

**Criminal Records Check Policy for Applicants for**

**Volunteer Positions**

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### I. Policy Overview

Volunteers of the Multnomah County Library (MCL) have regular access to private patron information, regular contact with individuals considered vulnerable, and access to library materials and valuables.

In order to maintain a safe environment for patrons, staff, and other volunteers, as well as protect county assets, MCL needs to ensure that volunteers do not have a history of criminal behavior relevant to their volunteer position. This policy has been developed to ensure departmental and legal requirements are satisfied and to ensure fair and consistent treatment of applicants for volunteer positions.

Criminal record checks will be conducted for applicants once they have been matched with a position that requires a criminal background check. The criminal record checks authorized by this policy are for criminal convictions only and do not include credit checks.

Criminal records checks apply to any volunteer position classified as needing additional screening.

### II. Definitions

A. Adverse Action: Denial of volunteer placement that adversely affects a current or prospective volunteer.

B. Arrest: An individual is taken into police custody for a suspected crime.

C. Conviction: There was a “factual adjudication” of guilt, meaning it can be inferred that an individual actually committed a crime because a court found them guilty beyond a reasonable doubt.

D. Criminal Record Check: A review of a list of crimes for which an accused

person has been previously convicted.

E. Fair Credit Reporting Act (FCRA): Federal law that governs the use of background screening for employment purposes when employers use a third party provider to complete background checks.

F. Felony: A crime more serious than a misdemeanor that is punishable by

fine and/or confinement in a penal institution.

G. Misdemeanor: A criminal offense generally punishable by fine and/or

confinement in a county jail.

H. Plea of Guilty: Admission on the criminal allegations brought by the

prosecuting attorney.

I. Limited Supervision: Individual performs duties where they are directly interacting with patrons one-on-one and/or perform their volunteer duties in a manner where there is no on-site supervision where the work is performed.

### III. Criminal Record Check Process

A. Criminal record checks will be conducted in accordance with applicable law. Applicants will be notified that a criminal record check will be conducted and will be asked to complete a Criminal Record Check Disclosure and Authorization form in accordance with the Fair Credit Reporting Act (FCRA) authorizing MCL to conduct a criminal record search.

B. Criminal record checks will be conducted by Volunteers Services, which will ensure compliance with FCRA. The applicant will be provided with a copy of their criminal background check upon request and when the library denies a volunteer placement to an applicant due to the criminal record check.

C. Volunteer Services staff are to ensure that offers of volunteer positions are clearly identified as conditional until the completion of a criminal records check.

D. Background checks will be conducted by an outside vendor and will consist

of all or a portion of the following:

1. Local, national and federal criminal database records

2. Sex Offender Registry searches

3. International criminal records searches where appropriate

### IV. Criminal Convictions and Disqualification from Volunteer Placement

A. Prior arrest without conviction does not constitute valid grounds for volunteer placement decisions and may not play a part in the decision-making process. Only criminal convictions will be considered in determining an applicant’s suitability for volunteering.

B. If an applicant or employee is arrested for a crime that would otherwise preclude volunteering with MCL, and charges are still pending, the volunteer placement decision may be delayed until final disposition of the case.

C. A criminal offense will not automatically disqualify an applicant for a position with MCL. Criminal records will be evaluated by the Volunteer Services Manager (or their designee) in the context of the specific position for which the application is submitted and the factors listed below:

1. Time since the conviction.

2. The age of an individual at the time of the offense.

3. The probability that an individual will continue the type of behavior in

question.

4. The individual’s commitment to rehabilitation and to changing the

behavior in question.

5. Relevance of the crime to the position sought.

6. The seriousness and specific circumstances of the offense.

7. The number of offenses.

D. After considering the factors listed above, a conviction of the following types of crimes could lead to a declaration of ineligibility to work at MCL. Applicants will be reviewed on a case by case basis with consideration of any changes in state or federal law that may have led to a conviction.

1. Sex offenses

2. Felony violence

3. Felony theft or robbery

4. Financial felonies, such as fraud and embezzlement

5. Felony drug crimes

E. Applicants who are disqualified from volunteering due to a criminal conviction in section IV.D may apply for future volunteer opportunities with MCL not requiring screening.

### V. Appeals

A. If Volunteer Services denies an applicant a volunteer placement due to the criminal record check findings, the applicant will be informed about the reasons for the denial. That individual will have the right to review the results of the criminal record check and will be given five (5) working days from the date of the denial to submit a written appeal to MCL’s Human Resource Manager. The appeal may include information that refutes the information and/or provides mitigating circumstances. Additional time extensions may be provided beyond the five (5) days at the discretion of MCL’s Human Resources Manager.

B. The Human Resources Manager will provide the Volunteer Services Manager with the notice of appeal and other information provided by the appellant. The Human Resource Manager with input from the Volunteer Services Manager will decide whether to grant or deny the appeal.

C. The Human Resources Manager will communicate the decision to the applicant submitting the appeal.

### VI. Refusal to Consent

A. An applicant who refuses to complete the criminal record check process in

a timely manner will not be considered for volunteer placement.

B. An applicant’s failure to accurately and completely disclose his or her criminal conviction history may be grounds for removal from consideration for a volunteer position at MCL.

### VII. Confidentiality

A. MCL recognizes that its need to investigate the criminal history of applicants must be balanced with the need to protect privacy. MCL policy, and state and federal laws, recognizes the individual’s right to privacy and prohibit MCL employees from seeking, using, or disclosing personal information except within the scope of their assigned duties. As such, criminal record checks will be accessible on a need-to-know basis only.

B. Volunteer Services will maintain the files in a locked secure cabinet separate from employee personnel files and recruitment records.

### VIII. Exceptions

1. The following people do not need a criminal record check and are exceptions to the policy:
* Current or former MCL employees in good standing with HR that have successfully completed a pre-employment criminal records check with MCL. (Employees hired post January 1, 2014)
* Teen volunteers that reach 18 years of age, have been actively volunteering for one or more years, and are in good standing as determined by their supervisor.

**Screening Requirements for Volunteer Positions**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Scope of volunteer position** | **Completed Application** | **Screening Interview**  | **Criminal Record Check** | **Driver’s License Verification** | **Reference Check** |
| Volunteer drives a vehicle to provide service (book delivery to shelters, Words on Wheels, etc.) | x | x | x | x |  |
| Volunteer works 1:1 with minors or works in a group setting with minors without direct supervision from library staff. (Maker Mentor, Read to the Dogs, etc.) | x | x | x |  |  |
| Volunteer works with adults without direct supervision from library staff. (tutoring) | x | x | x |  |  |
| Volunteer handles financial transactions | x | x | x |  |  |
| Volunteer is required by MCL partner where service is performed to have criminal record check (School Corps) | x | x | x |  |  |
| Volunteer (youth or adult) has supervised contact with patrons. | x | x |  |  |  |
| Youth volunteer working 1:1 with minors. (Follow the Reader) | x | x |  |  | x |

If the volunteer position meets multiple criteria, choose the scope with the highest level of screening.