

CHAPTER Human Resources	CHAPTER 05	SECTION 001	SUBJECT 45
SECTION Personnel		DESCRIPTION Criminal Background Checks	
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APPLICATION:

☒ CMH Staff	☐ Board Members	☒ Provider Network	☒ Employment Services Providers
☒ Employment Services Provider Agencies	☒ Independent Contractors	☒ Students	☒ Interns
☒ Volunteers	☐ Persons Served		

POLICY:

Lapeer County Community Mental Health (LCCMH) ensures all staff are free from past criminal convictions impairing their ability to safely work with or care for persons served.

STANDARDS:

- A. All LCCMH staff, employment services providers, independent contractors, volunteers, students, and interns are required to have a criminal conviction history check before they begin providing services for the agency and at least annually thereafter.
- B. All new employment or contract offers are made contingent upon successfully passing the criminal conviction background check.
- C. All previous convictions or abuse are reviewed by the Chief Executive Officer (CEO) to determine appropriateness for hire or continued employment. The CEO may, at their discretion, determine if the offense in itself does not inhibit the person's ability to successfully complete all aspects of his or her employment. The CEO has the sole authority to determine if the employee or volunteer's previous record poses a threat to the health and safety of any persons served.

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- D. Any employee found by the CEO to have a background affecting their ability to perform the regular duties of employment or determined to pose a threat to persons served are subject to immediate dismissal (See Human Resource Services Policy 05.001.25).
- E. Current employees who are convicted of a misdemeanor immediately notifies the CEO. Failure to notify the CEO within ten days of conviction could result in progressive discipline, up to and including termination.
- F. Current employees who are convicted of a felony immediately notifies the CEO. Failure to notify the CEO within ten days of conviction results in immediate termination of employment.
- G. Employment Service Provider Agencies and Network Providers with staff working directly with persons served are responsible for criminal background checks for employees prior to hire and subject to review during the Provider Network Monitoring Process (See Network Management Policy 01.002.30).

PROCEDURES:

- A. The LCCMH Human Resources (HR) department is responsible for pre-employment and annual background checks for LCCMH Staff, independent contractors, volunteers, students, and interns.
 - 1. All LCCMH staff, independent contractors, volunteers, students, and interns sign a "Criminal Conviction History Consent" (LCCMH Form #280) as a part of the application process.
 - 2. LCCMH uses the consent forms to obtain information from the appropriate agencies for completion of the criminal conviction check.
 - 3. The annual criminal background check is completed for all employees no later than September 30 of each year. Employees hired in the last three months of the fiscal year are not required to have an additional check until September 30 of the following year.
- B. Employment Services Provider Agencies are responsible for criminal background checks for their employees.
 - 1. The Employment Services Provider Agency provides a copy of the criminal conviction history to LCCMH prior to the employee's first day at LCCMH.

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C. Appeal Process—Any staff member covered in the collective bargaining unit agreement who is terminated or had their terms of employment significantly changed due to information acquired through the criminal conviction background check may appeal through the union grievance procedures.

REFERENCES

- Human Resource Services Policy 05.001.25
- LCCMH Form #280: Criminal Conviction History Consent

AM:lr

Supersedes: #12/02023 dated 12/30/2002