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Background Check Policy

Human Resources Director  
Frequency of Review: 5 year

## **Background Check Policy**

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### **POLICY**

The Minneapolis Park & Recreation Board (MPRB) believes that no one should be unnecessarily held back due to what they have done in the past. At the same time, the MPRB has a duty to protect its patrons and employees. Past behavior that is directly related to a position with the MPRB may disqualify someone from that position unless the person can show sufficient evidence of rehabilitation. While this policy provides some guidelines for staff and applicants, ultimately the determination of the relation of past conduct to a position and evidence of rehabilitation must and will be made on a case-by-case basis.

1. All applicants who receive an offer of employment, and volunteers and contract workers, are subject to a background investigation which may include criminal history, driver's license records, and/or credit history checks, depending on specific position requirements.
  - a. Individuals who have received a conditional offer of employment must successfully pass a background check before being eligible for employment.
  - b. All recalled seasonal employees are required to successfully pass a background check before becoming eligible to return each season.
  - c. Following initial employment, all full-time, part-time and temporary employees require a background check at least once every three years.
  - d. Volunteer and contractor positions will require background checks, many of which will need to be renewed on an annual basis. These positions include, but are not limited to, any volunteer or contractor in a recurring position working with youth and/or vulnerable adults, (e.g. coaches, instructors, teachers) and any volunteer or contractor who handles/collects any form of money on behalf of the MPRB.
2. Any offer of employment, volunteer position or contracted work will be conditional upon a determination by the MPRB that an applicant's background investigation results do not preclude the individual from employment, volunteer work, or contract work with the MPRB.
3. Criminal history checks will be conducted in accordance with the Minnesota Criminal Offender Rehabilitation Act, Minn. Stat. §364, and guidelines promulgated by the U.S. Equal Opportunity Commission. This includes considering the nature of the crime, the time elapsed, the nature of the job, and evidence of rehabilitation.
  - a. The MPRB reserves the sole right and full discretion to determine if someone is disqualified for employment with the MPRB based on criminal history, driver's license records, and/or credit history checks.
  - b. Because MPRB serves children throughout its programs, crimes committed against minors are presumed to be directly related to almost all positions of employment, and therefore disqualifying without sufficient evidence of rehabilitation.
  - c. Applicants may appeal a disqualification decision of the MPRB in accordance with Minn. Stat. §364.06 subd. 1; or any other applicable law.
4. The MPRB specifically reserves any and all rights it may have to request consent to conduct criminal background checks at any time regarding current employees, volunteers, contractors, or applicants.

**MINNEAPOLIS PARK &  
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5. If the MPRB knows or has reason to believe that a current employee, volunteer, or contractor has a criminal conviction that pertains to their current position, that individual will also be requested to consent to a background investigation as described above.
6. Unless a background check has been completed within the past twelve months, the MPRB requires a background check on all individuals prior to change of position.
7. Adherence to this policy by the MPRB, its employees, and job applicants or others shall in no way limit the MPRB's right to require additional information or to use procedures currently in place or other procedures to gain information concerning criminal activities of employees, volunteers, contractors, and applicants.
8. False, misleading, or intentionally excluded information may result in disqualification or discipline up to and including discharge.

**SUPERINTENDENT APPROVAL:**

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## **DEFINITIONS**

**Position or Job:** A position of employment, a volunteer position, or a contract position.

**Background Check Evaluation Panel (Panel):** Three Director or Manager level staff assigned by the Superintendent or their designee to serve three-year terms on the Panel to evaluate findings of an individual's background check. The individuals shall receive at least two hours of implicit bias training and training on the policy annually, and training in the use of criminal records every three years. The Superintendent or their designee will also select two alternates to serve on the Panel as needed.

**Evidence of Rehabilitation:** Minn. Stat. §364.03 subd. 3, provides criteria for evidence of rehabilitation. Credible evidence may include documentation of release from incarceration and/or discharge from sentence; documentation of honorable discharge from the armed services since the time of the offense; and

1. the nature and seriousness of the crime or crimes for which convicted;
2. all circumstances relative to the crime or crimes, including mitigating circumstances or social conditions surrounding the commission of the crime or crimes;
3. the age of the person at the time the crime or crimes were committed;
4. the length of time elapsed since the crime or crimes were committed; and
5. all other competent evidence of rehabilitation and present fitness presented, including, but not limited to, letters of reference by persons who have been in contact with the applicant since the applicant's release from any local, state, or federal correctional institution.

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## **PROCEDURES**

### **A. Hiring Manager Responsibilities**

1. Hiring manager obtains and submits to Human Resources a completed Background Check Informed Consent form. In addition, hiring managers can request individuals to complete electronic self-entry for criminal history, driver's license record, and/or credit history checks as necessary for the position for which a conditional offer of employment, selection as a volunteer, or retention as a contractor has been made.
2. The hiring manager must receive notification of a successful background check from Human Resources to begin the remaining hiring paperwork for each individual. Individuals being considered for employment, volunteer work, or contractor positions are not authorized to start employment, volunteer work or contractor work until individuals have been notified that they have successfully completed background checks and other hiring protocols have been completed and submitted to and approved by Human Resources.

### **B. Human Resources Responsibilities Regarding Notification of Qualification**

1. Human Resources staff review the background check form for completion. Incomplete forms will be returned to the hiring manager and may cause a delay in processing. Human Resources Staff submit background check to third party administrator for processing and review the background check report from third party administrator when completed (and any evidence of rehabilitation provided by the individual).
2. If the individual's background does not require additional screening according to the guidelines below, Human Resources will notify the hiring manager that the individual is qualified, and the hiring manager shall notify the individual of eligibility.
3. If the individual requires additional screening according to the guidelines below, or the Human Resources Director or their designee otherwise thinks they may need to be disqualified, they shall refer the decision to the three (3) person Background Check Evaluation Panel. The Panel may conduct an interview of the individual and consider all evidence of rehabilitation provided by the individual.

### **C. Disqualification Guidelines**

1. The following convictions are presumed to be directly related to all employment, volunteering, and contracting with the MPRB, and therefore applicants with them in their background will be screened by a three (3) person Background Check Evaluation Panel. This list does not preclude the MPRB from determining that a record in this list is not directly related to a position, nor that a record not on this list *is* directly related to a position. Each determination will be made on a case-by-case basis.
  - a. For any position:
    - i. Background check crimes set forth in the Minnesota Child Protection Background Check Act, Minn. Stat. § 299C.60 et. seq;
    - ii. Any other crimes committed against a minor; or
    - iii. Crimes involving violence or threats of violence against another person.

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- b. For any position with responsibility for Park Board or patron property or sensitive information:
    - i. Crimes involving fraud or theft.
2. When a conviction is determined to be directly related to the position, the applicant may provide evidence of rehabilitation in accordance with Minn. Stat. § 364.03 subd. 3.
3. Sworn officers and Park Patrol Agents undergo a separate background investigation conducted by the Park Police that is more rigorous and extensive than background checks used for other positions.
  - a. For sworn officers, the Minnesota Peace Officer Standards and Training (POST Board) has its own licensing rules; violation of such rules will lead to an individual's inability to be licensed and thus a rejection of employment.
4. Arrest and Other Records: Minnesota Statutes § 364.04 prohibits the use of certain records in connection with public employment. These include records of arrest not followed by a valid conviction; convictions which have been, pursuant to law, annulled or expunged; and misdemeanor convictions for which no jail sentence can be imposed. However, the MPRB may act based on other evidence of conduct that disqualifies an individual for a position. Positions for particular types of employment may be exempt (Minn. Stat. § 364.09 (h)). If there is a pending criminal case (arrest or charge) that, if convicted, would violate MPRB's policy, the individual will be put on hold for a hiring decision, or suspended, until a final disposition of the case has been determined.

#### **D. Disqualification and Appeals**

1. When an individual is disqualified, Human Resources will notify the individual and hiring manager in writing that the individual has been disqualified from employment, volunteering or contracting. If the individual wishes to appeal the decision, within five (5) business-days of receiving the letter, the individual must request a meeting with the Background Check Evaluation (Panel) to discuss any extenuating circumstances and evidence of rehabilitation.
2. Once the meeting has been held, the Panel considers all information (oral and written) and makes a final decision.
3. The individual is informed of the decision.
4. If the decision is reversed, the hiring manager is informed.
5. If the Panel affirms the disqualification of the individual to work, volunteer, or contract at the MPRB, the individual may have a right to appeal the disqualification as follows:
  - a. Applicants for employment with the MPRB who are disqualified from employment may pursue a complaint or grievance in accordance with Minn. Stat. 364.06.

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- b. Current employees who are disqualified from continued employment may be entitled to appeal their termination of employment through the Minneapolis Civil Service Commission or their applicable collective bargaining agreement.

**FORMS** *All forms are available from Human Resources or PBIIntra.*

1. Background Check Informed Consent for Regular, Permit, Provisional Applicants, and Employees
2. Background Check Informed Consent for Volunteers
3. Background Check Informed Consent for Contract Workers

**ADDITIONAL INFORMATION**

Criminal Justice Data Communications Network Background Check Policy

**IMPLEMENTATION PLAN**

The implementation plan for the Background Check Policy will include training for current employees in conjunction with department staff meetings or as an add-on to scheduled staff development meetings. Information about the Background Check Policy will be available on the MPRB's public website. Applicants will be made aware of background check requirements through language included on job postings. This policy will be reviewed annually by the Human Resources Director.

**TRACKING**

MPRB staff will keep records of disqualification decisions and provide a report of the decisions, without disclosing applicant identifying information, to the Board annually.