

Disclosure of Criminal Convictions During the Application Process

HR-29

Implementation Guide

1. Introduction.....	2
2. Ohio Hiring Management System (OHMS) Operations Guide	3
a. Background.....	3
b. HR-29 Implementation Timeline.....	4
c. New Job Posting Guidelines.....	4
3. Policy Guidance for Application of HR-29	8
a. General Guidance.....	8
b. Policy Considerations and Recommendations.....	8
c. Other Recommendations Outside of the Policy.....	11
4. “How to” Guide for Criminal Background Checks	12
a. Bureau of Criminal Convictions.....	12
b. Information on Other Background Check Vendors.....	15
c. Supplementing of Criminal Background Checks.....	15
d. Sharing of WebCheck® System Resources.....	16
5. Additional Resources.....	17
6. Contact Information	18

Introduction

On May 15, 2015, the Department of Administrative Services (DAS) issued policy HR-29, Disclosure of Criminal Convictions During the Application Process. This policy provides guidance to state agencies on when and how to inquire about whether an applicant has a prior criminal history and requires analysis of any information received from an applicant. Effective June 1, 2015, questions on the civil service application that require an applicant to disclose whether they have been convicted of a felony will be removed. The first time an agency will be permitted to ask applicants about their past criminal history is during the initial interview process. The policy requires that all final candidates for positions with the State of Ohio must undergo a criminal background check prior to starting the position. Agencies will also be required to implement their own policy that sets forth the agency’s process and procedure for complying with HR-29. This implementation guide focuses on the operational changes to the Ohio Hiring Management System (OHMS) and also provides guidance to agencies on areas of discretion under the policy (i.e. choosing a background check vendor) and provides ideas on how to set up an internal process for evaluating applicants with a criminal history in accordance with this policy.

HR-29 Quick Guide

HR-29 Does..	HR-29 Does NOT..
Remove the felony conviction check box from the civil service application	Require agencies to offer a position to a person who has a criminal conviction history
Require any final candidate for positions to undergo a background check	Require that any applicant for a position must undergo a background check
Require that agencies establish a method for conducting a background check	Require the use of a specific vendor to conduct background checks
Require agencies to implement an agency policy	Require DAS HRD/OCB Policy to approve agency policies prior to implementation
Remove supplemental questions about criminal history	Prevent agencies from making supplemental statements on the posting about applicable disqualifying convictions
Require agencies to notify applicants if they are being disqualified based on a prior criminal history	Create an appeal process for applicants who are disqualified based on prior criminal history

Ohio Hiring Management System (OHMS) Operations Guide

Background

Effective June 1, 2015, the following questions will be removed from the online (and printed) civil service application:

- Have you ever been convicted of a felony? (A felony conviction may not automatically exclude you from consideration.)
- If you answered YES to the previous question, please give date(s) of conviction(s).

Note: Applications submitted **prior** to June 1, 2015 will have conviction questions and responses “hidden” so they will not show when an application is printed or viewed in OHMS. The questions and responses will be stored with the applicant’s record and will be viewable through reports **ONLY** to those HR users given access to view confidential information in their HR user account. Although the information will be visible to certain HR users, any applicants with convictions that are considered after June 1, 2015, must be considered in accordance with HR-29.

In addition, the “conviction” category and applicant’s response to conviction question will no longer appear on an applicant’s Master Profile in OHMS.

Figure - 1 Master Profile prior to June 1, 2015

Applicant: Groves, Carolyn <202920>		Edit Master Profile Merge Master Profile Audit Trail	
First Name	Carolyn	Person ID	202920
Initial	L	Primary Phone	(614) 123-4567
Last Name	Groves	Alternate Phone	(614) 543-2100
Address 1	1234 Center St.	Email Address	carolyn.groves@das.state.oh.us
Address 2		Notification Type	Paper
City	Columbus	Driver's License?	Yes
State	Ohio	Driver's License State	Ohio
Zip Code	43215	Country	US
Driver's License Class	A	Legal Right to Work?	Yes
Date Entered	03/17/2008	Barred From Applying	No
Last Modified	08/05/2013	Work Types	
Modified By	Abdur-Rashid, Naima	Shifts	
Seniority Date		Former Last Name	
Month and Day of Birth		Conviction	No
Gender	Female	Age Group	40-54
Ethnicity	BLACK or AFRICAN AMERICAN: All persons having origins in any of the Black racial groups of Africa.	Disability	No
Veteran	No	Source	careers.ohio.gov
Employee ID	11111111		

Figure -2 Master Profile beginning June 1, 2015 (without conviction category and response)

Applicant: Groves, Carolyn <202920>		Edit Master Profile Merge Master Profile Audit Trail	
First Name	Carolyn	Person ID	202920
Initial	L	Primary Phone	(614) 123-4567
Last Name	Groves	Alternate Phone	(614) 543-2100
Address 1	1234 Center St.	Email Address	carolyn.groves@das.state.oh.us
Address 2		Notification Type	Paper
City	Columbus	Driver's License?	Yes
State	Ohio	Driver's License State	Ohio
Zip Code	43215	Country	US
Driver's License Class	A	Legal Right to Work?	Yes
Date Entered	03/17/2008	Barred From Applying	No
Last Modified	08/05/2013	Work Types	
Modified By	Abdur-Rashid, Naima	Shifts	
Seniority Date		Former Last Name	
Month and Day of Birth		Gender	Female
Age Group	40-54	Ethnicity	BLACK or AFRICAN AMERICAN: All persons having origins in any of the Black racial groups of Africa.
Disability	No	Veteran	No
Source	careers.ohio.gov	Employee ID	11111111

HR-29 Implementation Timeline

- May 29 – All active job postings will close by 11:59 pm
- May 30 – Inactivate existing job posting application templates
- May 31 – Activate new job posting application templates
- June 1 – Post positions using new application template

New Job Posting Guidelines – Effective June 1, 2015

- Select one of the following new application templates to create a posting; **do not copy** an old posting:
 - HR-29 Recruitment/Civil Service Application
 - HR-29 No Attachments Recruitment Civil Service Application
- Supplemental questions **may not** be used to inquire about criminal convictions.
- Supplemental statements advising of a criminal background check requirement **may be** included in the “supplemental information” section of the job posting.
 - Sample language for positions **without** state or federal government conviction restrictions: *(See Figure – 3 Administrative Professional 2 Sample Job Posting)*

The final candidate selected for the position will be required to undergo a criminal background check. Criminal convictions do not necessarily preclude an applicant from consideration for a position. An individual assessment of an applicant’s prior criminal convictions will be made before excluding an applicant from consideration.

- Sample language for positions **with** state or federal government conviction restrictions: (See Figure – 4 Fiscal Officer 3 Sample Job Posting)

The final candidate selected for the position will be required to undergo a criminal background check. Section 2961 of the Ohio Revised Code (ORC) prohibits individuals convicted of a felony involving fraud, deceit, or theft from holding a position that has substantial management or control over the property of a state agency.

Figure - 3 AP2 Job Posting

My HR

Detailed Job Posting

[Return to List](#)

[Edit](#)

[View Class Spec](#) | [View Exam Plan](#) | [Supplemental Questions](#) | [Item Bank](#) | [Scoring Plan](#)

Job #	Hits	Submitted	Advertised
87654321	0	0	06/01/15 - 06/10/15 11:59 PM

Job Title: Administrative Professional 2

Closing Date/Time: Wed. 06/10/15 11:59 PM Eastern Time

Salary: \$16.35 - \$19.88 Hourly
\$34,008.00 - \$41,350.40 Annually

Job Type: Full-Time, Permanent, Bargaining Unit

Location: Franklin County, Ohio

Department: OHMS Training

Job Duties	Benets	Custom Form Fields
<p>Relieves supervisors by performing routine administrative tasks in a technical environment: makes recommendations regarding program activities specific to underwriting & statistical functions; assists in developing new procedures related to established program policy; researches & analyzes documents, materials, information & programs; provides technical information & advice to Administrator to aid in decision making; transmits decisions & directives; edits existing report queries in SAP Business Objects; creates ad hoc reports in SAP Business Objects; performs initial troubleshooting of failed reports & escalates the issue if necessary; assists in creating & maintaining complex excel spreadsheets relating to statements of values for insurance programs, premium allocations & billing summaries; performs data entry of billable insurance & fee related expenses into billing application; sets up incoming loss notices & enters data into risk management information system; creates electronic folder to store documentation; receives, reviews, & enters information from weekly warrant report; receives & enters information from customer satisfaction survey; reviews, enters, generates, & maintains motor vehicle liability endorsements.</p> <p>Please use the link below for the full position: http://apps.das.ohio.gov/EmpSrv/Upload/20077229%20Admin.%20Prof.%202%20PD%20GSD%204.9.15.pdf</p>		
<p>Minimum Qualifications:</p> <p>Completion of associate core coursework in secretarial science or business office applications from accredited career school or community college.</p> <p>-Or 18 mos. exp. or 18 mos. trg. in secretarial/administrative professional field.</p> <p>-Or 6 mos. exp. as Administrative Professional 1, 16871.</p> <p>-Or equivalent of Minimum Class Qualifications For Employment noted above.</p>		
<p>Major Worker Characteristics:</p> <p>Knowledge of English grammar & composition; arithmetic that includes addition, subtraction, multiplication & division; records management; business communications; administrative practices & procedures*; general office practices & procedures; agency-specific office practices & procedures*; budgeting*; government structure & process*. Skill in keyboarding; business office software applications (e.g., Microsoft Office); operation of personal computer & office machines (e.g., transcribing equipment, calculators). Ability to deal with problems involving several variables within familiar context; apply principles to solve practical, everyday problems; interpret instructions in written or oral form; write routine business letters following standard procedures; compose directives, memos & other publications; complete routine forms or records; make appointments; arrange items in numerical or alphabetical order; move fingers easily to perform manual functions; assess questions & provide appropriate information or referral.</p> <p>(*)Developed after employment.</p>		
<p>Supplemental Information:</p> <p>The final candidate selected for the position will be required to undergo a criminal background check. Criminal convictions do not necessarily preclude an applicant from consideration for a position. An individual assessment of an applicant's prior criminal convictions will be made before excluding an applicant from consideration.</p>		

Figure – 4 Fiscal Officer 3 Posting

My HR Detailed Job Posting

[Return to List](#) [Edit](#)

[View Class Spec](#) | [View Exam Plan](#) | [Supplemental Questions](#) | [Item Bank](#) | [Scoring Plan](#)

Job #	Hits	Submitted	Advertised
12345678	0	0	06/01/15 - 06/10/15 11:59 PM

Job Title: Fiscal Officer 3
Closing Date/Time: Wed. 06/10/15 11:59 PM Eastern Time
Salary: \$29.64 - \$38.86 Hourly
 \$61,651.20 - \$80,828.80 Annually
Job Type: Full-Time, Permanent, Exempt
Location: Franklin County, Ohio
Department: OHMS Training

[Print Job Bulletin](#)

Job Duties | **Benefits** | **Custom Form Fields**

The Ohio Department of Administrative Services (DAS), Administrative Support Division (ASD), Office of Finance is seeking an experienced Fiscal Officer to oversee the budget responsibilities for the agency. Responsibilities include, but are not limited to:

- Plans and manages budget development activities
- Develops agency procedures & guidelines for development of capital & operating budgets
- Coordinates agency's review and submission of budget documents
- Writes budget language and testimony
- Serves as budget liaison to Office of Budget & Management (OBM) and Legislative Service Commission.
- Supervises Budget Unit Staff

Click the following link to view the full position description:
<http://apps.das.ohio.gov/EmpSrv/Upload/20074520%20Fiscal%20Officer%203-PD%20ASD-FIN%201.17.12.pdf>

Minimum Qualifications:

Completion of undergraduate core coursework in business administration or accounting; 4 yrs. exp. in accounting, fiscal &/or budgetary management, planning & control; 2 yrs. trg. or 2 yrs. exp. in supervisory principles/techniques & training personnel. -Or completion of undergraduate core coursework in business administration or accounting; 2 yrs. exp. in accounting, fiscal &/or budgetary management & control; 2 yrs. exp. in accounting, fiscal &/or budgetary management, planning & control in agency paid by warrant of Ohio Auditor of State; 2 yrs. trg. or 2 yrs. exp. in supervisory principles/techniques & training personnel. -Or equivalent of Minimum Class Qualifications for Employment noted above.

Major Worker Characteristics:

Knowledge of supervisory principles/techniques; employee training & development; business administration or accounting; applicable state &/or federal laws, rules, procedures & standards governing fiscal & budgetary operations*. Skill in use of calculator, video display terminal &/or personal computer. Ability to deal with large number of fiscal &/or budgetary variables & determine specific course of action; gather, collate & classify information about data, people or things; handle routine & sensitive inquiries from & contacts with officials/representatives of same &/or different political jurisdiction. (*)Developed after employment.

Supplemental Information:

The final candidate selected for the position will be required to undergo a criminal background check. Section 2961 of the Ohio Revised Code (ORC) prohibits individuals convicted of a felony involving fraud, deceit, or theft from holding a position that has substantial management or control over the property of a state agency.

Policy Guidance for Implementation of HR-29

General Guidance

HR-29 requires that all state agencies create their own policy to implement the statewide policy. The purpose of this requirement is to ensure that agencies are giving proper consideration to a candidate who discloses a past conviction. Under HR-29, agency policies should address the following main points:

- How to appropriately gather initial information about whether an applicant has a criminal history;
- How to gather additional information about an applicant's criminal history;
- How to give proper consideration to a candidate that discloses a past conviction, including analyzing the information to determine whether the conviction disqualifies the candidate from the position; and
- How to notify the applicant that their prior conviction may disqualify them from the position.

Although the policy requires agencies to gather information, analyze the information, and notify the applicant, the specific process for gathering, analyzing, and notifying is not dictated by HR-29. The agency policy should address the processes the agencies will use to comply with the statewide policy. Below are suggested considerations and recommendations on these provisions that would ensure compliance with HR-29. In addition, HRD/OCB Policy has example policies that can be provided to agencies upon request.

Policy Considerations and Recommendations

Supplemental Statements/Automatic Disqualifiers

Agency policy should establish whether a statement should be on the posting indicating that there are restrictions in hiring for the position.

- The agency policy may include specific permanent exclusions required by state or federal laws, exclusions based on a specific nexus to positions within the agency, or may include a general statement that applicants with criminal convictions shall be considered on a case-by-case basis according to any nexus to the position and the other factors listed in the statewide policy.

Appropriate method for gathering information about an applicant's criminal history

At a minimum, HR-29 states that agencies cannot inquire about an applicant's criminal history until the initial interview with the applicant. Agencies have discretion in determining who within their agency can gather this information and how it will be gathered. Agency policy should establish a uniform process to ensure consistency in how applicants are questioned.

- The agency may state in the policy who within the agency is permitted to inquire about the past criminal history (e.g. human resources representative or the hiring manager).

- The agency may include a list of appropriate/inappropriate questions for the interviewer. The agency may include the use of follow up questions meant to gather additional information about a conviction once it has been disclosed. The following are examples of appropriate questions that may be asked of an applicant:
 - *“Have you ever been convicted of a felony?”*
 - If Yes:
 - *“What was the nature of the conviction and criminal charge?”*
 - *“Were you a minor at the time the criminal activity took place?”*
 - *“How much time has passed since the conviction?”*
 - *“Were you incarcerated? (If yes)*
 - *“How much time has passed since release from incarceration?”*
 - *Describe how you have been rehabilitated since the conviction (or incarceration); including employment history, education or training.*

Considering and Analyzing Information about Criminal History

Agency policy should address how an agency will uniformly analyze and consider the information gathered about the conviction.

- Agency policy may include the appropriate factors listed in HR-29 for analyzing the conviction to determine whether it is a disqualifier for the position.
 - The nature of the conviction;
 - The time that has passed since the conviction or since release from incarceration;
 - Any mitigating factors;
 - Any evidence demonstrating the applicant’s rehabilitation;
 - The age at which the criminal activity took place; and
 - Any other information the agency determines would be helpful in considering whether the applicant should be disqualified from consideration for the position.
- Agency policy may include statements on how the information will be analyzed, such as a specific timeframe (e.g. all convictions that have occurred within five years will be automatically analyzed).
- The agency may include a statement in their policy that sealed or expunged records will not be inquired about or considered, unless otherwise required by law.
- The agency policy should include a statement that the Human Resources Administrator must review and approve all decisions to disqualify or select a candidate with a criminal conviction (Note HR-29 requires that the Human Resources Administrator be responsible for the final decision);

- The agency policy should include a process for notifying applicants who may be disqualified based on a conviction.
 - After an applicant discloses the conviction during the interview, agencies may consider informing the applicant that their conviction may be a disqualifier but that their conviction will be analyzed and considered and then provide the applicant with a chance to respond.
 - If any agency notifies the applicant after the interview, the agency may include a timeframe in the notification that allows an applicant to review the information relied on as the basis for disqualification and, if the information was in error or incomplete, offer an explanation (e.g. 15 days).
 - If the agency allows for additional review, the agency's process should include a verification of the additional information provided by the applicant and a new analysis based on the additional information.

Background Check Process for Final Candidate

- The agency policy should include the process for conducting a criminal background check on any final candidate for a position, including what point in the process the criminal background check will be conducted and the use of the background check authorization form. A process will ensure consistent treatment of all applicants. For example, agencies may conduct a background check at the time they are ready to make a conditional offer.
- The agency policy may include a provision for internal candidates who have had a background check within a certain timeframe (e.g. 12 months); the policy may indicate that the internal candidate is not required to have a new background check if the candidate has had a background check within that timeframe.
- The agency policy may contain a statement that if an applicant fails to consent to the background check, it will preclude the applicant from consideration.
- The agency policy should include any processes the agency will use to supplement the criminal background check, including reaching out to local law enforcement in the cities/counties of the applicant's prior residences. (For more information on supplementing the background check process see p. 15).
- The agency policy should include a statement that no final candidate shall start the position until an analysis of the criminal background check has been conducted.

- The agency may include how a conditional offer of employment will be made pending the receipt and analysis of the background check.

Other recommendations outside of the Background Check Policy

- Agencies should consider creating a work rule requiring self-disclosure of convictions that occur while employed, if one does not already exist. Agencies should work with legal counsel to determine what is appropriate for your agency.
 - Sample: *“It is a reasonable expectation that employees will not only obey the letter of the law but the spirit of the law, whether engaged in personal or official activities. In the event any employee is arrested for, charged with, or convicted of any felony or misdemeanor (except for a minor misdemeanor), or is required to be a defendant in any criminal action, that employee shall immediately notify his/her immediate supervisor.”*

“How to” Guide for Criminal Background Checks

Introduction

HR-29 requires that all final candidates for a position must undergo a criminal background check prior to the start of the position. HR-29 does not require that agencies utilize any one particular vendor for conducting that background check. Agencies should work with their legal counsel to determine a background check process that is both compliant with the requirements of HR-29 and also operationally appropriate for their agency. For agencies that already have a mechanism in place this will not likely need to be changed. One of the most common vendors used for criminal background checks is the Attorney’s General’s Bureau of Criminal Investigation (BCI) and therefore, the following provides detailed information about BCI. Please note agencies are not required to utilize BCI. There are agencies that currently use other vendors. This section of the guide focuses on BCI but also provides resources for other vendors. .

Bureau of Criminal Investigation Background Checks

What is a BCI/FBI Background Check?

BCI serves as the central repository for criminal records for the State of Ohio and regularly performs criminal background checks for employment and licensing purposes. BCI checks statewide criminal databases for conviction records. In the event that a broader search is required, a national FBI criminal background check can also be performed. FBI checks go through BCI but utilize the FBI’s national criminal database in order to check for an individual’s criminal history in other states.

WebCheck® Registration

If an agency wants to use BCI for criminal background checks and acquire its own WebCheck® system, there are several steps involved in establishing a new account with BCI to perform criminal background checks using the WebCheck® system. Note, if your agency is not considering purchasing the WebCheck® system, then you do not need to set up an account with BCI.

In order to establish a new account, the agency will need to contact BCI and submit a request form to set up a billing account number and unique ID. The agency will then need to submit two signed National WebCheck® Agreements to BCI which functionally serve as a contract to work with BCI. If an agency wants to purchase a WebCheck® system, the agency will need to contact one of the three approved vendors that are certified to sell WebCheck® systems. A list of approved BCI WebCheck® vendors can be found at <http://www.ohioattorneygeneral.gov/Business-and-Non-Profits/Business/WebCheck/WebCheck-Equipment-Vendors.aspx>. The WebCheck® systems consist of: a desktop or laptop with the WebCheck® program installed, a magnetic strip reader used to read a person’s driver’s license, and an electronic fingerprint reader. The one-time cost for a WebCheck® system from one of the approved vendors is approximately \$5000.00, although the price will vary by vendor. There are also optional maintenance and update packages that can be \$700.00 to \$800.00 per

year. These packages provide maintenance assistance for the WebCheck® system and automatically provide software updates.

If an agency acquires its own WebCheck® system, it will be responsible for designating the employees who will be operating the WebCheck® system for training through BCI and the vendor. The training sessions can be done at the agency or at the vendor's office. The training sessions typically last two to three hours total and include instruction on the set-up, operation of the WebCheck® system and submission of background check results. There is no cost associated with this training.

Additionally, BCI can provide training on ink-based fingerprinting. Ink-based fingerprints can be used in instances where the individual's digital fingerprint was not able to be captured electronically by the WebCheck® system or in agency locations that may not have a WebCheck system. An ink-based fingerprinting training session typically lasts less than one hour and can be held in conjunction with WebCheck® training. There is no cost for the ink-based fingerprint training.

Additional information about setting up an account and purchasing a WebCheck® system can be found on the BCI website at <http://www.ohioattorneygeneral.gov/Business/Services-for-Business/WebCheck/Purchasing-WebCheck-Equipment>.

How to Conduct a BCI/FBI Criminal Background Check Through WebCheck® System

In order to conduct a BCI or FBI criminal background check, the operator of the WebCheck® system will need to verify the applicant's identity with a photo ID. Ideally, the applicant will also provide a social security number, but a social security number is not required to perform the check. Once a person's fingerprints are scanned by the electronic fingerprint reader, the prints are uploaded into the WebCheck® system. If the program is unable to acquire quality prints from a person, then ink-based prints may need to be used. Also, the swiping of the driver's license populates many of the fields on the WebCheck® system.

If a potential applicant does not live within 75 miles of a WebCheck® system, then they can submit ink fingerprints through the mail for analysis. Ink based fingerprints will also be used if an applicant lives outside the state of Ohio or if an applicant is unable to produce quality digital fingerprints on the WebCheck® system. If an agency needs to submit ink-based fingerprints, contact BCI to request fingerprint cards. There is no cost for the fingerprint cards. Agencies will also need to purchase ink supplies, which can be purchased from many businesses that sell laboratory or forensic supplies (e.g., Sirchie, Inc.). Additionally, if the applicant is in central Ohio, the individual can go to BCI's central office to have an ink-based fingerprint background check performed. There is no cost for the rolling of ink-based fingerprints done at BCI's central office

Cost to Conduct a BCI Background Check

The cost to conduct a BCI background check is \$22 while an FBI background check costs \$24. Thus, the combined total to both the BCI and FBI background checks is \$46. However, this amount will

vary if an agency does not use one of the BCI certified vendors. Agencies are not permitted to allow an applicant to pay for the cost of their criminal background check.

Timing of BCI Background Check Results

Ohio Revised Code Section 109.572 requires that BCI process a background check request within 30 days. BCI also has 30 days from the time that the FBI completes a federal background check to send the results to the requesting agency. Typically, however, many checks are completed within one to two days. The process may take up to a few weeks if there is poor fingerprint quality, a common name, or if the results may show a potential conviction because BCI will verify that the conviction and identity of the applicant match. Both BCI and FBI background checks search for misdemeanor and felony convictions. Sealed convictions can be produced through these searches if required by state or federal law.

FBI Background Checks Through BCI

Many agencies currently perform both BCI and FBI background checks on an individual. However, there are restrictions on when an FBI check can be done. Specifically, there must be a state or federal statute that permits an individual to be checked in the FBI database. Agencies hiring individuals for the following types of positions are permitted to conduct an FBI criminal background check:

- People working with children (teachers, daycare workers)
- People working with the elderly (nursing home or home care employees)
- People working in the developmental disabilities field (working for a county or private agency)
- Nurses (nursing students or those applying for initial licensure)
- Firefighters and EMTs
- Pharmacy technicians
- Pain management clinic owners and employees

If an applicant who has had an FBI background check done has a criminal record, the results of that check will go directly to the applicant and not to the Agency. The applicant can either send the results to the agency or the applicant can challenge the result. The FBI will release the results to the agency following a challenge if it is determined that the criminal record is legitimate.

WebCheck® Billing

Once an agency has set up an account with BCI, that agency will receive a monthly bill from BCI that covers all criminal background checks performed in the previous month. BCI does not have a mechanism in place for an agency to have a billing account if the agency does not have their own WebCheck® system. Additional information for those agencies who are sharing resources is contained below.

Information on Other Background Check Vendors

There are other vendors that provide criminal background check services outside of BCI. Some agencies currently use other vendors outside of BCI and can continue to do so in compliance with this policy. Through this process, agencies have reported that they are using third party vendors such as Open Online, Justifacts, National Background Check, Inc, and Intelius . The websites for each of these vendors are below:

<http://www.openonline.com/>

<http://www.justifacts.com/>

<http://www.nationalbackgroundcheck.com/>

http://www.intelius.com/background-check.html?searchform=background&utm_source=google&utm_medium=cpc&utm_campaign=brand+official+site&gclid=COSohlKwcUCFQiRaQodKIQAKw

Unlike BCI, there may be more variation on the services and cost associated with private third party vendors. Agencies interested in using these vendors will need to work internally to determine if the services provided fit the needs of the agency. If an agency is interested in other vendors and would like to talk with another agency that has used a third party vendor, please contact DAS HRD/OCB Policy for a list of contacts. If your agency decides to use a third party vendor, please consult with your legal counsel to ensure that the checks are in compliance with all applicable state and federal laws and regulations.

Supplementing Criminal Background Checks

While this policy only requires that state agencies do a criminal background check that examines the previous felony conviction history of a final candidate, it is highly recommended that agencies take additional steps to ensure that the final candidates for positions have been thoroughly checked. The following are a list of several resources available to agencies interested in supplementing their criminal background checks:

- Review previous addresses of final candidates and contact local law enforcement in those jurisdictions to determine any conviction, arrest or warrant history.
- Review of county or city criminal records databases.
- Conduct a search using the final candidate's social security number, which can often confirm the locations in which the final candidate has lived and worked.
- Submit a Freedom of Information Act request to the FBI, which allows for a national criminal background check if no state or federal statute authorizes FBI check through BCI.
- Utilize an online or third party vendor for a national background check (e.g., OPENonline).
- Request a review of tax records through Ohio Department of Taxation.
- Request a review of motor vehicle driving history through the Ohio Bureau of Motor Vehicles.

Ultimately, it is highly encouraged that agencies supplement their criminal background checks to ensure that the final candidate is appropriately qualified for the position.

Sharing of WebCheck® Resources

Whether your agency is considering utilizing BCI or a third party vendor, we recognize that agencies may need additional solutions for the immediate implementation of this policy. A sharing of resources between state agencies will assist agencies with implementation. Many agencies currently have WebCheck® systems and billing accounts with BCI. Sharing resources with an agency that currently has WebCheck® system, will allow agencies to comply with the policy immediately.

When a requesting agency uses another agency's (volunteering agency) WebCheck® system, the requesting agency will need to specify where the results of the criminal background check will be sent since the default setting on the systems is to send the results to the owner of the WebCheck system. Prior to submitting a criminal background check through BCI, the requesting agency will need to change the "Mail To" setting to an appropriate representative at the requesting agency. Thus, once BCI has completed their check, the result will be sent to the requesting agency and not the volunteering agency.

This option can also be used for FBI criminal background checks as well, however, if an FBI check reveals a criminal record, the results will be sent directly to the applicant and not to the agency. The applicant has the option of sending the results directly to the agency or challenging the results. The FBI will release the results to the agency following a challenge if it is determined that the criminal record is legitimate.

Agencies that volunteer the use of their WebCheck® systems will not be required to pay the fees for criminal background checks performed for the benefit of other agencies. The volunteering agency should bill the requesting agency for the cost of those criminal background checks. The bills sent to the volunteering agency from BCI contain a list of all individuals whose information was submitted for a criminal background check during that month. Thus, agencies that are sharing resources will be able to send the proper bill to any other agencies that may have utilized their WebCheck® system that month. In previous instances where agencies have shared WebCheck® resources, the volunteering agency has sent an Intrastate Transfer Voucher (ISTV) to the requesting agency for the amount of the background check.

Agencies that utilize third party vendors in order to perform their criminal background checks may be able to share their resources with other state agencies. However, volunteering agencies using a third party vendor should work with their legal counsel and the third party vendor to determine if such an arrangement can be accommodated.

If your agency is interested in sharing resources with another agency and have not yet been in contact with DAS HRD/OCB Policy or another agency, please contact DAS HRD/OCB Policy to get connected with an agency who is willing to assist.

Additional Resources

There are additional resources available on the DAS HRD OCB/Policy Website. These resources include sample documentation that agencies can utilize and modify for use during the positing and interview process. There is also a Frequently Asked Questions document available covering the implementation requirements of HR-29. Below are some important websites that provide additional information on this topic.

DAS HRD/OCB Policy: <http://das.ohio.gov/Divisions/HumanResources/HRDOCBPolicy.aspx>

EEOC Enforcement Guidance, Consideration of Arrest and Conviction Records in Employment Decisions: http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm

EEOC, Background Checks What the Employers Need to Know: http://www.eeoc.gov/eeoc/publications/background_checks_employers.cfm

Bureau of Criminal Investigation: <http://www.ohioattorneygeneral.gov/Business/Services-for-Business/WebCheck/Purchasing-WebCheck-Equipment>.

Open Online: <http://www.openonline.com/>

Justifacts: <http://www.justifacts.com/>

National Background Check: <http://www.nationalbackgroundcheck.com/>

Intelius: http://www.intelius.com/background-check.html?searchform=background&utm_source=google&utm_medium=cpc&utm_campaign=brand+official+site&gclid=COSohlVkcUCFQiRaQodKIQAkw

Contact Information

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