

WESTCHESTER PUBLIC LIBRARY
BACKGROUND CHECK POLICY AND PROCEDURES

March 13, 2014

POLICY

The Westchester Public Library is committed to provide a safe environment for patrons, volunteers and employees and reserves the right to investigate the information provided by applicants and new employees and volunteers in an attempt to select the best qualified applicants for work in the Library.

The intention of the investigation is to complete the hiring verification process and to confirm information provided by the applicant/employee/volunteer

The required information may include, but is not limited to education, licenses, certifications and degrees, employment history, criminal history, and driving records, if applicable.

Applicants for positions with the Library will be required to complete the Applicant Disclosure and Release as part of the application process, if it is deemed to be in the best interests of the Library that the investigation be completed before hiring.

It is a condition of employment that new employees and volunteers with the Westchester Public Library consent to background checks to determine if there is any falsification or omission of statements in the employment application or other documentation provided if an investigation has not already been performed as part of the selection process.

The applicant's/employee's/volunteer's signature on the Applicant Disclosure and Release must be notarized and a copy of the form will be sent to the appropriate law enforcement agency for the appropriate limited criminal history check. The Library will bear the cost of an initial check.

The results of any and all background checks, investigations and reference inquiries shall be reviewed by the appropriate departmental supervisor and compared with information provided by the applicant/employee/volunteer.

If there are any discrepancies between the information gathered by the Library and the information provided by the applicant/employee/volunteer the applicant/employee/volunteer may be asked to explain the difference. Any false information or omissions may be grounds for rejection of an applicant for employment, or disciplinary action may be taken with existing employees/volunteers up to and including termination.

Information gathered by reference and background checks will be confidential. Names, compensation, job title, business address, business telephone number, job description,

education and training background, previous work experiences, or dates of first and last employment may be released.

PROCEDURES

1. All persons appointed to Library positions including volunteers all of whom shall be deemed “at will employees” covered by the term “employee” as used hereinafter shall have verified:
 - a. All work experience listed on application/resume that qualify the individual for the position sought;
 - b. All employment during a period of seven(7) years immediately preceding the date of application;
 - c. All academic diplomas and degrees, and
 - d. Any required licensure
2. All persons accepting conditional offers of employment shall be subject to criminal history checks at the discretion of the Library, utilizing the federal and state Criminal History Records Information (CHRI) system. This requirement will ensure the Library is in compliance with statutes and has fully analyzed the nexus between a crime committed and the person’s job duties and responsibilities. Convictions and arrests with pending charges found during a background check performed when a current Library employee transfers, promotes, or demotes to another position will be considered in determining whether the employee will be transferred, promoted or demoted or whether disciplinary action, including dismissal from Library employment is appropriate.
3. Citations for infractions which occur during the employee’s off duty hours must be reported if the citation will have an impact up the employee’s ability to perform assigned duties (e.g. loss/suspension of driving privileges). Such report is required in writing to the Library Director or designee as soon as possible but not more than five (5) calendar days from the date of the citation.
4. Whenever an employee is: (a) cited for an infraction while on duty or (b) arrested for any misdemeanor or felony, the employee shall report this matter, in writing, to the Library Director or designee as soon as possible but not more than five (5) calendar days from the date of arrest or citation. Failure to report in accordance with the above shall be considered a violation of this policy and may subject the alleged offender to discipline, up to and including dismissal.
5. It is the responsibility of any employee with pending criminal charges to provide to the Library Director or designee written documentation (i.e. court record) of the disposition of the charges within five (5) calendar days after receiving notification. Failure to do so will be considered a violation of this policy and may subject the employee to discipline, up to and including dismissal
6. The following factors may be considered in determining whether pending charges or convictions have a nexus to the employee’s duties and responsibilities: the facts and

circumstances, including the nature and seriousness of the offense; the number of offenses for which the individual was convicted; sentence imposed; other convictions/infractions; specific proscription in Indiana Code; effect on any license which is requisite to performance of the job; risk of recidivism, reasonable inferences about problems with self control, propensity for violence, honesty, or dependability; erosion of confidence in or impugning the reputation of the individual or the Library, objections the victim/citizen may have to the Library being the perpetrator's employer; the offender's age at the time of conviction and age when released from incarceration; the time elapsed since the offense occurred, conviction and/or completion of the sentence; the nature of the job held or sought; the length and consistency of employment history before and after the offense; whether the offender performed the same type of work, post-conviction, with no known misconduct; rehabilitation efforts undertaken (e.g., education and training); employment or character references; and any other information regarding fitness for a particular job.

7. At the discretion of the Library Director or designee, the employee may be carried on Unauthorized Leave (UL) for time spent in jail and subject to disciplinary action. Five (5) consecutive UL days may be cause for dismissal. Personal leave may not be taken to cover periods of incarceration. Vacation leave may not be taken to cover periods of incarceration, unless the vacation was scheduled for a purpose unrelated to incarceration prior to the employee being incarcerated.
8. An employee who has been arrested and charged with a crime may be suspended pending an administrative investigation and/or the disposition of any charges filed against the employee. The determination as to whether an employee is suspended shall be based upon the nature and circumstances of the alleged offense and other factors relating to nexus.
9. If the employee is on suspension pending administrative investigation and/or the disposition of any charges, and the outcome is favorable to the employee, she/he shall be returned from suspension and made whole, less any wages that the person earned during the period of suspension.