

Addendum #17
to the Vigo County
Employee and Management
Handbook Dated October 2007

On November 27, 2012, the Vigo County Commissioners made the following addendum to the Vigo County Employee and Management Handbook Dated October 2007:

In Section III – Subsection 3.19, titled Background Checks, effective January 01, 2013 this new section will be added:

All applicants are subject to criminal background checks including a credit check. Background checks will be conducted on all post offer candidates. At the discretion of department heads/elected officials, current employees are also subject to criminal background checks.

If information is received which may appear to be disqualifying, the Elected Official/Department Head will consult with the Human Resources Director as to the impact on the candidate's potential employment.

The results of background checks will be handled on a case-by-case basis. An applicant who provides false or misleading information during the recruitment process will result in disciplinary action, up to and including termination of employment and/or the withdrawal of an employment offer.

Questions relating to an applicant's arrest record prior to a conditional offer of employment are improper. Making inquiries of an applicant's conviction record may be discussed once a conditional offer of employment is made, if the conviction is job related. The Equal Employment Opportunity Commission prohibits the use of arrest records for employment decisions because they are inherently biased against applicants in protected classes. The EEOC has issued the following policy statement covering the use of conviction records by employers in making employment decisions:

- (1.) The employer must establish a business necessity for the use of an applicant's conviction record in its employment decision. In establishing business necessity, the employer must consider three factors to justify use of a conviction record:
 - a. Nature and gravity of the offense for which convicted;
 - b. The amount of time that has elapsed since the applicant's conviction and/or completion of sentence; and
 - c. The nature of the job in question as it relates to the nature of the offense committed.

In the following circumstances; the acceptance of volunteers, intern, or other non-compensated personnel will also be subject to the results of a background check:

1. All persons working within a criminal justice and law enforcement department or agency.
2. All persons who may have direct or indirect access to criminal history records or confidential records as deemed by local, state or federal regulations.
3. All candidates for employment with the Information Technology (ISS) Department.
4. All persons seeking employment or volunteers who will have direct or indirect access to children or their records pursuant to Indiana Code.
5. All candidates who have been offered employment with the County in positions where access to private homes or property of citizens is part of the regular and customary duties of the job assignment.
6. All persons seeking employment with the Buildings and Grounds Department in the fields of custodial and maintenance operations.
7. All persons seeking employment with the County in positions where as part of the regular and customary duties of the job assignment requires the handling of money on behalf of the County.
8. All candidates for employment, volunteer positions, internships, or other compensated or non-compensated positions within the Prosecutor's Office.

Background check records received will be maintained and placed in a confidential file in the Human Resources Department. Access to these records will be made available only to the elected Official/Department Head, the applicant in question or individuals with a limited need-to-know as determined by the Vigo County Board of Commissioners.

Any Department Head or Elected Official who contracts or authorizes work by an independent contractor, within a building or structure owned or occupied, or used by the County shall require the Independent Contractor to perform background checks on the employees of the Independent Contractor. No Independent Contractor or its employees will be permitted access to a County building unless the Independent Contractor certified the completion of background checks in the following form:

I certify, under the penalty's perjury that my company has performed a criminal records check of all employees who will have access to a building owned, occupied, or used by Vigo County and none of said employees have been convicted of either:

1. A felony.
2. A crime of dishonesty.
3. A crime involving force, violence, or use of firearm.

Copies of said certification shall be forwarded and maintained by the Human Resources Department.

If the County employee or Elected Official entering into the contract or approving work is unable to get the certified completion of the background checks from the Independent Contractor, the Human Resources Director must be contacted and notified before work has begun.