

## **Employment Checks**

### Statement

Each applicant for a position with the district shall be asked whether he/she has ever been convicted of a crime, whether there are any criminal charges pending against him/her at the time of application, and whether the applicant is included on the Abuse and Neglect Registry of the Connecticut Department of Children and Families ("DCF") (the "Registry"). If the applicant's current or most recent employment occurred out of state, the applicant will also be asked whether he/she is included on an equivalent database and/or abuse/neglect registry maintained in that other state].\* Applicants shall not be required to disclose any arrest, criminal charge or conviction that has been erased.

#### A. Reference Checking Procedures

Prior to hiring any person, the district shall make a documented good faith effort to contact previous employers of the applicant in order to obtain information and recommendations that may be relevant to the applicant's fitness for employment.

#### B. DCF Registry Checks

Prior to hiring any person for a position requiring a certificate, authorization or permit issued by the State Board of Education, the district shall require such applicant to submit to a records check of information maintained on the Registry concerning the applicant.

Prior to hiring any person for any position, including one that does not require a certificate, authorization or permit issued by the State Board of Education, the district shall also require such applicant to submit to a records check of information maintained on the Registry concerning the applicant.

For any applicant whose current or most recent employment occurred out of state, the district shall request that the applicant provide the district with authorization to access information maintained concerning the applicant by the equivalent state agency in the state of most recent employment, if such state maintains information about abuse and neglect and has a procedure by which such information can be obtained. Refusal to permit the district to access such information shall be considered grounds for rejecting any applicant for employment.

The district shall request information from the Registry or its out of state equivalent promptly, and in any case no later than thirty (30) days from the date of employment. Registry checks will be processed according to the following procedure:

- 1) No later than ten (10) calendar days after the Superintendent or his/her designee has notified a job applicant of a decision to offer employment to the applicant, or as soon thereafter as practicable, the Superintendent or designee will either obtain the information from the Registry or, if the applicant's consent is required to access the information, will supply the applicant with the

release form utilized by DCF, or its out of state equivalent when available, for obtaining information from the Registry.

2) If consent is required to access the Registry, no later than ten (10) calendar days after the Superintendent or his/her designee has provided the successful job applicant with the form, the applicant must submit the signed form to DCF or its out of state equivalent, with a copy to the Superintendent or his/her designee. Failure of the applicant to submit the signed form to DCF or its out of state equivalent within such ten-day period, without good cause, will be grounds for the withdrawal of the offer of employment.

3) Upon receipt of Registry or out of state registry information indicating previously undisclosed information concerning abuse or neglect investigations concerning the successful job applicant/employee, the Superintendent or his/her designee will notify the affected applicant/employee in writing of the results of the Registry check and will provide an opportunity for the affected applicant/employee to respond to the results of the Registry check.

4) If notification is received by the Superintendent or designee that the applicant is listed as a perpetrator of abuse or neglect on the Registry, the Superintendent or designee shall provide the applicant with an opportunity to be heard regarding the results of the Registry check. If warranted by the results of the Registry check and any additional information provided by the applicant, the Superintendent or designee shall revoke the offer of employment and/or terminate the applicant's employment if he or she has already commenced working for the district.

#### C. Criminal Records Check Procedure

Each person hired by the district shall be required to submit to state and national criminal record checks within thirty (30) days from the date of employment. Each worker placed within a school under a public assistance employment program, or employed by a provider of supplemental services pursuant to the No Child Left Behind Act, or in a nonpaid, noncertified position completing preparation requirements for the issuance of an educator certificate, who performs a service involving direct student contact shall also be required to submit to state and national criminal record checks within thirty (30) days from the date such worker begins to perform such service. Record checks will be processed according to the following procedure:\*

1) No later than ten (10) calendar days after the Superintendent or his/her designee has notified a job applicant of a decision to hire the applicant, or as soon thereafter as practicable, the Superintendent will supply the applicant with a packet containing all documents and materials necessary for the applicant to be fingerprinted by the agency designated by the Board of Education. This packet shall also contain all documents and materials necessary for the police department to submit the completed fingerprints to the State Police Bureau of Identification for the processing of state and national criminal record checks.

2) No later than ten (10) calendar days after the Superintendent has provided the successful job applicant with the fingerprinting packet, the applicant must arrange to be fingerprinted by the agency designated by the Board of Education. Failure of the applicant to have his/her fingerprints taken within such ten-day

period, without good cause, will be grounds for the withdrawal of the offer of employment.

3) Any person for whom criminal records checks are required to be performed pursuant to this policy must pay all fees and costs associated with the fingerprinting process and/or the submission or processing of the requests for criminal record checks.

4) Upon receipt of a criminal record check indicating a previously undisclosed conviction, the Superintendent or his/her designee will notify the affected applicant/employee in writing of the results of the record check and will provide an opportunity for the affected applicant/employee to respond to the results of the criminal record check.

5) Decisions regarding the effect of a conviction upon an applicant/employee, whether disclosed or undisclosed by the applicant/employee, will be made on a case-by-case basis. Notwithstanding the foregoing, the falsification or omission of any information on a job application or in a job interview, including but not limited to information concerning criminal convictions or pending criminal charges, shall be grounds for disqualification from consideration for employment or discharge from employment.

#### D. Sex Offender Registry Checks

School district personnel shall cross-reference the Connecticut Department of Public Safety's sexual offender registry prior to hiring any new employee. Registration as a sexual offender constitutes grounds for denial of employment opportunities.

#### E. Credit Checks

The district may also ask a prospective employee for a credit report for employment for certain district positions, where the district's receipt of a credit report is substantially related to the employee's potential job. Substantially related is defined to mean "the information contained in the credit report is related to the position for which the employee or prospective employee who is the subject of the report is being evaluated." Prior to asking for a credit report, the district will determine whether the position falls within one of the categories as described in this paragraph. The position must: (1) be a managerial position which involves setting the direction or control of the district; (2) involve access to employees' personal or financial information; (3) involve a fiduciary responsibility to the district, including, but not limited to, the authority to issue payments, collect debts, transfer money or enter into contracts; (4) provide an expense account or district debit or credit card; or (5) involve access to the district's nonfinancial assets valued at two thousand five dollars or more.

When a credit report will be requested as part of the employment process, the district will provide written notification to prospective employee regarding the use of credit checks. That notification must be provided in a document separate from the employment application. The notification must state that the district may use the information in the consumer credit report to make decisions related to the individual's employment.

The district will obtain consent before performing the credit or other background checks. If the district intends to take an action adverse

to a potential employee based on the results of a credit report, the district must provide the prospective employee with a copy of the report on which the district relied in making the adverse decision, as well as a copy of "A Summary of Your Rights Under the Fair Credit Reporting Act," which should be provided by the company that provides the results of the credit check. The district will notify the prospective employee either orally, in writing or via electronic means that the adverse action was taken based on the information in the consumer report. That notice must include the name, address and phone number of the consumer reporting company that supplied the credit report; a statement that the company that supplied the report did not make the decision to take the unfavorable action and cannot provide specific reasons for the district's actions; and a notice of the person's right to dispute the accuracy or completeness of any information the consumer reporting company furnished, and to get an additional free report from the company if the person asks for it within sixty (60) days.

F. Notice of Conviction

If, at any time, the Board of Education receives notice of a conviction of a crime by 1) a person holding a certificate, authorization or permit issued by the State Board of Education, or 2) a person employed by a provider of supplemental services, the Board shall send such notice to the State Board of Education.

G. School Nurses

Education shall also be required to submit to a criminal history records check in accordance with the procedures outlined above.

H. Substitute Teachers

A substitute teacher who is hired by the district must submit to state and national criminal history record checks according to the procedures outlined above, subject to the following:

1) If the state and national criminal history record checks for a substitute teacher have been completed within one year prior to the date the district hired the substitute teacher, and if the substitute teacher arranged for such prior criminal history record checks to be forwarded to the Superintendent, then the substitute teacher will not be required to submit to another criminal history record check at the time of such hire.

2) If a substitute teacher submitted to state and national criminal history record checks upon being hired by the district, then the substitute teacher will not be required to submit to another criminal history record check so long as the substitute teacher is continuously employed by the district, that is, employed for at least one day of each school year, by the district.

I. Personal Online Accounts

For purposes of these Administrative Regulations, "personal online account" means any online account that is used by an employee or applicant exclusively for personal purposes and unrelated to any business purpose of the Board, including, but not limited to, electronic mail, social media and retail-based Internet web sites. "Personal online account" does not include any account created,

maintained, used or accessed by an employee or applicant for a business purpose of the Board.

- 1) During the course of an employment check, the Board may not:
  - (a) request or require that an applicant provide the Board with a user name and password, password or any other authentication means for accessing a personal online account;
  - (b) request or require that an applicant authenticate or access a personal online account in the presence of the Board; or
  - (c) require that an applicant invite a supervisor employed by the Board or accept an invitation from a supervisor employed by the Board to join a group affiliated with any personal online account of the applicant.
- 2) The Board may request or require that an applicant provide the Board with a user name and password, password or any other authentication means for accessing:
  - (a) any account or service provided by Board or by virtue of the applicant's employment relationship with the Board or that the applicant uses for the Board's business purposes, or
  - (b) any electronic communications device supplied or paid for, in whole or in part, by the Board.
- 3) In accordance with applicable law, the Board maintains the right to require an applicant to allow the Board to access his or her personal online account, without disclosing the user name and password, password or other authentication means for accessing such personal online account, for the purpose of:
  - (a) conducting an investigation for the purpose of ensuring compliance with applicable state or federal laws, regulatory requirements or prohibitions against work-related employee misconduct based on the receipt of specific information about activity on an applicant's personal online account; or
  - (b) conducting an investigation based on the receipt of specific information about an applicant's unauthorized transfer of the Board's proprietary information, confidential information or financial data to or from a personal online account operated by an applicant or other source.

J. Policy Inapplicable to Operators of School Transportation Vehicles and Students Employed by the School District

- 1) This policy shall not apply to an operator of a school transportation vehicle who is already required to submit to a criminal history records check pursuant to Connecticut General Statutes § 14-44 (d).
- 2) This policy shall also not apply to a student employed by the local or regional school district in which the student attends school.

K. Falsification of Records

The falsification or omission of any information on a job application or in a job interview, including but not limited to information concerning abuse or neglect investigations or pending criminal applications, shall be grounds for disqualification from consideration for employment or discharge from employment.

Legal References: Conn. Gen. Stat. § 10-221d. Criminal history records checks of school personnel. Fingerprinting. Termination or dismissal.

Conn. Gen. Stat. § 10-212. School nurses and nurse practitioners

Conn. Gen. Stat. § 31-51tt

Public Act 15-6, "An Act Concerning Employee Online Privacy"

No Child Left Behind Act of 2001, Public Law 107-110

Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq.