

## DISCLOSURE of CRIMINAL CONVICTIONS

POLICY NUMBER: 300-02	EFFECTIVE DATE: 6/1/2015	APPOINTING AUTHORITY APPROVAL: 
REPLACES POLICY DATED: New Issue	AUTHORITY: Ohio Revised Code Chapter 124.09, 124.34 and DAS Policy HR-29	

### I. PURPOSE

The purpose of this policy is to provide uniform guidelines and procedures for conducting criminal background checks on candidates selected to fill a vacant position at the Ohio Department of Administrative Services (DAS). The background check process is intended to help DAS evaluate whether a candidate is suitable for a position. DAS desires to promote fair and consistent methods to obtain, analyze and apply background check information, while preventing discrimination and harassment in hiring practices.

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## II. POLICY/PROCEDURE

### 1.0 Applicability

It is the policy of the Department of Administrative Services (DAS) that applicants for employment not be rejected for consideration solely on the basis of having a past criminal conviction. This policy applies to all current DAS employees and external applicants for positions at DAS.

### 2.0 Administration of Background Checks

2.1 REQUIREMENT: A background check shall be conducted on final candidates, both internal and external, for all positions at DAS.

2.2 NOTICE ON JOB POSTINGS: When posting vacancies, DAS shall inform applicants that the final candidate will be required to undergo a criminal background check and that a conviction does not necessarily preclude an applicant from consideration for a position. In the event a state or federal law or other federal restriction prohibits the hiring of an individual with criminal convictions for a particular position, the posting shall contain such information.

2.3 INTERVIEW PROCESS: During the interview process, all applicants being considered as a candidate for a position shall be asked whether or not he or she has been convicted of a felony or has a relevant criminal background.

2.3.1 Applicants may voluntarily disclose a criminal conviction at any time during the application process.

2.3.2 If the applicant acknowledges that he or she has a felony conviction or criminal background and is still eligible for the position according to state and federal law, the applicant shall be given the opportunity to explain the conviction or criminal background, as well as the circumstances of the conviction, including post-conviction rehabilitation.

2.3.3 Failure to disclose all criminal convictions or failure to provide truthful and complete information regarding criminal convictions may disqualify the candidate from future employment consideration. Internal candidates who fail to disclose all criminal convictions or fail to provide truthful and complete information regarding criminal convictions may be subject to discipline up to and including termination.

2.4 CONSENT: A final candidate must provide their written consent prior to completion of the background check. Failure to provide consent will preclude a candidate from consideration.

2.5 **CONDITIONAL OFFER:** Candidates may be given a conditional offer of employment pending the results and analysis of the background check(s).

2.6 **FINAL DETERMINATION:** The recommendation to disqualify or select a candidate who has a criminal conviction shall be reviewed and approved by the Human Resources Administrator in consultation with the Office of Legal Services in accordance with Section 3.0 of this Policy. No final candidate shall begin employment until the results of the background check(s) are analyzed and a final determination is made.

### **3.0 Criminal Convictions**

3.1 **ANALYSIS:** Except as otherwise required by state or federal law, consideration of convictions shall be analyzed based upon the nature of the position being posted. An individual assessment shall be made before excluding an individual from consideration because of a prior conviction or selecting an individual who has a prior conviction. The following information may be sought to allow consideration on whether the conviction should disqualify the applicant:

- 3.1.1 The nature of the conviction;
- 3.1.2 The time that has passed since the conviction or release from incarceration;
- 3.1.3 The age at which the criminal activity took place;
- 3.1.4 Any evidence demonstrating the applicant's rehabilitation;
- 3.1.5 Any mitigating factors;
- 3.1.6 Any other information determined to be helpful in considering whether the applicant should be disqualified from consideration, including information ascertained under Section 2.3 of this Policy.

3.2 **DISQUALIFICATION OF THE APPLICANT:** An applicant shall only be disqualified if:

- 3.2.1 A state or federal law or other restriction exists that would prohibit the hiring of the applicant; or
- 3.2.2 The Human Resources Administrator determines sufficient nexus exists between the conviction and the position to disqualify the applicant based on the analysis of the duties of the position and the information regarding the conviction.

3.3 **NOTIFICATION OF DISQUALIFICATION:** A candidate who is disqualified for a position based on a criminal conviction shall be notified of such and given the opportunity to explain why the conviction should not disqualify him or her, including information considered in Section 3.1.

### **4.0 Reporting Requirements for Current DAS Employees**

An employee who is convicted of a felony during the course of his or her employment with DAS shall immediately report the conviction to the Human Resources Administrator in the Office of Employee Services. Failure to report such criminal conviction may result in disciplinary action up to and including removal.

The conviction of a felony offense during employment with DAS may result in disciplinary action up to and including removal.

### III. REVISION HISTORY

Date	Description of Change
6/1/2015	Policy Issued