



CRIMINAL BACKGROUND & DRIVER RECORD CHECK POLICY

All applicants over the age of 14 will be asked to undergo a criminal background and/or driver record check before providing services for the “EGRPRD”. Through this criminal background check, East Grand Rapids Parks & Recreation Department “EGRPRD” will utilize reasonable efforts to ascertain past criminal history of an applicant. This policy may exclude classes of volunteers and/or employees based upon the function, activity, event or program as deemed appropriate by staff.

PROCESS

The Criminal Background & Driver Record Check Consent form must be submitted, if requested by staff and the applicant cleared before he or she may perform services for the “EGRPRD”. On receipt of the Criminal Background & Driver Record Check Consent form, the “EGRPRD” will request that Human Resources perform the criminal background and/or driver record check. As part of our criminal background & driver record check, the “EGRPRD” will, at a minimum and without limitation,

- (1) perform a state wide background check through the Michigan State Police; and
- (2) perform a national wide background check for those who have lived out of state in the past seven years; and
- (3) perform a state driver record check if required depending on position

POTENTIALLY DISQUALIFYING FACTORS

Criminal History

“EGRPRD” will use a criminal background and/or driver record check to gather information about an applicant’s prior criminal history. The information revealed by the criminal background and/or driver record check may disqualify an applicant from serving as a staff member, coach, official, instructor, contractor and/or volunteer.

Information that could disqualify an applicant includes, but is not limited to, arrests, pleas of no contest and criminal convictions—especially if the underlying criminal behavior involved sex, violence or drugs.

Full Disclosure

Each applicant has the affirmative duty to disclose his or her criminal history. Failure to disclose or intentionally misrepresenting an arrest plea or conviction history in an application or any other information provided by an applicant during the screening process is grounds for employment, volunteer and/or membership revocation or restriction, regardless of when the offense is discovered.

- If an applicant (1) is arrested, (2) pleas or (3) is convicted of a crime other than a traffic offense during the screening process, the applicant is required to disclose such information immediately.

- In the event a person is serving as an employee, contractor or volunteer and (1) is arrested, (2) pleads or (3) is convicted after the completion of the screening process, he or she has an affirmative duty to disclose such information immediately to his or her supervisor or “EGRPRD” administrator.
- Any applicant who has been banned by another recreation or sport organization, as temporarily or permanently ineligible, must self-disclose this information. A failure to disclose is a basis for disqualification for potential applicants.

FINDINGS

Notice of findings will be provided to:

- (1) The designated Supervisor that submitted the application;
- (2) Director of Parks and Recreation
- (3) Assistant Director of Parks & Recreation

Our criminal background and/or driver record check report will return a “red light” or “green light”. A green light means that the background check found no records that would disqualify the applicant. A green light score, however, is not a certification of safety or permission to bypass/ignore other screening efforts. Other disqualifying factors may exist, and can be revealed through an interview, reference checks and a completed application.

Note: A “green light” finding does not mean that an individual is safe to work with children.

Instead a “green light” indicates that no criminal history was found that would disqualify the individual from working with children.

A red light finding means the criminal background check revealed criminal records which suggest the applicant “does not meet the criteria” and is not suitable for employment, contractual or volunteer assignments with the “EGRPRD”.

Individuals who are subject to disqualification under a “red light” finding may challenge the accuracy of the reported information from the criminal background and/or driver check.

APPEAL TO ORGANIZATION

If an individual receives a red light finding and wants to contest the “EGRPRD”’s decision not to accept his or her application based on the red light finding, the individual may request a hearing before a Review Panel. The Review Panel will consist of: City Officials designated by the Mayor.

The Review Panel will communicate its finding to the individual and Director of Parks & Recreation. If the individual disagrees with the finding of the Review Panel, he or she may request an appeal with the City Commission. A decision rendered by the City Commission shall be final and binding on all parties.

DISCRETION

If any discretion is exercised in the application of this policy, it shall be exercised in a uniform manner so that substantially similar convictions and circumstances result in substantially similar treatment of applicants.

FREQUENCY OF CRIMINAL BACKGROUND CHECKS

Criminal background and/or driver record checks will be refreshed on a regular basis (typically annually) or as otherwise required by law, for employees, instructors, coaches, officials, contractors and/or volunteers who are 18 years of age or older and perform services for the “EGRPRD”.

AFFIRMATIVE DUTY TO DISCLOSE

If, during the course of employment or participation in “EGRPRD”'s program, an employee, instructor, coach, official or volunteer is accused, arrested, indicted or convicted of a criminal offense against a child, it is the duty and responsibility of the employee, instructor, coach, official or volunteer to notify an “EGRPRD” supervisor or administrator.

OTHER POTENTIALLY DISQUALIFYING FACTORS

Even if an applicant passes a criminal background & driver record check, other factors may disqualify an applicant. An individual may be disqualified and prohibited from providing services for the “EGRPRD” if the individual has:

- Been held liable for civil penalties or damages involving sexual or physical abuse of a minor
- Been subject to any court order involving any sexual or physical abuse of a minor, including but not limited to domestic order or protection
- A history with another organization (employment, volunteer, etc.) of complaints of sexual or physical abuse of minors
- Resigned, been terminated or been asked to resign from a position - paid or unpaid - due to complaint(s) of sexual or physical abuse of minors
- A history of other behavior that indicates they may be a danger to participants in “EGRPRD” programs; or
- Not met the job requirements

| STATUTORY OFFENSES | RECOMMENDED STATUS |
|---------------------------|---|
| Sex Offenses | Not Eligible |
| Drug Offenses | Subject to review relative to the nature, date, and frequency of offense(s) |
| All Other Offenses | Subject to review relative to the nature, date, and frequency of offense(s) |

| ASSAULT OFFENSES | RECOMMENDED STATUS |
|-------------------------|---|
| Against Children | Not Eligible |
| All Other Offenses | Subject to review relative to the nature, date, and frequency of offense(s) |

| PROPERTY OFFENSES | RECOMMENDED STATUS |
|---|---|
| Theft Destruction All Other Property Offenses | All subject to review relative to the nature, date, and frequency of the offense(s) |

RECORDS

Records are secured onsite for a period indicated by applicable law or until the applicant is no longer affiliated with the "EGRPRD", whichever date is later.