

**BLUE WATER DEVELOPMENTAL HOUSING, INC.
POLICIES AND PROCEDURES: EMPLOYEE INFORMATION**

SUBMITTED BY: Heidi Vehko	DATE SUBMITTED: 02/03	SECTION: Human Resources	
BOARD APPROVED ON: 02/01/2003	DATE REVISED: 11/21/2018, 08/12/2020, 10/1/2023, 9/16/26	SUBJECT: Background Checks	
ANNUAL REVIEW BY EXECUTIVE DIRECTOR: 11/21/18, 8/12/2020, 12/16/20, 12/12/22, 10/1/2023, 9/16/26		POLICY #: ED-001	PAGE #: Page 1 of 4

I. APPLICATION

The provisions stated herein shall apply to employees and applicants of Blue Water Developmental Housing, Inc. (BWDH).

II. POLICY

It shall be the policy of the organization that all potential employees will have background checks, and that all current employees will have annual background checks.

III. DEFINITIONS

Background checks: include but not limited to:

- a. References
- b. Work Records
- c. Education
- d. Driving Records
- e. Criminal Background
- f. Medicaid fraud
- g. Department of Licensing and Regulatory Affairs (LARA)
- h. Recipient Rights Violations

IV. STANDARDS

- A. Background checks pertain to all staff members, who include employees, volunteers, interns, independent contract workers and potential employees offered employment.
- B. The human resources manager/designated confidential employee will perform background checks.
- C. All criminal background checks will be conducted and processed under the provisions of the Michigan Freedom of Information Act, P.A. 442 of 1976. The criminal background check identifies convictions only.
- D. Background checks will be conducted on all potential employees prior to employment but after a conditional job offer and is required to sign a 'Criminal Background and Driving Record Consent' form during the hiring process.

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- E. Department of Licensing and Regulatory Affairs checks (LARA)- (fingerprinting) will be conducted on all potential employees who will be providing direct care services prior to employment but after a conditional job offer and is required to complete and sign the 'Long-Term Care Workforce Background Check Consent and Disclosure' during the onboarding process.
- F. As a condition of continued employment, employees are subject to periodic background checks and at the frequency deemed appropriate by the human resources manager but at least annually and more frequently if reasonable concern exists and approved by the human resources manager.
- G. Results will be reviewed for job relatedness by the human resources manager. Consult with a labor attorney may occur if necessary.
- H. Potential employees may be given an opportunity to explain results, and current employees shall be given an opportunity to explain results obtained before any action is taken.
- I. Criminal background checks and/or driving record checks that show convictions and/or primary verification checks that show complaints may result in non-hire of a potential employee or disciplinary action up to and including termination for an employee. The organization reserves the right to act on the results of such inquiries to best serve its interests and those of the individuals it supports.
- J. Copies of all record checks results shall be maintained in the employee's confidential personnel file. These records will be updated annually.
- K. Criminal Background Checks:
 - a. The organization may deny employment to any potential employee and may suspend and/or terminate the employment of any employee if a felony conviction of such employee or such potential employee involves:
 - i. Sexual misconduct of any kind including, but not limited to, criminal sexual conduct in any degree, sexual abuse, prostitution, solicitation, indecent exposure, gross indecency, and/or the attempt of any such offenses, or

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- ii. Acts of violent aggression of any kind, including, but not limited to assault, arson, child abuse, vulnerable adult abuse, homicide, kidnapping, robbery, riot, stalking, and/or the attempt of any such offenses.
- iii. All other conviction types will be reviewed for job relatedness by the human resources manager and may be reviewed by an attorney if necessary.

L. Driver's Record Checks:

- a. Employees and potential employees who are expected to drive per the job description must provide a copy of a valid driver's license to the program supervisor/human resources manager.

M. Revocation or suspension of a driver's license immediately suspends the employee from driving for the term of the suspension or revocation and may result in disciplinary action.

N. The above is a guideline and does not remove the employer's discretion in all situations. Any disciplinary action will define, in writing, all future expectations and corrective actions necessary to maintain employment. This document will become part of the employee's confidential personnel file.

III. PROCEDURE

Pre-employment Checks

WHO

DOES WHAT

Potential employee

1. Completes and signs the consent to conduct background checks:
 - Criminal Background and Driving Record Consent
 - Long-Term Care Workforce Background Check Consent and Disclosure
 - Authorization to Disclose Employee Information and Release of Liability (St. Clair County)

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- Authorization to Release Recipient Rights Information (Macomb County)

Human Resources Manager/
Designee

2. Conducts background checks and determines employment eligibility based on search outcome.
3. If eligible follows hiring policy.
4. If non-eligible notifies potential employee of ineligibility for employment.

Annual Checks

WHO

DOES WHAT

Human Resources Manager /
Designee

8. Conducts annual background checks.
9. Results are saved to the employee personnel file.
10. If the employee is no longer eligible for employment notifies executive director, division director, program supervisor and employee.
11. Employee receives a copy of results and dismissal from employment letter.

VIII. EXHIBITS

- A. <..\..\Forms\Human Resource Forms\Criminal and Driving\reCRIMINAL BACKGROUND AND DRIVING Record check 2.docx>
- B. [..\..\Forms\Human Resource Forms\Fingerprinting CONSENT AND DISCLOSURE \(Rev 3.2021\) Fillable PDF.pdf](..\..\Forms\Human Resource Forms\Fingerprinting CONSENT AND DISCLOSURE (Rev 3.2021) Fillable PDF.pdf)
- C. <..\..\Forms\Human Resource Forms\SCCMH ORR Authorization to Disclose Employee Information and Release of Liability.pdf>
- D. <..\..\Forms\Human Resource Forms\MCCMH ORR Authorization to Release Rights Information.pdf>