does not require that the background check include a fingerprint check. You can choose which type of criminal background check to complete. You can also choose from the options listed below on how to get the criminal background check completed.

- Criminal background checks using name and date of birth can be completed by your fiscal intermediary in one to two days.

- The DDS system, called CTSAFEHIRE, is available to you at no charge and uses the fingerprint-based system. The person you want to hire must complete the “applicant identification letter.” You can get an application from your case manager/broker. He or she will refer you to the DDS Human Resources staff who will fax the completed application to the DDS Criminal Background Check Unit in Hartford. The person you want to hire must then go to the Department of Public Safety State Police Bureau of Identification in Middletown for fingerprinting. This check can take up to two weeks to complete.
- You can also use the Department of Public Safety in Middletown (DPS) without going through the DDS CTSAFEHIRE system. Your case manager/broker will refer you to the Human Resources staff who will send DPS the name and date of birth of the person you want to hire. This background check costs \$25, and for an additional \$5, can include a fingerprint check.
- In addition, there are several private companies that can conduct criminal history background checks using the person’s name, date of birth and social security number (these do not include finger print checks). These companies can be found in the yellow pages or on the Internet. They charge a fee that ranges from \$5 to \$70. The Human Resources staff can assist you with this option also. Your fiscal intermediary may also be able to assist you to do this type of background check.

The background check is usually completed in approximately five to 10 business days. Fingerprint-based checks may take longer to complete than background checks that use only the person’s name and date of birth. Fingerprints must be taken by trained, qualified individuals, usually the police. **It is important to remember that an employee cannot begin working for you until the criminal background check has been completed. Your fiscal intermediary cannot authorize payment of an employee’s timesheet without a completed criminal background check on file.** If you have an emergency hiring situation, you should notify your case manager/broker and he or she will help you get high priority treatment for completing the criminal background check of the person you would like to hire.

Step #3: Review the criminal background check information you receive and determine whether to hire the person. If someone you want to hire has a criminal background, you should carefully consider the type of crime he or she has been convicted of, when it happened and what the sentence was. The offenses listed below represent felonies that indicate potential for serious harm to others. **Individuals who hire their own employees cannot use DDS funds to pay a person who has a conviction record of any of these types of felonies listed below as defined by state law.**

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

DDS Administrative Review: If a job candidate does not have any of the offenses listed above on their record, but does have a record of other types of convictions, a DDS administrative review must occur between a DDS Human Resources representative and you, the employer, before you can offer employment to the person. An administrative review is a review of the conviction record and the employability factors listed below. You must request a DDS administrative review through your case manager using the form in this fact sheet. The case manager will forward the form to the Director of Human Resources.

- Your case manager will notify the DDS Human Resources Department to have this administrative review completed. The Human Resources representative will review the criminal history background check and discuss the employability factors listed below:
 - Applicant's age at the time the offense was committed
 - Mitigating factors at the time the offense was committed
 - Number of offenses for which the individual was convicted
 - Efforts and success at rehabilitation
 - The amount of time since the offense was committed
 - The likelihood the offense will be repeated
 - Individual's employment related references (history) since committing the offense
 - The relationship between the job and the offense committed
 - The training, structure and supervision available on the job.
- 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.
- If an employer (individual or family member) wants to employ an individual with a conviction history other than those crimes that 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 effecting employability. **The employee cannot begin working until the fiscal intermediary has received this acknowledgement.** This review is only applicable for the specific employer requesting the review.



If You Have Any Questions About
CRIMINAL HISTORY BACKGROUND CHECKS,
Call Your Case Manager for Help.



Criminal History Background Verification Acknowledgement

Employer of Record

I (name of sponsoring person/employer of record) _____ am responsible for employees that I hire under the Department of Developmental Services' HCBS waivers.

DDS, through its fiscal intermediary agent (name of fiscal intermediary) _____, has conducted a criminal history background and driver's license check for (name of employee) _____, the individual I wish to hire. DDS or its agent, (name of fiscal intermediary) _____, has obtained the following information about the individual as a result of these background checks, which is attached to this form.

I am requesting to review the conviction history of the person who I am considering to hire as an employee to provide support to (name of consumer) _____ with a DDS administrator. I can be reached by phone at:

Daytime Phone # _____ Cell Phone # _____

Department of Developmental Services Review

- I have reviewed the criminal conviction record and have verified that the record includes a criminal offense in the list of offenses for which DDS will not authorize payment.
- I have reviewed the candidate's conviction record and verified that the record does not include a prohibited offense but does contain other criminal offenses. I reviewed the criminal offenses in the conviction record against all of the employability factors with the employer (name) _____, on (date) _____.

DDS Director of Human Resources or Designee Name

DDS Director of Human Resources or Designee Signature

_____/_____/_____
Date

Employer of Record

I have reviewed the criminal conviction record of (employee name) _____ against the employability factors with a DDS administrator and I am satisfied that the issues raised as a result of the criminal history background check and/or driver's license check have been addressed. It is my decision to hire the individual.

Employer of Record Name

Employer of Record Signature

_____/_____/_____
Date