



Medina County Policy Manual



Policy: Background Check	Section: Employment	Number: 2.005
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I. Purpose

- A. To prevent the employment of persons, inclusive of volunteers, who would be a risk to the safety and security of individuals served by the Medina County Board of Commissioners and to determine the fitness of the person to serve in the position being filled by establishing standards for conducting background investigations on applicants.
- B. The Medina County Commissioners have an obligation to provide a safe work environment not only for its employees but also Medina County residents who come to depend on its agencies for services. As such, every effort will be made to assure that all new employees will be thoroughly screened to prevent those receiving services to be placed in harms way.

II. Condition of Employment

- A. Before a full-time, part-time, volunteer or interim employee is brought on board, a background check shall be performed on all potential candidates. This background check will be conducted after the initial credential review and interview process has been completed. The background check will be the final step in the hiring process to assure that no one will be discriminated against in accordance to federal and state statutes.
- B. In addition to checking references, and prior to extending an offer of employment to the final candidate for the position, the Medina County Human Resources Department will conduct a more thorough pre-employment screening to include: county and state criminal background check, drug screen, educational verification and motor vehicle check.
 - 1. Criminal background checks are a key component in determining an applicant's suitability for employment. They ensure the timely identification of any criminal history that is incompatible with the activities and interactions required by the job, especially with those that involve children and older adults.

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2. County employees and volunteers interacting with children and or older adults as part of their daily work assignments provide an array of services for which it is imperative that this segment of the community not be inadvertently placed at risk.
3. **Ohio Senate Bill 38** and **House Bill 160** require criminal record checks of job applicants in all professions that work with children or older adults under final consideration for positions.
 - a. This records check will be through the Ohio Bureau of Criminal Identification and/or the Federal Bureau of Investigation.
 - b. The records check is performed at the County's expense and any employment offer is contingent upon the satisfactory completion of the check.

III. Process

- A. Releases for background investigations will be included in the employment application for all positions.
- B. Each person shall be informed at the time of the person's initial application for employment that a background investigation shall be conducted as a precondition to employment in a position if the person is under final consideration and shall be requested to sign an authorization(s) for the release of information from present or prior employer(s).
- C. The director shall also inform each person at the time of initial application that he/she is required to provide a set of impressions of his/her fingerprints and that a criminal records check is required to be conducted and satisfactorily completed in accordance with section 109.572 of the Revised Code (Refer to Section IV) if the person comes under final consideration for employment.
- D. Internal applicants for transfer or promotion to a position are also subject to further background investigation and will be asked to sign a release when applying for transfer or promotion.
- E. Upon the selection of a final candidate and before an offer of employment is extended, the hiring director shall contact HR who will, in turn, initiate the background investigation.

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1. The prospective employee should not begin work if current staffing levels of the department are sufficient until all pertinent verifications conducted by the Human Resources Department are completed, i.e. criminal background check, drug screen, educational verification and motor vehicle validation.
 2. The director of the department shall contact the applicant's present or last prior employer(s) regarding the individual's work habits and reason(s) for leaving the employment. The results of which shall be reported to Human Resources.
 3. A criminal records check is **not** required for an employee who is returning after a leave of absence or seasonal break in employment, as long as the Department Director has no reason to believe that the employee has committed any of the offenses listed or described in Section IV of this policy.
 4. Human Resources shall conduct a criminal records check from the FBI as part of the criminal records check if the applicant does not present proof that the applicant has been a resident of Ohio for the five-year period immediately prior to the date upon which the criminal records check is requested.
 5. An applicant may provide proof of residency in Ohio by presenting, with a notarized statement asserting that the applicant has been a resident of this state for that five-year period:
 - i. A valid driver's license;
 - ii. Notification of registration as an elector;
 - iii. A copy of an officially filed federal or state tax form identifying the applicant's permanent residence;
 - iv. Or any other document the Human Resources department considers acceptable.
- F. The County's Loss Control Coordinator shall contact the registrar of motor vehicles in order to determine and verify that the applicant has a valid motor vehicle operator's license and to request a certified abstract regarding the record of convictions for violations of motor vehicle laws, if the duties of the position for which the applicant has applied require the applicant to transport individuals or to operate County vehicles for any other purpose.
- G. HR will review all information as part of the background investigation.

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1. If the results are satisfactory, the hiring director will be authorized to extend an offer of employment using the form letter authorized by the Human Resources Department: ([form letter - full time](#)); ([part time - form letter](#)).
2. If the results are unsatisfactory, HR and the hiring director, in consultation with the County Administrator, will make a determination about employability. If the results are unsatisfactory, the candidate shall be notified by the hiring director about the disqualification based on the results of the investigation.

H. All background investigation information concerning the applicant shall be sealed and remain in the custody of the HR department and shall be filed in a confidential manner.

IV. Criminal Records Check

A. The Medina County Board of Commissioners shall not employ an applicant who has been convicted of or pleaded guilty to certain felony convictions including but not limited to any of the following sections of the Revised Code:

1. 2903.01 (aggravated murder)
2. 2903.02 (murder)
3. 2903.03 (voluntary manslaughter)
4. 2903.04 (involuntary manslaughter)
5. 2903.11 (felonious assault)
6. 2903.12 (aggravated assault)
7. 2903.13 (assault)
8. 2903.16 (failing to provide for a functionally impaired person)
9. 2903.21 (aggravated menacing)
10. 2903.34 (patient abuse and neglect)
11. 2905.01 (kidnapping)
12. 2905.02 (abduction)

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13. 2905.05 (criminal child enticement)
14. 2907.02 (rape)
15. 2907.03 (sexual battery)
16. 2907.04 (unlawful sexual conduct with a minor, formerly corruption of a minor)
17. 2907.05 (gross sexual imposition)
18. 2907.06 (sexual imposition)
19. 2907.07 (importuning)
20. 2907.08 (voyeurism)
21. 2907.09 (public indecency)
22. 2907.21 (compelling prostitution)
23. 2907.22 (promoting prostitution)
24. 2907.23 (procuring)
25. 2907.25 (prostitution)
26. 2907.31 (disseminating matter harmful to juveniles)
27. 2907.32 (pandering obscenity)
28. 2907.321 (pandering obscenity involving a minor)
29. 2907.322 (pandering sexually oriented matter involving a minor)
30. 2907.323 (illegal use of minor in nudity- oriented material or performance)
31. 2911.01 (aggravated robbery)
32. 2911.02 (robbery)
33. 2911.11 (aggravated burglary)
34. 2911.12 (burglary)

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35. 2919.12 (unlawful abortion)
36. 2919.22 (endangering children)
37. 2919.24 (contributing to unruliness or delinquency of child)
38. 2919.25 (domestic violence)
39. 2923.12 (carrying concealed weapon)
40. 2923.13 (having weapons while under disability)
41. 2923.161 (improperly discharging a firearm at or into a habitation or school)
42. 2925.02 (corrupting another with drugs)
43. 2925.03 (trafficking in drugs)
44. 2925.04 (illegal manufacture of drugs or cultivation of marihuana)
45. 2925.05 (funding of drug or marihuana trafficking)
46. 2925.06 (illegal administration or distribution of anabolic steroids)
47. 3716.11 (placing harmful objects in food or confection)
48. 2905.04 (child stealing) as it existed prior to July 1, 1996
49. 2919.23 (interference with custody) that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation occurred prior to that date.
50. 2925.11 (possession of drugs) that is not a minor drug possession offense as defined in this rule.
51. Felonious sexual penetration in violation of former section 2907.12 of the Revised Code.