

OHIO BOARD OF PSYCHOLOGY

POLICY AND PROCEDURE MANUAL

SECTION 10: ADMINISTRATIVE POLICIES AND PROCEDURES

**POLICY 10.19: DISCLOSURE OF CRIMINAL CONVICTIONS;
JOB CANDIDATE BACKGROUND CHECKS**

PRIOR DATE EFFECTIVE: 6/24/2015

EFFECTIVE: JULY 18, 2019

REVIEWED AND APPROVED



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Authority: Ohio Revised Chapter 124.09, 124.34 and DAS Policy HR-29

Purpose

Adoption of this policy meets requirements in DAS Policy HR-29 to provide uniform guidelines and procedures for conducting criminal background checks on candidates selected to fill a vacant position at the Ohio Board of Psychology ("Board"). The background check process is intended to help the DAS Central Services Agency (CSA) and Ohio's boards and commissions to evaluate whether a candidate is suitable for a position during the hiring process. The Board desires to promote fair and consistent methods to obtain, analyze, apply, and retain background check information, while preventing discrimination and harassment in hiring practices.

Procedures

A. Use of Background Checks

It is the policy of the Board that applicants for employment not be rejected for consideration solely on the basis of having a criminal conviction. This policy applies to all current Board employees and external applicants for positions at the Board.

B. Administration of Background Checks

When posting a vacant position, the Board, in consultation with CSA will analyze whether or not any state or federal law or other federal restriction would prohibit the hiring of an individual because of criminal convictions.

1. **REQUIREMENT:** A background check shall be conducted on final candidates, both internal and external, for all vacant staff positions at the Board. An applicant is a final candidate when the agency is prepared to make a conditional offer of employment to the applicant. CSA will be responsible for facilitating the background check.
2. **NOTICE ON JOB POSTINGS:** When posting vacancies, the Board job posting 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.
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.
 - a. 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. Applicants may voluntarily disclose a criminal conviction at any time during the application process
 - b. 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.
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.
5. **CONDITIONAL OFFER:** All offers of employment are contingent upon successful completion of the background check and all written or oral offers of employment must state: "This offer is contingent upon the verification of credentials and other information required by law and/or the board or commissions policies or practices, including but not limited to a criminal background check."
6. **FINAL DETERMINATION:** The recommendation to disqualify or select a candidate who has a criminal conviction shall be reviewed and approved by the Board, in consultation with the CSA Human Resources Manager and the board's Attorney General representative. No final candidate shall begin employment until the results of the background check(s) are analyzed and a final determination is made.
7. **PAYMENT:** Each individual board and commission shall pay for candidates' initial criminal background check for the purpose of employment.

D. Assessment of Background Check Information

The Board, in collaboration with CSA, will be responsible for the administration and analysis of the background check.

- **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 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:
 - The nature of the conviction(s);
 - The time that has passed since the conviction(s) or release from incarceration;
 - The age at which the criminal activity took place;
 - Any evidence demonstrating the applicant's rehabilitation;
 - Any mitigating factors;
 - Any other information determined to be helpful in considering whether the applicant should be disqualified from consideration, including information ascertained in the interview process.
- **DISQUALIFICATION OF THE APPLICANT:** An applicant shall only be disqualified if:
 - A state or federal law or other restriction exists that would prohibit the hiring of the applicant; or
 - The Executive Director in consultation with the Board President or designee 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.
- **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 analysis.
- **CONFIDENTIALITY:** All criminal background check information is confidential and cannot be disseminated beyond the Executive Director and other management staff and members of the Board involved in the hiring process, and the DAS/CSA human resource staff.

F. Reporting Requirements for Current Employees

An employee who is convicted of a felony during the course of his or her employment with the Board shall immediately report the conviction to the Executive Director and the CSA Human Resource Manager. 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 the Board may result in disciplinary action up to and including removal.

This policy supersedes any previously issued policy or directive and will remain effective until cancelled or superseded.

