I. PURPOSE

It is the policy of the County of Wayne to conduct background inquiries on all new hires to determine an individual’s suitability for employment. Background inquiries serve as an important part of the selection process at the County. This type of information is collected as a means of promoting a safe work environment for current and future County employees and the protection of property and information of the organization.

II. POLICY PROVISIONS

1. The background inquiry of the applicant is conducted by Personnel/Human Resources (P/HR) or its agent.

2. The type of information that can be collected by P/HR or its agent may include, but is not limited to, that pertaining to an individual’s criminal history, past employment, education, character, finances, reputation, etc. This process is conducted to verify the accuracy of the information provided by the applicant.

3. P/HR will ensure that all background checks are held in compliance with all federal and state statutes, such as, the Fair Credit Reporting Act, Americans with Disabilities Act, etc.

4. At the time an employment commitment is made, the applicant will be given a background release form to sign.

5. Upon completion of the background inquiry, the P/HR Department will notify the hiring department manager with a decision of favorable or unfavorable. The reasons for the unfavorable result will not be stated.

6. The County Executive (CEO) or the Deputy County Executive may inquire with the Director of P/HR as to the reason for the unfavorable decision and request, for appointees, a review of the decision. All information in this regard should be treated with the utmost confidentiality.

7. The CEO’s approval or his designee will be required to override an unfavorable determination for appointees only.

8. The background inquiry determination will be based on established standards as outlined in this policy as it relates to criminal history.
CLASSIFIED POSITIONS

Civil Service Rule 6, Sec. 5 (a) (6) states in part, “Every application shall be rejected, the examination of every person shall be disqualified, or his eligibility shall be cancelled if it shall be found…The applicant has made a false statement as to any material factor, has practiced or attempted to practice deception or fraud in his application…That the applicant has been guilty either of a felony, misdemeanor, or of a crime involving moral turpitude or of disgraceful conduct, such as to render him unfit for a position of the class for which he is applying or for the County Services.”

The following guidelines have been established in reviewing and approving applicants’ criminal histories:

Each criminal history will be subject to the guidelines herein and evaluated on a case by case basis, considering the nature of the offense, number of convictions, date of conviction, age of the candidate when the illegal activity occurred, work history of applicant and nature of the position applying for, the written explanation given by the applicant explaining the circumstances;

- Applicants with violent offenses will be denied
- Applicants with felony convictions less than three (3) years old will automatically be denied;
- Applicants with misdemeanor convictions less than three (3) years old may be approved if the nature of the offense does not conflict with the duties of the position and the applicant was forthright in disclosing the information;
- Applicants with felony and misdemeanor convictions over three (3) years old may be approved if the nature of the offense does not conflict with the duties of the position, and the applicant was forthright in disclosing the information;
- The length and consistency of employment history before and after the offense or conduct may be considered, in particular, evidence that the individual performed the same type of work, post conviction, with the same or a different employer, with no known incident of criminal conduct may be considered;
- The number of felony and misdemeanor convictions and whether these arose from separate transactions may be considered;
Demonstrate rehabilitation efforts, such as education and training may be considered;

- Favorable employment and character references and any other information regarding fitness for the particular position may be considered; and

- Applicants who are on probation at the time of application will be required to provide official proof that they are complying with the terms of their probation (in cases where nature of offense does not conflict with duties of the position); and

- Applicants who are on parole at the time of application will be denied;

Please note that the Juvenile Detention Facility, Sheriff’s Department and Prosecutor’s office may have different guidelines.

UNCLASSIFIED POSITIONS

Although a disqualification is possible, in accordance with federal and state laws, a previous felony and misdemeanor conviction does not automatically disqualify an applicant from consideration for employment with the County of Wayne. The decisions will be based on job relatedness and consistent with business necessity. Specifically, the hiring decision will be made on a case by case basis under the following guidelines:

Each criminal history will be evaluated on a case by case basis, considering the nature of the offense, number of convictions, date of conviction, age of the candidate when the illegal activity occurred, work history of applicant, nature of the position applying for, and the written explanation given by the applicant explaining the circumstances;

The following guidelines have been established in reviewing and approving applicants’ criminal histories:

- Applicants with violent offenses will be denied

- Applicants with felony convictions less than three (3) years old will automatically be denied;

- Applicants with misdemeanor convictions less than three (3) years old may be approved if the nature of the offense does not conflict with the duties of the position and the applicant was forthright in disclosing the information;
<table>
<thead>
<tr>
<th>Title:</th>
<th>Background Inquiries</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wayne County Policy #</td>
<td>Date Issued: 6/25/2012</td>
</tr>
<tr>
<td>Category:</td>
<td>Workforce Management</td>
</tr>
<tr>
<td>Date Revised:</td>
<td>11/19/2013</td>
</tr>
<tr>
<td>Approved By:</td>
<td>Tish King, Director</td>
</tr>
</tbody>
</table>

- Applicants with felony and misdemeanor convictions over three (3) years old may be approved if the nature of the offense does not conflict with the duties of the position, and the applicant was forthright in disclosing the information;

- The length and consistency of employment history before and after the offense or conduct may be considered, in particular, evidence that the individual performed the same type of work, post conviction, with the same or a different employer, with no known incident of criminal conduct may be considered;

- The number of felony and misdemeanor convictions and whether these arose from separate transactions may be considered;

- Demonstrate rehabilitation efforts, such as education and training may be considered;

- Favorable employment and character references and any other information regarding fitness for the particular position may be considered; and

- Applicants who are on probation at the time of application will be required to provide official proof that they are complying with the terms of their probation (in cases where nature of offense does not conflict with duties of the position); and

- Applicants who are on parole at the time of application will be denied;

Examples of the nature of the offense conflicting with the duties of a position include, but are not limited to:

- A DUI conviction would conflict with a position that requires driving
- A fraud or identity theft would conflict with a position that has access to sensitive documents or personal information
- An embezzlement conviction would conflict with position handling money/accounting
- A criminal sexual conduct conviction would conflict with working with children; i.e. JDF, Librarian

### III. ENFORCEMENT

The Department of P/Human Resources is responsible for development, revision, communication, and enforcement of this policy. The Department of P/Human Resources will assist in the interpretation and monitoring of adherence to this policy.
Violation of this policy may result in remedial action ranging from verbal to written discipline, suspension from work without pay, to immediate termination.

IV. DISCLAIMER

If in direct conflict with other internal or departmental policy, this policy will be considered to be the overriding policy unless otherwise directed by the Director of Personnel/Human Resources or his/her designee.

In the event that any provision of these policies is in conflict with the terms and conditions of existing collective bargaining agreements (CBA), the terms and conditions of the agreements shall take precedence. On those topics where the CBA is silent, the provisions of these policies shall apply.

V. RELATED DOCUMENTS
   a. Collective Bargaining Agreements
   b. Civil Service Rules
   c. Wayne County Work Rules
   d. Wayne County Code of Conduct Policy
   e. Wayne County Employee Handbook
   f. Fair Credit Reporting Act
   g. Americans with Disabilities Act

VI. REVISION HISTORY

<table>
<thead>
<tr>
<th>ACTION</th>
<th>DATE</th>
<th>BY WHOM</th>
<th>REASON</th>
</tr>
</thead>
<tbody>
<tr>
<td>Created</td>
<td>6/25/2012</td>
<td>Tish King, Director</td>
<td></td>
</tr>
<tr>
<td>Revised</td>
<td>11/19/2013</td>
<td>Tish King, Director</td>
<td>Format</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>