



Supplement to CD #2.52, Criminal History Check Policy

**GUIDE TO CRIMINAL HISTORY RECORD CHECK PROCEDURE**

The purpose of this guide is to outline procedures for conducting criminal history record checks on prospective hires, interns, or volunteers, and employees changing positions. This also outlines the City's expectations with regard to criminal history background checks for temporary and contract workers engaging in City programs or providing City services.

**I. SCREENING PROCESS - POSITIONS PROVIDING SERVICES TO JUVENILES, THE DISABLED, OR THE ELDERLY**

**A. Prospective Hires and Employees Changing Positions**

1. Prospective hires and employees moving to positions that have responsibility for providing services to juveniles, the disabled, or the elderly shall be pre-screened by the Department of Human Resources through the National Sex Offender Public Website. Individuals whose names are included on the website shall be ineligible for hire.
2. In addition to the pre-screening requirement outlined in (A.1) above, prospective hires and employees moving to positions that have responsibility for providing services to juveniles, the disabled, or the elderly shall be required to submit to fingerprinting in order to obtain criminal history record information through the Central Criminal Records Exchange from the Federal Bureau of Investigations (FBI) and to submit to a search of the Virginia State Department of Social Services' Child Protective Services Central Registry.

**B. Prospective Interns or Volunteers**

1. A prospective intern or volunteer for a short-term assignment (duration of less than 30 days) providing services to juveniles, the disabled, or the elderly shall be pre-screened by the Department of Human Resources through the National Sex Offender Public Website. An individual whose name is included on the website shall be ineligible for placement.
2. In addition to the pre-screening requirement outlined in (B.1) above, a prospective intern or volunteer for a long-term assignment (30 days or more) shall be required to submit to fingerprinting in order to obtain

criminal history record information through the Central Criminal Records Exchange from the Federal Bureau of Investigations (FBI) and to submit to a search of the Virginia State Department of Social Services' Child Protective Services Central Registry.

C. Conditional Offer of Employment

1. With the prior approval of the Director of Human Resources, a prospective hire may be considered for a conditional offer of employment and begin work, under the direct supervision of a designated City employee, pending receipt of the results of the FBI fingerprint check and the Child Protective Services check.
2. With the prior approval of the Director of Human Resources, an employee may be considered for a conditional promotional or transfer offer and begin his/her new position, under the direct supervision of a designated City employee, pending receipt of the results of the FBI fingerprint check and the Child Protective Services check.
3. With the prior approval of the Director of Human Resources, a prospective volunteer may begin work, under the direct supervision of a designated City employee, pending receipt of the results of the FBI fingerprint check and the Child Protective Services check.
4. It shall be the responsibility of the employing department to remove the individual from the position occupied if he/she is later found to be ineligible under this Policy.

D. Annual Checks for Employees and Volunteers

An employee's, intern's or volunteer's suitability to provide services to juveniles, the disabled, or the elderly shall be re-established through an annual criminal history record check for the state of residence and a search of the Virginia State Department of Social Services' Child Protective Services Central Registry. These checks shall be initiated by the employing department and conducted by the employing department or the Department of Human Resources, as appropriate. The employing department shall conduct an annual search of the National Sex Offender Public Website for every employee, intern or volunteer who continues to serve juveniles, the disabled, or the elderly.

**II. SCREENING PROCESS – ALL OTHER POSITIONS NOT SERVING JUVENILES, THE DISABLED, OR THE ELDERLY**

**A. Prospective Hires**

1. A prospective hire shall be pre-screened by the Department of Human Resources through the National Sex Offender Public Website. An individual whose name is included on the Website shall be ineligible for hire.
2. In addition to the pre-screening requirement outlined in (A.1) above, a prospective hire shall be required to submit to fingerprinting in order to obtain criminal history record information through the Central Criminal Records Exchange from the FBI.
3. Prospective hires in positions with access to secure locations where information from the Criminal Justice Information Services (CJIS), National Crime Information Center (NCIC), and/or Virginia Criminal Information Network (VCIN) is processed may have their background information processed and reviewed by the Chesapeake Police Department, at the discretion of the Chief of Police.

**B. Employees Changing Positions**

1. An employee changing positions shall be pre-screened by the Department of Human Resources through the National Sex Offender Public Website. An individual whose name is included on the website shall be ineligible for placement.
2. In addition to the pre-screening requirement outlined in (B.1) above, an employee changing positions shall be required to submit to fingerprinting in order to obtain criminal history record information through the Central Criminal Records Exchange from the FBI.
3. An employee who moves into another position with access to secure locations where information from the Criminal Justice Information Services (CJIS), National Crime Information Center (NCIC), and/or Virginia Criminal Information Network (VCIN) is processed may have their background information processed and reviewed by the Chesapeake Police Department, at the discretion of the Chief of Police.

**C. Prospective Interns or Volunteers**

1. An intern or volunteer for a short-term assignments (duration of less than 30 days) shall be screened *by the receiving department* through the National Sex Offender Public Website. An individual whose name is included on the

Website shall be notified by an appropriate representative of the City that he/she is ineligible for the assignment.

2. In addition to the pre-screening requirement outlined in (C.1) above, an intern or volunteer for an on-going assignment shall be required to submit to fingerprinting in order to obtain criminal history record information through the Central Criminal Records Exchange from the FBI.

D. Conditional Offer of Employment

1. With the prior approval of the Director of Human Resources, a prospective hire may be considered for a conditional offer of employment and begin work, under the direct supervision of a designated City employee, pending receipt of the results of the FBI fingerprint check and the Child Protective Services check.
2. With the prior approval of the Director of Human Resources, an employee may be considered for a conditional promotional or transfer offer and begin his/her new position pending receipt of the results of the FBI fingerprint check and the Child Protective Services check.
3. With the prior approval of the Director of Human Resources, a prospective intern or volunteer may be permitted to begin work, under the direct supervision of a designated City employee, pending receipt of the results of the FBI fingerprint check and the Child Protective Services check.
4. It shall be the responsibility of the employing department to remove the individual from the position occupied if he/she is later found to be ineligible under this Policy.

**III. CONTRACTORS, TEMPORARY SERVICE VENDORS, AND CO-SPONSORING ORGANIZATIONS**

A contractor or temporary service worker can begin his/her assignment with the City pending receipt of the results of the FBI fingerprint check. With the approval of the Director of Human Resources, temporary staffing personnel may work under the direct supervision of a City employee until the results of all required criminal history background changes are received. A contractor shall be required to provide immediate notification to the City if they should discover that a temporary or contract worker has an unacceptable charge or conviction. If the City discovers a temporary or contract worker has an unacceptable charge or conviction, the City has the discretion to require removal of the worker from assignment to the City immediately.

A. Positions Serving Juveniles, the Disabled, or the Elderly

By the execution of the contract or memorandum of understanding with the City, the organization shall certify to the City that no person shall be approved to provide services through the City to juveniles, the disabled, or the elderly if the results of the criminal history record check indicate that the person has a Child Protective Service founded sexual abuse disposition or has been convicted of any barrier crimes within the past ten years or offenses enumerated in Code of Virginia § 19.2-392.02, as amended from time to time, or equivalent offenses in another state or military court of justice.

B. Positions Not Serving Juveniles, the Disabled, or the Elderly

1. **Crimes Against the Person** - By the execution of the contract or memorandum of understanding with the City, the organization shall certify to the City that no person shall be approved to provide services through the City if the results of the criminal history record check show a conviction of any "Crime Against the Person," as defined by Title 18.2, Chapter 4 of the Code of Virginia, 1950, as amended from time to time, or equivalent offense in another state, within the immediate past five years. Such a conviction, outside the automatic disqualification period of five years, must be evaluated and approved by the Director of Human Resources, after the organization's initial evaluation and recommendation, on a case-by-case basis considering the City's best interests and the duties and responsibilities to be assigned the individual.
2. **All Other Crimes and Pending Charges** - By the execution of the contract or memorandum of understanding with the City, the organization shall certify to the City that all other convictions and pending charges must be evaluated and approved for City placement by the Director of Human Resources, after the organization's initial evaluation and recommendation, considering the City's best interests and the duties and responsibilities to be assigned the individual.



**CRIMINAL HISTORY RECORD CHECK RELEASE OF INFORMATION FOR  
Prospective Hires, Volunteers and Employees Undergoing Annual Checks or Changing Positions**

I hereby authorize the City of Chesapeake to obtain records related to me, if any, from criminal justice agencies. I understand that the information released is for official use by the City of Chesapeake for the sole purpose of determining my eligibility, or continued eligibility, to be employed or volunteer or to move to a new position with the City. I understand this information may be disclosed to other persons only as necessary to determine my eligibility. I understand that failure to provide all or part of the information may result in my disqualification for the intended position. This release shall be effective on the date of its execution and expire upon completion of my criminal history record check.

Signature: \_\_\_\_\_ Date \_\_\_\_\_

*Print clearly, and fill in all applicable blanks*

Name: Last: \_\_\_\_\_ First: \_\_\_\_\_ Middle: \_\_\_\_\_

Other Names Used (Include Maiden): \_\_\_\_\_

Social Security Number: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Date of Birth: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ State and County of Birth: \_\_\_\_\_

Gender: \_\_\_ Male \_\_\_ Female Eye Color: \_\_\_\_\_ Hair Color: \_\_\_\_\_

Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Race: \_\_\_\_\_

Phone Contact: Home: \_\_\_\_\_ Work: \_\_\_\_\_ Cell: \_\_\_\_\_ Other: \_\_\_\_\_

Current Address: \_\_\_\_\_

Previous Address: \_\_\_\_\_

**Administrative Use Only (check all that apply)**

Prospective hire

Prospective volunteer

Employee – annual check

Employee - changing position

Department/Division \_\_\_\_\_

Job / assignment involves providing services to juveniles, the disabled, or the elderly