

ST. CLAIR COUNTY COMMUNITY MENTAL HEALTH AUTHORITY

ADMINISTRATIVE PROCEDURE

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I. APPLICATION:

- ☐ SCCCMHA Board
- ☐ SCCCMHA Providers & Subcontractors
- ☒ Direct-Operated Programs
- ☐ Community Agency Contractors
- ☐ Residential Programs
- ☐ Specialized Foster Care

II. PURPOSE STATEMENT:

St. Clair County Community Mental Health Authority Board (SCCCMHA) requires that all potential staff members will have background checks, Department of Health and Human Service (DHHS) checks, Office of Inspector General (OIG) checks, and Recipient Rights checks. All direct care employees will have a DHHS check annually. All current employees will have a background check annually.

III. DEFINITIONS:

- A. Background Check: Includes, but not limited to, references, work records, education, professional licenses, driver's record, criminal background, Medicaid fraud, Department of Health and Human Services checks, and recipient rights violations, etc.
- B. MVR: Motor vehicle record check.
- C. Potential Staff Member: All potential staff members who are being considered for employment, volunteering, interning, and contracting independently at SCCCMHA.
- D. Primary Verification: Process of verification of credentials by telephone, mail, e-mail, or internet directly through the primary sources (e.g. State Licensing office).
- E. Staff Members: All employees, students, volunteers, interns, and independent contract workers while they are providing service to SCCCMHA.

IV. STANDARDS:

- A. Background checks pertain to all staff members, who include employees, students, volunteers, interns, independent contract workers and potential employees offered employment.
- B. The Human Resource designated confidential employee (e.g. staffing recruiter, administrative assistant, etc.) will perform background checks.

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- C. All criminal background, MVR and primary verification 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 candidates who have accepted a position at SCCCMHA, with their hire being contingent upon passing the background check. All potential staff members will be informed that they are subject to a background check prior to an offer of placement/employment, and will fill out/sign form [#0701 Background Check Notice](#) with their new hire paperwork.
- E. Department of Health and Human Services checks will be conducted on all potential staff members who will be providing direct care services. Those potential staff members will be informed that they are subject to a DHHS check upon consideration of placement/employment and on an annual basis thereafter. A completed consent form is e-mailed to DHHS and the potential staff person is responsible to provide a copy of the results prior to an offer of placement/employment which, if satisfactory, will be included in their confidential personnel file.
- F. Recipient Rights checks will be conducted on all candidates who have accepted a position at SCCCMHA, with their hire being contingent upon passing the background check. All potential staff members will be informed that they are subject to an Office of Recipient Rights check prior to an offer of placement/employment, and will fill out/sign form [#0250 Authorization to Disclose Employee Information and Release of Liability](#) with their new hire paperwork.
- G. As a condition of continued employment, staff members are subject to periodic background checks and will fill out/sign a Background Check Notice form when requested by their supervisor or the human resource designee. Background checks on staff members will be conducted at the frequency deemed appropriate by the Chief Executive Officer but at least yearly and more frequently if reasonable concern exists and approved by the Chief Executive Officer.
- H. Results will be reviewed for job relatedness by the Human Resource designee, and will be forwarded to the Chief Executive Officer/designee if questionable background checks are obtained to determine the most appropriate action. Consult with a labor attorney may occur.
- I. Potential staff members *may* be given an opportunity to explain results, and current staff members shall be given an opportunity to explain results obtained before any action is taken.
- J. Criminal background checks and/or MVR checks that show convictions and/or primary verification checks that show complaints may result in non-hire of a potential staff member or disciplinary action up to and including termination for a staff member. SCCCMHA reserves the right to take action on the results of such inquiries to best serve its interests and those of the people it serves.
- K. Copies of the background check results shall be maintained in the employee's confidential personnel file. These records will be updated annually.

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L. Sources:

1. Background checks will be conducted through the Michigan State Police. A nationwide service may be used if the individual has been living in another state/country.
2. DHHS checks will be requested by the potential/current employee to be done by DHHS, with results provided prior to job offer or for their confidential personnel file if a current employee.
3. SCCCMHA shall subscribe to the Customer and Automotive Records System (CARS) e-Services through the Michigan Department of State for automatic notification of motor vehicle violations.
4. Current professional licenses and registrations shall be verified noting any complaints registered with the State of Michigan Licensing office.
5. Current recipient rights violations will be verified noting any complaints through the Office of Recipient Rights.
6. Original transcripts must be sent directly to Human Resources from educational institutions for new degrees.

M. Criminal Background Checks:

1. The agency may deny employment/placement to any potential staff member and may suspend and/or terminate the employment/placement of any employee in the event that a felony conviction of such staff or such potential staff member involves:
 - a. 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
 - b. 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.

All other conviction types will be reviewed for job relatedness by the Chief Executive Officer and may be reviewed by an attorney if necessary.

N. Driver's Record Checks

1. Employees and potential staff members for employment who are expected to drive in order to perform defined position responsibilities must provide a copy of a valid driver's license to the Human Resource Designee. Form [#0801 Driving Record Check](#) will be completed for processing.
2. SCCCMHA reserves the right to decline a potential staff member for employment if his/her driver's record is unacceptable (as determined by this administrative procedure).

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3. A driver's record check will be obtained as incidents occur and through a subscription service which reports all driving/license incidents for all applicable employees.
4. The driver's record check will be reviewed by the Human Resource Designee to determine if any questionable results have been returned, and will refer such to the Chief Executive Officer to determine if any corrective/remedial action or training is necessary.
5. The Motor Vehicle Record (MVR) will be reviewed with the employee by his/her immediate supervisor if corrective action is required. The MVR will become part of the employee's confidential personnel file.
6. 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.

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.

V. PROCEDURES:

Potential Staff Members/Staff

1. Signs form #0701 Background Check Notice, form #0801 Driving Record Check, and form #250 Authorization to Disclose Employee Information & Release of Liability and, if providing direct care services, is instructed to obtain DHHS check and provide results for confidential personnel file.

Human Resource Designee

2. Conducts all criminal background, MVR and primary verification checks.
3. Reviews all background checks, and reviews any questionable results with the Chief Executive Officer/designee.

Chief Executive Officer

4. Determines if further action is required, and what that action will be.

VI. REFERENCES:

- A. Michigan Freedom of Information Act, PA 442 of 1976.

VII. EXHIBITS:

- A. [#0250 Authorization to Disclose Employee Information and Release of Liability](#)

B. [#0701 Background Check Notice](#)

C. [#0801 Driving Record Check](#)

VIII. REVISION HISTORY:

Dates issued 09/02, 11/04, 01/07, 12/08, 10/11, 05/13, 05/14, 05/15, 05/16, 05/17, 05/18, 05/19, 07/20, 05/21, 07/22, 05/23.