

Town of Duxbury, Massachusetts

OFFICE OF THE BOARD OF SELECTMEN AND TOWN MANAGER



TO: Employment Candidates and Contractors

FROM: The Board of Selectmen

DATE: February 25, 2011

RE: Background Check Policy

The Town of Duxbury will conduct background checks for employment candidates after the initial offer has been made, and for all contractors who routinely perform work for the Town, through a third party administrator. The Town reserves the right to make the sole determination concerning information or any employment decision arising out of the background check.

The type of information that can be collected by the third party administrator includes, but is not limited to, a criminal background check, education, driving record, employment history, credit information, professional and personal references. This process is conducted to verify the accuracy of the information provided by the candidate and to determine his/her suitability for employment.

Please review the attached policy carefully.

878 Tremont Street, Duxbury, MA 02332 Telephone: 781-934-1100 x149 Fax: 781-934-9011
Town-Manager@town.duxbury.ma.us

The mission of the Town of Duxbury is to deliver excellent services to the community in the most fiscally responsible and innovative manner while endeavoring to broaden our sense of community and preserve the unique character of our town.

Town of Duxbury, Massachusetts

OFFICE OF THE BOARD OF SELECTMEN AND TOWN MANAGER



Background Investigation Policy

Purpose: The purpose of this policy is to describe the terms and conditions under which background checks are conducted; background checks serve as an important part of the selection process.

Policy: The Town of Duxbury conducts background checks on all candidates post-offer (contingency offer). The Town may also use a third party administrator to conduct background checks. The type of information collected by this agency includes, but is not limited to, a criminal background check, education, driving record, employment history, credit information, professional and personal references. This process is conducted to verify the accuracy of the information provided by the candidate and determine his/her suitability for employment.

The Town will ensure that all background checks are held in compliance with applicable federal and state statutes, such as the Fair Credit Reporting Act.

All criminal background screens are conducted post-offer (contingency offer). However, as part of Title VII of the Civil Rights Act, this information cannot be used as a basis for denying employment, unless it is determined to be job-related.

The Town reserves the right to make the sole determination concerning information or any employment decision arising out of the background check, and to require that all contractors who routinely perform work for the Town to be in compliance with this policy.

Offer of Employment Process: When verbally making the offer of employment to the successful candidate, the hiring manager must inform the candidate that the offer is contingent upon the successful results of the background check. The candidate must authorize the background check by completing an Authorization/General Release Form. The Human Resources Officer receives the completed Authorization/General Release Form, and conducts any and all applicable background checks on the final candidate.

General Guidelines:

1. **NEW HIRES:** Background checks are required for all new hires. This includes all full-time, part-time, seasonal, temporary and part-time employees. The background check must be completed and results verified before any employee begins work. At no time should an employee begin work until Human Resources has verified results of the background check.
2. **REHIRES:** A background check is required for all rehires.
3. **EMPLOYMENT CONTINGENCY:** Background checks are to be processed after a contingent offer of employment has been extended to the applicant. Note: The offer of employment is contingent upon the successful results of the background check.

4. **AUTHORIZATION BY APPLICANT:** The candidate must authorize the background check. This is done by having the applicant complete the Authorization/General Release Form. This form can be sent via e-mail to the candidate. To expedite the process, the candidate may fax the completed and signed form to the Human Resources Officer.

4. **STATEMENT ON SOCIAL JUSTICE:** Background investigations may produce reports of felony and misdemeanor convictions incurred by applicants or employees. Some of those convictions may be those that the Town considers to be social justice issues. Other convictions may be for situations that are not relevant because they occurred a long time ago, pose little or no threat to our employees, youth or vulnerable adults. The Town supports employees engaged in social justice issues and will give careful consideration to both the type and relevance of the actions that led to any arrests or convictions.

The Town acknowledges that racism, discrimination, and homophobia exist, and those issues shall be examined in reviewing individual reports. When the Town receives information about an employee or candidate that raises concerns, experts may be called in when necessary—including the Town's employment attorney and/or social justice advocates with special knowledge, sensitivity and experience with similar issues.

The Town also acknowledges that, while the background investigations may reduce the liability to our general resident population, especially the children, youth and vulnerable adults of our town and our employees but we are not necessarily safer because of the background investigations. Technology and state-to-state tracking of convictions are not totally reliable.

Note: All applicants must complete an Application for Employment and Authorization/General Release Form as those are required to be submitted to the third party administrator conducting the background check.

Verification of Background Checks

1. The results of the background check will be sent directly to the Human Resources Officer.
2. The Human Resources Officer will review the report, any discrepancies or criminal history noted. The Human Resources Officer reserves the right to consult with the hiring department, Town Manager, or any other pertinent office before a final determination is made.
3. If the background check is favorable, the Human Resources Officer will notify the hiring manager that the candidate is approved to begin employment.

Adverse Action Notifications

1. If a background check is returned with unfavorable results, the Human Resources Officer will notify the hiring manager.
2. The Human Resources Officer will contact the candidate to inform him/her that The Town of Duxbury is rescinding its contingent offer of employment and that he/she will receive written notification from our third party administrator including a summary of the candidate's rights under the Fair Credit Reporting Act. The third party administrator will give the candidate the opportunity to review a copy of the report, which informs him/her of his/her rights to dispute inaccurate information.

Adopted by the Board of Selectmen on December 20, 2010

Town of Duxbury, Massachusetts

OFFICE OF THE BOARD OF SELECTMEN AND TOWN MANAGER



Authorization/General Release

Date: _____

I, _____, born in _____ on

_____, having filed an application for employment with the Town of Duxbury, consent to have an investigation made as to my moral character, reputation and fitness for the position to which I have applied. I also consent to having said information reported to and reviewed by the appointing authority for the Town of Duxbury. I agree to give any further information that may be required in reference to my previous employment/personnel records, professional, educational, criminal, CORI and credit history records.

I authorize and request every person, firm, company, cooperation, governmental agency, court, association or institution having control of any employment/personnel records and credit history records, and to permit the Town of Duxbury, Town Manager, and/or the Town of Duxbury Board of Selectmen to inspect and make and/or receive copies of any such employment/personnel, professional, educational, criminal, CORI and credit history records.

I hereby release, discharge and exonerate the Town of Duxbury, its agents and representatives and any person or party so furnishing information from any and all liability of every nature and kind arising out of the allowance of inspection and obtaining or providing copies of any such employment/personnel, professional, educational, criminal, CORI and credit history records.

This authority shall continue for one year unless sooner if revoked in writing by the undersigned.

Signed

Witness

Address

Social Security Number must be provided verbally to the Human Resources Officer for all background checks