

Rochester Hills – Oakland – Rochester Older Persons’ Commission EMPLOYMENT/ VOLUNTEER BACKGROUND CHECK POLICY

Purpose: OPC values the safety of the seniors that we serve and takes prudent measures to attempt to safeguard people and assets from potential harm. We reserve the right to disqualify and prohibit any person if the person is or has been charged with or convicted of any disqualifying offense.

Policy: OPC will not knowingly hire anyone who has criminal convictions of an offense listed in the Michigan Department of Health and Human Services, Aging & Adult Services Agency’s criminal background checks Exclusion Listing. No employee or volunteer shall be permitted to work directly with clients or have access to a client’s personal property or confidential client information if their criminal background check shows that the person has a federal or state felony conviction related to one or more of the Mandatory Exclusions, Felony Convictions, and/or Misdemeanor Convictions as listed in the Exclusions section below.

Application Process: All applicants are required to complete an OPC application which includes the signed permission for a criminal background check using the following:

- Internet Criminal History Access Tool [ICHAT]
- Michigan Public Sex Offender Registry
- National Sex Offender Registry

Exclusions for employment & volunteerism: No employee or volunteer shall be permitted to work directly with clients or have access to a client’s personal property or confidential client information if:

A. Mandatory Exclusions: The results of the criminal background check show that the person has a federal or state felony conviction related to one or more of the following crimes:

- Crimes against a “vulnerable adult” as set forth in MCL 750.145n *et seq.*
- Violent crimes including, but not limited to, murder, manslaughter, kidnapping, arson, assault, battery, and domestic violence;
- Financial crimes including, but not limited to, fraud, forgery, counterfeiting, embezzlement, and tax evasion;
- Sex crimes including, but not limited to, rape, sexual abuse, criminal sexual conduct, and prostitution;
- Cruelty or torture;
- Abuse or neglect; or
- Felony involving the use of a firearm or dangerous weapon.

B. Felony Convictions: The results of the criminal background check show that the person has a federal or state felony conviction within the preceding 10 years from the date of the background check, including but not limited to:

- Crimes involving state, federal, or local government assistance programs;
- Drug crimes including, but not limited to, possession, delivery, and manufacturing;
- Theft crimes including, but not limited to, larceny, burglary, robbery, extortion, false pretenses, false representation, and conversion;

C. Misdemeanor Convictions: The results of the criminal background check show that the person has a federal or state felony conviction within the preceding 5 years from the date of the background check, including but not limited to:

- Crimes involving state, federal, or local government assistance programs;
- Crimes against a “vulnerable adult” as set forth in MCL 750.145n et seq;
- Financial crimes including, but not limited to, fraud, forgery, counterfeiting, embezzlement, and tax evasion;
- Theft crimes including, but not limited to, larceny, burglary, robbery, extortion, false pretenses, false representation, and conversion;
- Sex crimes including, but not limited to, rape, sexual abuse, criminal sexual conduct and prostitution;
- Cruelty or torture;
- Abuse or neglect;
- Home invasion;
- Assault or battery; or
- Misdemeanor involving the use of a firearm or dangerous weapon with the intent to injure, the use of a firearm or dangerous weapon that results in a personal injury, or a misdemeanor involving the use of force or violence or the threat of the use of force or violence.

For purposes of the excluded offenses identified above, an individual is considered to have been convicted of a criminal offense when:

- A judgment of conviction has been entered against the individual or entity by a federal, state, tribal, or local court regardless of whether there is an appeal pending;
- There has been a finding of guilt against the individual by a federal, state, tribal, or local court; or
- A plea of guilty or nolo contendere by the individual has been accepted by a federal, state, tribal, or local court.

Arrest records, by themselves, do not disqualify an individual for employment or volunteerism.

Ongoing Screening Process:

Staff connected to the Nutrition Federal grant will receive a monthly criminal background check to identify convictions in the event they occur while an individual is employed by the OPC.

All other Staff and Volunteers will receive a criminal background checks every three years to identify convictions in the event they occur while an individual is employed or providing volunteer service at the OPC.