

## **Diocese of Charlotte Background Check Policy For Employees and Volunteers**

State law (NC Gen. Stat. Sec. 114-19.3) requires criminal record checks of individuals who are employed by, or volunteer for, among other things, any profit or non-profit employer that provides direct care or services to children, the sick, the disabled, or the elderly. Federal law (42 USC 13041 (a), (b), (c)) states that an employer may also consider any conviction that may bear upon an individual's fitness for working with children. Additionally, there has been a national upsurge in workplace theft and fraud. Therefore, it is the policy of the Diocese of Charlotte that the employment of all individuals in paid positions in the diocese and all individuals in volunteer positions will be contingent upon the satisfactory completion of a criminal background check. This policy is not restricted to new employees and volunteers, but applies to all current and future employees and volunteers of the diocese who are eighteen (18) years of age or older.

Because an arrest record is, by definition, not evidence of criminal guilt, such information should generally not be used as definitive grounds for rejection. However, evidence of a criminal conviction may, depending upon the nature of the conviction and the related circumstances, be information that must be considered.

### **PROCEDURE**

1. All applicants for paid and volunteer positions in the diocese who are eighteen (18) years of age or older will be informed that criminal background checks will be conducted. In addition, a Sexual Offenders Registry Index Check will be required for all applicants for paid or volunteer positions. Background checks are not required for applicants under the age of eighteen; however, these individuals must be under direct supervision at all times. A background check must be completed once the individual reaches the age of eighteen. Background checks are to be repeated at least every five years for active employees and volunteers.
2. Additional background checks in areas specifically related to certain positions may be required. However, additional background checks will be limited in scope and must relate directly to the volunteer or employment position.
3. Any offer of employment, or any offer of acceptance as a volunteer, will be presented in writing to the applicant as an offer that is conditional, based upon the receipt of a favorable background check.
4. Background checks will be conducted only when the applicant or volunteer agrees to the conditional offer of employment or acceptance. At that time, the individual seeking employment or volunteer status will complete a diocesan *Notification and Release* form. Background checks cannot be initiated unless this form is completed, signed and dated by the individual and the requesting official.
5. An individual who accepts a conditional offer of employment or acceptance as a volunteer may not begin active employment or volunteer activity until the background check has been completed.

6. No diocesan parish, agency, department or school will employ, or accept as a volunteer, any individual who refuses to consent to a background check.
7. The diocesan Human Resources Office will coordinate the processing of all background checks through the use of an outside vendor. The diocese will adhere to the requirements of the *Fair Credit Reporting Act* in all of its practices regarding background checks.
8. All background check requests must be submitted to the diocesan Human Resources Office on the official release form. The requesting official will be notified of the results of the completed background check. The requesting parish, agency, school or department will be billed for the cost of the background checks for its location.
9. If the background check reveals a criminal history, the applicant must be given the opportunity to provide an explanation, submit additional information, or challenge its accuracy. The parish, agency, department or school should consider the following factors before deciding whether or not to offer or deny employment or acceptance as a volunteer:
  - The length of time since a conviction
  - The nature of the crime
  - The relationship between the duties to be performed and the crime committed
  - The number of convictions
  - Rehabilitation efforts
  - Subsequent employment or volunteer history
10. **All background check information is to remain confidential.** Failure to adhere to this confidentiality requirement by diocesan personnel may result in disciplinary action, up to and including termination.

*Effective Date July 1, 2009*