

# Pre-employment Background Check Policy

## Purpose

The Patchogue-Medford Library is committed to providing a secure and safe environment for employees and patrons as well as safeguarding the resources and assets of the Library. The Library hereby adopts a policy providing for pre-employment background checks on final applicants and Library volunteers regardless of whether or not a competitive canvassing process is used. The purpose of the investigation is to verify and review information provided by the applicant/volunteer in order to select the best qualified applicants.

## Consent

Consent to background checks is to be deemed a condition of employment for new employees and volunteers at the Patchogue-Medford Library. An offer of employment is contingent upon clear and satisfactory results of a background check. High school students applying for Page positions or students aged 18 and under applying for volunteer positions are exempt from this policy. However, if an employee who is exempt at first hiring is promoted and no longer a high school student, the Library reserves the right to conduct a background check at the time of promotion.

## Scope

Background checks may include:

- Social Security Verification – validates the applicant's social security number, date of birth and former addresses.
- National Sexual Offender Registry check
- Nationwide Criminal Database check
- Driver History check (if applicable)

The Library will engage a reputable Background Check vendor to conduct background checks.

## Authorized Initiators

Background checks will be initiated by designated "Authorized Initiators" in the Administration Office. Authorized Initiators may only initiate background checks after an *Authorization for Background Check* has been completed and signed by the applicant/volunteer.

The results of background checks will be reviewed by the Director and/or supervisory staff designated by the Director. Results will be compared with information previously provided by the applicant/ volunteer. Applicants/volunteers may be asked to explain discrepancies, if any are found. Information gathered as a result of a background check will remain confidential and will be maintained by the "Authorized Initiators" in a file separate from employees' personnel files. Results shall only be disclosed to authorized employees who have a need to know in order to perform their job assignments.

## Criminal Records

If the background check reveals criminal records or serious misconduct (other than minor traffic violations), the Authorized Initiator will consult with the Library Director, who will consult with Legal Counsel. The Library will make the determination as to whether the Background Check results should disqualify the applicant/ volunteer. When making this determination, consideration shall include, but not be limited to, the following factors:

- a. number of offenses and circumstances of each;
- b. severity of offense(s);
- c. relevance of offense(s) to responsibilities of the position;
- d. length of time between offense(s) and application for employment;
- e. other employment history;
- f. evidence of applicant's rehabilitation efforts and results;

In accordance with the New York Law, the Library does not require any employee or prospective employee to divulge information pertaining to any arrest or criminal accusation of an individual which is not currently pending against that individual, or which has been resolved in favor of that individual, resolved by a youthful offender adjudication, or resulted in a sealed conviction. The Library recognizes, however, that it may inquire as to whether an arrest or criminal accusation remains pending.

The Library may question an employee or pending employee about a pending arrest or accusation, the underlying circumstances, the progress of the matter through the criminal justice system, and the final disposition. The Library may further refuse to hire a prospective employee or terminate or discipline any employee in accordance with applicable law unless and until such matter has been resolved in favor of that individual, resolved by youthful offender adjudication, or resulted in a sealed conviction.

## Direct Relationship or Unreasonable Risk

The Library understands that it is unlawful to deny employment, to refuse to hire, to terminate, or to take an adverse employment action against an applicant or employee, by reasons of his or her having been convicted of one or more criminal offenses, or because of

a belief that a conviction record indicates a lack of “good moral character” unless there is a direct relationship between one or more of the previous criminal offenses and the specific employment sought or held, or employment of the individual would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public. In order to determine whether there is either a direct relationship or unreasonable risk, the Library shall consider the following factors set forth in the New York Correction Law:

- The public policy of this State, as expressed in the Correction Law, to encourage the licensure and employment of persons previously convicted of one or more criminal offenses
  - The specific duties and responsibilities necessarily related to the license or employment sought or held by the person
  - The bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on his fitness or ability to perform one or more such duties or responsibilities
  - The time which has elapsed since the occurrence of the criminal offense or offenses
  - The age of the person at the time of occurrence of the criminal offense or offenses
  - The seriousness of the offense or offenses
  - Any information produced by the person, or produced on his behalf, in regard to his rehabilitation and good conduct
  - The legitimate interest of the public agency or private employer in protecting property, and the safety and welfare of specific individuals or the general public
- Applicants/volunteers will be informed, in writing, of any adverse information discovered in the background check and provided an opportunity to respond. Upon conclusion of review, written notice regarding the Library’s decision regarding eligibility of employment will be sent to the applicant.

Failure to disclose criminal convictions or any other deemed relevant information during the application process may result in employment disqualification or termination.

Disqualification of an applicant based on information discovered in the background check is not subject to grievance or appeal by the applicant. Exceptions to the Pre-Employment Background Check Policy may be made at the discretion of the Library Director.

#### References:

N.Y. Criminal Procedure Law §§160.50, 160.55, 160.58, 720.50

N.Y. Human Rights Law §296(16)

Article 23-A of the N.Y. Correction Law

Approved by the Board of Trustees May 2018