



Background Checks

Date of Origin: October 9, 2018

Modification Date(s): 11/10/20, 12/19/21, 5/16/23, 5/14/24

Date of Last Review: 5/14/24

I. Purpose

To ensure that UCP of Maine works to employ safe and reliable employees to provide services and support to UCP clients.

II. Policy

It shall be the policy of UCP of Maine to process background checks including a criminal record check on each candidate who has accepted employment, volunteer or student as required by the state and federal regulations and periodically as required by program regulations. Background record checks are an integral part of protecting the health and safety of all people who receive services from or work within UCP of Maine.

It shall further be the policy of UCP of Maine to employ persons with prior criminal convictions or negative history not related to abuse, neglect, or exploitation only after consideration on a case-by-case basis and with the approval of the Chief Operating Officer and/or Chief Executive Officer. Additionally, UCP of Maine shall not hire or retain anyone that has a conviction or disciplinary action that pertains to consumer abuse, neglect, or exploitation under any circumstances.

A statement informing the employee of the intent to process background checks and required forms shall be included within the new hire and materials and prior to the renewal date.

All background record checks shall be made a part of UCP's personnel records.

UCP of Maine will comply with the Fair Credit Reporting Act (FCRA) requirements when a third party is used to conduct background checks, such as for out-of-state background checks, including written notification of the adverse action.

III. PROCEDURES

- A. Maine Background Check Center (MBCC) – Employees, volunteers, and interns of UCP are required to have annual background checks (with the exception of “a” below) run through the MBCC which consist of the following:

- a. Criminal History (valid for 5 years and monitored by the MBCC for changes)
- b. National sex offender registry
- c. Maine sex offender registry
- d. OIG sanctions check
- e. Maine excluded providers check
- f. Professional license/certification registry

Background checks run in addition to those in the MBCC:

- i. Child abuse/neglect check
- ii. Driving record check (for staff required to drive for work purposes)
- iii. Adult protective check
- iv. DOE Fingerprinting (Bridges & K-4 only)
- v. OCFS Fingerprinting (Bridges only)

- B. Two pre-employment reference checks are required for all employees.
- C. In the event a candidate offered a position indicates that they have been convicted of a crime or has some other negative history related to background checks performed, the Human Resources Specialist or Director may interview the person and ask about the conviction. If, after the interview, the Human Resources Director in collaboration with department management, wishes to pursue the hiring process, s/he will discuss the issue with the Chief Operating Officer, and upon approval to proceed. Using criteria identified within this policy, program regulation rules, and other factors from the interview, a decision will be made and documented about continuing the onboarding process.
- D. Applicants who are former employees (meaning who have resigned from the agency), shall complete a new application for employment, and a criminal record check shall be completed upon acceptance of an offer of re-employment.
- E. Current employees shall be expected to immediately update the Human Resources Director on changes related to information obtained in the background checks referenced above.
- F. In the event a background check is returned, and it indicates a current employee has been convicted of a crime, the Human Resources Director (or designee) shall notify the supervisor of the employee issue/concern and then take the following steps:
 - 1. The Human Resources Director shall meet with the employee to review the findings.
 - 2. The appropriate reporting office shall be contacted (if applicable) to obtain information concerning the status of the person's conviction or reported findings and this shall be documented by the Director of

Human Resources.

3. The Human Resources Director, in collaboration with the Chief Operating Officer may take the following into consideration when making a decision about the employee's continuing employment:
 - a. Length of service,
 - b. Current job responsibilities and risk factors involved (the nature of the job in question),
 - c. The nature and gravity of the convictions,
 - d. The time that has passed since the criminal conviction and/or completion of the sentence,
 - e. The Probation and Parole Report if applicable
 - f. Consultation with the Program Director
 - g. The employee shall be notified of the decision as soon as is possible.
 - h. The decision shall be made part of UCP's personnel records.
 - i. Prior decisions made regarding other employee's or applicant's criminal convictions shall not necessarily be precedent setting, as each employee's or applicant's situation shall be reviewed on case-by-case basis.



Scott Tash, CEO



Date

