



Human Resources

MEDICAL CENTER HUMAN RESOURCES POLICY NO. 202

- A. SUBJECT: Criminal Background Check
- B. EFFECTIVE DATE: April 1, 2014 (R)
- C. POLICY:

The University of Virginia Medical Center takes the applicant's criminal conviction history into consideration when making employment decisions. All criminal convictions must be disclosed on the employment application. All convictions are evaluated on a case-by-case basis, considering the seriousness and frequency of any offense(s), the length of time since the offense(s), subsequent work history, the nature and responsibilities of the position, and the honesty of the applicant in completing the application form.

Employees who request a change in employment status or position within the Medical Center may be subject to further review of criminal conviction history as provided below.

Employees have a continuing obligation to disclose criminal convictions and shall disclose any conviction to their managers within 5 days of the conviction (see also [Medical Center Human Resources Policy No. 104 "Conditions of Employment"](#)).

D. PROCEDURE:

1. Application

The employment application requires the applicant to disclose information concerning all convictions for violations of law. Arrests, as opposed to convictions, and convictions in juvenile court prior to an individual's 18th birthday do not need to be reported. The applicant shall provide the date of each conviction, whether it was a felony or misdemeanor, and the county, state and country in which it occurred. If the applicant leaves the criminal conviction question section unanswered, the application will not be considered further.

2. Eligibility

An applicant with criminal convictions listed in Virginia Code Section 37.2-314 shall typically be barred from Medical Center employment. Applications for employment that disclose such criminal convictions shall be reviewed by the Recruitment Manager to determine whether or not to further consider the application based on the date of conviction(s), subsequent work history and other relevant factors. If further review is warranted, the Recruitment Manager shall consult with the Human Resources Administrator and appropriate Senior Leadership prior to allowing an applicant to be considered for any Medical Center position.

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Applications disclosing other criminal convictions not listed in Virginia Code Section 37.2-314 shall be reviewed by the Recruitment Manager or designee. The determination of whether the applicant shall be considered for employment shall be based upon the type of conviction, date of conviction(s), frequency of offense(s), subsequent work history and the nature of the job for which the applicant is applying.

3. Home Health and Hospice/Palliative Care Unit Employment

As required by Virginia Code Section 32.1-162.9:1, no application for employment in home health or hospice/palliative units shall be considered if the applicant has been convicted of a crime listed in Virginia Code Section 32.1-162.9:1 except as provided in that statute. The Human Resources Department shall conduct the criminal conviction check at the conditional offer stage for each finalist recommended for home health and hospice unit employment as described in Section 6 of this policy. If this check discloses convictions for crimes listed in Virginia Code Section 32.1-162.9:1, the conditional offer of employment shall be withdrawn.

Disclosure of criminal convictions and a criminal convictions check as described in this policy shall also be required of all existing Medical Center employees considered for transfer to home health or hospice/palliative unit positions.

4. Psychiatric Unit Employment

As required by Virginia Code Section 37.2-416, no application for employment that includes responsibility for treatment, case management, health, safety, development or well being of patients on the inpatient psychiatry units shall be considered if the applicant has been convicted of any of the crimes listed in Virginia Code Section 37.2-314. Finalists for staff positions on a psychiatric unit will first be checked for any Central Criminal Records Exchange criminal convictions or sex offender history by the Virginia State Police and other appropriate organizations as described in Section 6 of this policy. If this check discloses convictions for crimes listed in Virginia Code Section 37.2-314, the conditional offer of employment shall be withdrawn.

If the check discloses no barrier crime convictions, the finalist may begin work in the psychiatric unit subject to a determination by the Department of Behavioral Health and Developmental Services ("DBHDS") that the employee's national criminal history background check contains no history of crimes listed in Section 37.2-314. The finalist will also be required to provide written consent and personal information necessary to obtain a search of the registry of founded complaints of child abuse and neglect maintained by the Department of Social Services pursuant to Section 63.2-1515. If the nationwide criminal background check or the DSS registry search reveals a history of crimes listed in Virginia Code Section 37.2-416, or a history of founded complaints, the conditional offer of employment shall be withdrawn.

The Medical Center has registered with DBHDS and will obtain national criminal history record information through its Licensed Provider Contract with that agency.

The Medical Center shall require all applicants for employment that includes responsibility for treatment, case management, health, safety, development or well being of patients on the inpatient psychiatry units to be fingerprinted and sign the disclosure and authorization statements required for a nationwide criminal records check. If the applicant fails to sign and return the statement and/or provide fingerprints, the application shall not be further considered.

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Disclosure of criminal convictions and a nationwide criminal background check as described in this Policy shall also be required of all existing Medical Center employees considered for transfer to a position that includes responsibility for treatment, case management, health, safety, development or well being of patients on the inpatient psychiatry units. If the nationwide criminal background check or the DSS registry search reveals a history of crimes listed in Virginia Code Section 37.2-314, or a history of founded complaints, the employee shall not be considered for transfer.

Contract workers, volunteers and students who provide services related to treatment, case management, health, safety, development or well being of patients on the inpatient psychiatry units shall complete the DBHDS Disclosure Statement which will be reviewed for a history of crimes listed in Virginia Code Section 37.2-314. If a history of barrier crimes is revealed, the contract worker, volunteer or student will not be allowed to provide services on the psychiatric unit.

5. Child Care Center Employment

In compliance Virginia Code Section 63.2-1719, no application for employment in the Malcolm Cole Child Care Center shall be considered if the applicant has been convicted of a "barrier crime" as set forth in Virginia Code Section 63.2-1719. A criminal convictions check shall be performed on all finalists for child care center positions as described in Section 6 of this policy. If this check discloses convictions for crimes listed in Virginia Code Section 63.2-1719, the conditional offer of employment shall be withdrawn.

The finalist will be required to provide a sworn statement or affirmation, written consent and personal information necessary to obtain a search of the registry of founded complaints of child abuse and neglect maintained by the Department of Social Services pursuant to Section 63.2-1515. If the DSS registry search reveals a history of founded complaints, the conditional offer of employment shall be withdrawn.

The sworn statement, Central Criminal Records Exchange and DSS checks must be repeated within three years following the previous checks while the employee is employed in the child care center.

Disclosure of criminal convictions and a criminal background check as described in this policy shall also be required of all existing Medical Center employees considered for transfer to child care center positions.

6. Criminal Convictions Background Check

The University of Virginia Medical Center makes use of Central Criminal Records Exchange criminal conviction checks performed by the Virginia State Police on all applicants who have been offered a position conditional upon the criminal conviction background check. A nationwide criminal conviction background check shall also be performed. Additional conviction record checks performed by other organizations may be required for selected positions, at the Medical Center's discretion. Consent to all such checks shall be a condition of employment. As part of the conditional offer, the candidate shall be requested to complete the requisite documentation to permit criminal records checks to be processed. If the candidate does not complete and submit the documentation to permit criminal records checks, the application shall no longer be considered and the conditional offer shall be withdrawn.

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Conviction check queries to the Central Criminal Records Exchange which specify whether the candidate has a criminal record, though not the details of that record, are usually received within 48 hours. If a query indicates a criminal record exists, any offer of employment will be deferred until the full conviction check report is received and reviewed.

When the final conviction reports are received, they will be compared with the application, and any update, to determine if the final candidate failed to disclose any convictions. If all convictions were disclosed, the contingency of a criminal background check is removed.

If a final candidate failed to disclose a conviction, normally no offer will be made because of the falsification of information on the employment application, and the finalist will be made ineligible for hire. If a finalist did not fully disclose his/her conviction record, but merits further consideration, the application will be referred to the Human Recruitment Manager for review. In reaching a decision, the Recruitment Manager will evaluate both the applicant's honesty in completing the application, and the date, nature and job-relatedness of the disclosed conviction in light of the standards set out in Sections 2 – 5 of this policy.

7. Volunteers

The Human Resources Department shall conduct criminal background checks on individuals who apply to volunteer with the Medical Center. The same standards as set out above apply to volunteers.

SIGNATURE:



R. Edward Howell, CEO, UVA Medical Center

DATE:

3/21/14

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Approved June 2001

Revised June 2001, December 2002, June 2006, December 2006, December 2009, March 2013, March 2014

Approved by Chief Human Resources Officer

Approved by Medical Center Administration