

*Blue Ridge HealthCare System*  
*Human Resources / Educational Services*

## **Criminal Background Investigation**

**Origination Date:** 10/01/1997

**Review/Revised Date:** 10/6/17

### **APPLICABILITY:**

Carolinas HealthCare System Blue Ridge, College Pines, Grace Heights, Grace Ridge

### **POLICY:**

Carolinas HealthCare System (CHS)-Blue Ridge HealthCare (BRHC) shall screen job candidates for background criminal arrests, charges, and convictions upon a conditional offer of employment and for screening internal transfers to a Long-Term Care facility or Home Health in addition to obtaining criminal background checks at any time during employment. All offers of employment at CHS Blue Ridge are contingent upon clear results of a thorough background check. Background checks will be conducted on all final candidates and on all employees who are promoted, as deemed necessary.

### **PURPOSE:**

- To ensure a safe environment for staff, patients, residents, and visitors of CHS- Blue Ridge
- To ensure compliance with NCGS 131 E-265.

### **DEFINITIONS:**

**CBC:** Criminal Background Check

**CHRI:** Authorization and Release Form for Criminal History Record Information

**FCRA:** Fair Credit Reporting Act

**Release:** Investigative Consumer Report Authorization

**Relevant Offense:** A state crime, whether a misdemeanor or felony that bears upon an individual's fitness to have responsibility for the safety and well-being of other persons. These crimes include the criminal offenses set forth in Articles of Chapter 14 of the General Statutes.

### **PROCESS:**

- I. Offers of employment shall be contingent upon the receipt of a criminal background check.
  - a. At the time, Human Resources makes a contingent offer of employment the candidate is required to complete the Pre-Employment Background Check Authorization and Release Form for Criminal History Record Information (CHRI), Exhibit I 2013-001.
  - b. Any applicant under the age of 18 must have parental consent before the CHRI and/or the

FBI fingerprint check is run.

- c. Fingerprinting shall be required for all non-licensed staff that are employed or transfer to LTC or Home Health and have been in North Carolina less than seven (7) years.
- II. The candidate shall complete the CHRI information form in its entirety, including full legal name, maiden name (if married less than 7 years), current address, previous address if less than 7 years at the current address, social security number, date of birth and driver's license number.
- III. Applicants who have been married for less than 7 years, a CHRI shall be conducted for the maiden name in addition to the current name.
- IV. Human Resources shall submit the CHRI to the approved service provider as part of the post job offer process and during employment when applicable. A statewide background check shall be conducted for all states resided in during the last 7 years.
- V. The service provider shall issue results of the CHRI to Human Resources.
- VI. The applicant shall state on the employment application any conviction of a felony or misdemeanor, other than a minor traffic violation, and whether any criminal charges are pending.
- VII. Failure to respond honestly to the application inquiry will result in immediate termination or withdrawal of the conditional job offer. The existence of a criminal record does not constitute an automatic bar to employment or termination except as otherwise stated below.
- VIII. The candidate/Teammate shall be permitted to work in the facility pending receipt of the fingerprint check if the consent form is completed. The CHRI and fingerprint checks shall be ordered within five business days of the conditional offer of employment.
- IX. If the CHRI reveals one or more convictions of a relevant offense, consideration shall be given to the following factors in determining whether to hire the applicant or retain the care team member:
  - The level and seriousness of the crime.
  - The date of the crime.
  - The age of the person at the time of the conviction.
  - The circumstances surrounding the commission of the crime, if known.
  - The nexus between the criminal conduct of the person and the job duties of the position to be filled.
  - The prison, jail, probation, rehabilitation, and employment records of the person since the crime was committed.
  - The subsequent commission by the person of the relevant offense.

- X. Automatic bars from employment shall include but may be at the discretion and review of CHS Blue Ridge:
- A felony within the last seven years.
  - Release from a correctional institution subsequent to any misdemeanor or felony conviction within the last seven (7) years.
  - Any misdemeanor or felony conviction for sex offenses, homicides, assaults, kidnapping and abduction, burglary, arson and other burnings, offenses against public morality and decency, prostitution, malicious injury or damage by use of explosive or incendiary device or material, violent crimes, and robbery, last seven years.
  - Any misdemeanor or felony conviction for possession and /or trafficking of controlled or illegal substances within the last seven years.
  - Any misdemeanor or felony conviction for embezzlement, forgery, bribery, obtaining property or services by false or fraudulent use of credit devices or other means, larceny, counterfeiting, perjury or related charges within the last seven years,
  - An alcohol or drug related conviction due to use, manufacturing, distribution or dispensing of alcohol or controlled substances or illegal drugs within the last 12 months,
  - Federal agency debarment related to healthcare,
- XI. Teammates shall provide notice to Human Resources of any criminal misdemeanor, felony convictions or charges, or any drug or alcohol convictions or charges or federal sanctions or disbarment to healthcare within one (1) day of the charge or conviction. Continued employment may be affected,
- XII. The CHRI received from the service provider shall remain confidential and shall be not be released to anyone other than appropriate Human Resources staff and authorized management on a need to know basis.
- XIII. CHS Blue Ridge complies with all federal and state law requirements for consumer and credit reports when information contained in the reports is used as a basis for taking adverse action against the individual. Prior to an adverse employment decision and in accordance with the Fair Credit Reporting Act (FCRA), the teammate is provided a copy of the CHRI along with a summary of the teammate's rights under FCRA.
- XIV. The CHRI shall not be used in violation of any federal or state equal opportunity law or regulation,
- XV. An Adverse Action letter and summary of the rights under FCRA shall be provided to the applicant/teammate within 5 days when information in the CHRI record (*name check*) is used to disqualify an individual for employment or continued employment. The applicant/Teammate is given the name, address and telephone number of the service provider. Any dispute regarding information on an individual's report must be resolved with the agency and is solely the responsibility of the applicant or teammate. Any questionable FBI and/or SBI check received shall be reviewed with Human Resources

management prior to any action being taken toward the applicant/Teammate, If a criminal report is confirmed, the applicant/teammate may be excluded for consideration for this position or removed from assignment, The Employment Manager shall send a letter to applicants or Teammates who have questionable fingerprint checks.

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- XVI. The CHRI shall be maintained separate from the personnel file until termination of employment. At the time of termination, the CHRI is placed in the personnel file,
- XVII. Teammates are required to provide immediate notice to Human Resources of any criminal misdemeanor or felony charges or convictions or sanction check or a federal agency debarment related to healthcare. Continued employment may be affected.
- XVIII. Teammates that drive BRHC owned, leased, or rented vehicles as a requirement of their position, must report any moving violation or conviction involving a traffic violation where points are placed against their driving record and/or a conviction results in a suspension or revocation of their driving privilege.
- XIX. A teammate is allowed 7 days of unpaid leave to submit proof to Human Resources that the CHRI is inaccurate or otherwise challenge the accuracy of the CHR1. Failure to submit such proof *within seven (7)* days shall result in termination. An applicant may reapply for open positions provided they have submitted proof to Human Resources that the CHRI is inaccurate.

**EXHIBITS:**

- 1. Form 2013-001 Authorization and Release Form for Criminal History Record Info (CHRI)

EXHIBIT I

AUTHORIZATION AND RELEASE FORM  
For Criminal History Record Info (CHRI)

TO BE COMPLETED BY TEAMMATE OR APPLICANT:

**This form will not be accepted if altered, illegible or incomplete**

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Print Name (First, Middle, Last)

Other Names Used & Dates Used

Social Security Number  
Race

Driver's License # & State

\*Date of Birth

\*Gender (M or F)

Current address – street address and mailing address

<p>*This information will only be used to complete background check process and to avoid misidentification</p>
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City State Zip County of Residence

Addresses over the past seven years:

City State Zip County  
Dates Lived Here

City State Zip County  
Dates Lived Here

City State Zip County  
Dates Lived Here

City State Zip County  
Dates Lived Here

I hereby authorize CHS-Blue Ridge and/or its authorized agents to make an independent investigation of my background, reference, character, past employment, education, criminal or police records, including those maintained by both public and private organizations and all public records for the purpose of confirming the information contained on my Application for Employment and/or obtaining other information which is material to my qualifications for employment.

I understand that my application will not be considered complete until the conclusion of any required or necessary investigations, examinations or inquiries, including receipt by CHS-Blue Ridge of any related reports or results. I

Subcategories of Carolinas HealthCare System Blue Ridge not selected, or no descriptions were entered.

understand that CHS-Blue Ridge may act on these reports or results and hereby release BRHS and all providers of this information from any liability in furnishing or using this information.

I further authorize ongoing procurement of the above-mentioned reports at any time during my employment. I understand that I must notify Human Resources at CHS- Blue Ridge of any criminal misdemeanor or felony charges or convictions that may occur during my employment.

I have the right to request from the service provider, upon proper identification and the payment of any authorized fees, the information in its files on me at the time of my request.

I further understand that a federal criminal background investigation requiring fingerprinting may be required if I have been a resident of North Carolina **for less than five years**. I agree to complete a fingerprint card for processing by the Federal Bureau of Investigation.

I acknowledge that I have been given my rights in accordance with the Fair Credit Reporting Act.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
PRINT NAME

\_\_\_\_\_  
DATE

**For Office Use Only: Position Title:** \_\_\_\_\_ **Department:** \_\_\_\_\_

**Date Offer Extended:** \_\_\_\_\_ **Date CHRI Ordered:** \_\_\_\_\_

**Type of Check Ordered: Name Check** \_\_\_\_\_ **National Fingerprint** \_\_\_\_\_