



WASHINGTON STATE
Department of
Children, Youth, and Families

OK
6/11/18

Chapter X: Policy Administration

X.1: Background Checks

Policy Contact:	<i>(Name and title of policy owner here)</i>
Authorizing Source:	<i>(Rule or Position that authorizes the policy statements) See end of policy</i>
Original Effective Date:	<i>July 1, 2018</i>
Revision Date:	<i>(Date of last revision)</i>
Sunset Review Date:	<i>(Date in future for the policy to be reviewed)</i>
Approved by:	<i>(Person authorized to sign policy)</i>

1. Purpose:

To protect the vulnerable from harm and from contact with persons who have been convicted, have a pending charge, and/or have a crime or a negative action that relates directly to child safety, permanence, or well-being. This policy establishes standards for the Department of Children, Youth, and Families to conduct background checks so that character, suitability and competence can be determined. The Department recognizes that background checks are imperfect tools for predicting the future — and that the true goal of a background check is to predict, not punish. With a clear understanding of the ways in which background checks are limited, the Department can make an informed, evidence-based risk assessment of the dangers posed by applicants.

2. Scope:

This policy applies to all employees, applicants for employment, volunteers, and work study students, ~~and contractors~~ in covered positions, those that authorize or process internal or external background checks, or those with access to Federal Tax Information (FTI) or other sensitive or confidential information as required by federal or state law. For represented employees, the Collective Bargaining Agreement (CBA) will prevail if any specific provisions of DCYF policies are in conflict.

~~The Department must consult with the appropriate unions over any change that imposes new requirements for a mandatory subject of bargaining affecting wages, hours, or working conditions.~~

All employees within the Department have a responsibility to ensure that confidentiality of sensitive personal information is maintained. Failure to maintain confidentiality of personal information is grounds for disciplinary action up to and including dismissal.

3. Definitions:

Covered Position: A position with the Department that requires a background check, per Chapter ___ WAC.

- c. The relationship between the potential future harm implied by the crime or negative action, and the purpose of the check conducted.
 - d. Whether each person with a particular crime or negative action poses the same level of risk, and
 - e. The opportunity to transform lives of citizens with criminal histories.
3. To the maximum extent possible, the Disqualifying Lists must incorporate reasonable limitations on the length of time for which background information is disqualifying.
 4. Each Disqualifying List must clearly state the nature of the employees, volunteers or interns to which it applies.
 5. The Department will make the Disqualifying Lists available to the public on its website.

C. Check Results:

1. Disqualified: If a background check results in the discovery of information on the Disqualifying list, the person must not be allowed unsupervised access or access to sensitive information and no Character, Competence and Suitability (CC&S) review may be conducted to approve them.
2. Review Required: If a background check results in the discovery of one or more records that are not disqualifying, a review will be completed by the Appointing Authority or designee. Such information may be subject to further review by the Secretary.
3. Clear: If a background check shows nothing on the disqualified list and no other records requiring a CC&S review, no further action is required.

The Department must not deny employment based on information in the criminal history record until the applicant has been afforded a reasonable time to correct or complete the record, or has declined to do so.

An employee, volunteer or intern with a background check disqualification may be subject to any of the following actions, in no specific order:

- a. Voluntary demotion
- b. Job restructuring
- c. Job Reassignment
- d. Non-disciplinary separation
- e. Disciplinary action

- e. Before implementing the non-disciplinary separation of a permanent employee, a search for a vacant position that is not a covered position will occur over a period of thirty (30) calendar days.

D. Periodic background checks:

Employees may not perform or require routine background checks sooner than three months prior to the requirement under state or federal law or by agency policy, unless the Secretary or designated program leadership receive credible information regarding changes to an individual's background record.

~~E. 120-Day Provisional Hiring:~~

- ~~1. The Department will follow the provisional hiring process outlined in WAC Chapter _____.~~

F.E. Employee Reporting Requirements:

1. All employees in covered positions must report to their Appointing Authority any new background information within 24 hours of the incident, or prior to the next scheduled shift, whichever is sooner. Timely reporting will be considered as a factor during the course of any subsequent CC&S review.

700-0010; 388-700-0015; 388-700-0025; 388-71-0510; 388-71-0513 ; 388-71-0540; 388-76-10120; 388-76-10125; 388-06-10130; 388-76-10135; 388-76-10140; 388-76-10146; 388-76-10150; 388-76-10160; 388-76-10161; 388-76- 01631; 388-76-101632; 388-76-10166; 388-76-10180; 388-76-10181; 388-78A-2462; 388-78A-24641; 388-78A-24642; 388-78A-2470; 388-78A-24701; 388-818-0530; 388-818-0540; 388-818-0560; 388-825-320; 388-825-335; 388-825-610; 388-825-615; 388-825-625; 388-825-640; 388-829A-050; 388-829C-040; 388-829C-070; 388-829R-030; 388-829R-035; 388-865-0551; 388-865-0715; 388-865-0775; 388-865-0870; 388-865-0930; 388-877-0300; 388-877-0305; 388-877-0335; 388-877-0410; 388-877-0500; 388-877A-0110; 388-877A-0210; 388-877A-0310; 388-877B-0110; 388-877B-0210; 388-877B-0310; 388-877B-0410; 388-877B-0510; 388-877B-0610; 388-877C-0110; 388-891-0695; 388-891-1105; 388-892-0300; 388-97-1800; 388-97-1820; 388-97-4200; 388-97-4220; and 357-19-184. The following federal laws and regulations, including: 15 U.S.C. 1681; 20 U.S.C. 1232g; 21 U.S.C. 862a; 28 U.S.C. 534; 42 U.S.C. 1395i-3; 42 U.S.C. 1396r; 42 U.S.C. 13041; 42 U.S.C. 1320a-7j; 42 U.S.C. 1320a-7l; 42 U.S.C. 1320d-6; 42 U.S.C. 14611 through 42 U.S.C. 14616; 42 U.S.C. 15601 et seq.; 42 U.S.C. 16911; 42 U.S.C. 4541 through 42 U.S.C. 5600; 42 U.S.C. 5119a; 42 U.S.C. 608; 42 U.S.C. 671; 5 U.S.C. 552a; 5 U.S.C. 9101; 50 U.S.C. 3341; 28 C.F.R. 115.317; 28 C.F.R. 16.34; 28 C.F.R. 20.21; 28 C.F.R. 20.3; 28 C.F.R. 20.33; 28 C.F.R. 50.12; 28 C.F.R. 901; 28 C.F.R. 906.2; 34 C.F.R. 99; 42 C.F.R. 483; 42 C.F.R. 440.150; 42 C.F.R. 455.23; 42 C.F.R. 455.434; 42 C.F.R. 440.160; 42 C.F.R. 483; 45 C.F.R. 1340.14; 45 C.F.R. 1355 through 45 C.F.R. 1357; 45 C.F.R. 205.50; 45 C.F.R. 98.43; 5 C.F.R. 731.202; 7 C.F.R. 273.11; IRS publication 1075, and any other RCWs, WACs, and federal laws and regulations as appropriate.

DRAFT