

TRUMBULL COUNTY BOARD OF DEVELOPMENTAL DISABILITIES

Policy

Section 3.10

CRIMINAL BACKGROUND CHECK REQUIREMENTS FOR AGENCIES UNDER CONTRACT WITH COUNTY BOARDS

- A. As used in this section, "contracting entity" means an entity under contract with a county Board of developmental Disabilities for the provision of specialized services to individuals with mental retardation or a developmental disability.
- B. Each contracting entity shall conduct background investigations in the same manner County Boards conduct investigations under section 5126.28 of the Revised Code of all persons under final consideration for employment with the contracting entity in a position that involves providing specialized services directly to individuals with mental retardation or a developmental disability, except that a contracting entity is not required to request a criminal records check for a direct services employee of the entity who is being considered for a different direct services position or is returning after a leave of absence or seasonal break in employment, as long as the contracting entity has no reason to believe that the employee has committed any of the offenses listed or described in division (e) of section 5126.28 of the revised code. On request, the County Board shall assist a contracting entity in obtaining reports from the Bureau of Criminal Identification and Investigation or any other state or federal agency and in obtaining abstracts from the registrar of motor vehicles.
- C. No contracting entity shall place a person in a position that involves providing specialized services directly to individuals with mental retardation or a developmental disability if the person has been convicted of or pleaded guilty to any offense listed or described in division (E) of section 5126.28 of the Revised Code, unless the person meets the standards for rehabilitation established by rules adopted under section 5126.28 of the Revised Code.
- D. A contracting entity may place a person in a position that involves providing specialized services directly to an individual with mental retardation or a developmental disability for not more than sixty days pending receipt of information concerning the person's background investigation from the Bureau of Criminal Identification and Investigation, the Registrar of Motor Vehicles, or any other state or federal agency if the person submits to the contracting entity a statement with the person's signature that the person has not been convicted of or pleaded guilty to any of the offenses listed or described in division (E) of section 5126.28 of the Revised Code. No contracting entity shall fail to terminate the placement of such person if the contracting entity is informed that he/she has been convicted of or pleaded guilty to any of the offenses listed or described in division (E) of section 5126.28 of the Revised Code.

- E. Prior to employing a person in a direct services position, the contracting entity shall require the person to submit a statement with the applicant's signature attesting that the applicant has not been convicted of or pleaded guilty to any of the offenses listed or described in division (E) of section 5126.28 of the revised code. The contracting entity also shall require the person to sign an agreement to notify the contracting entity if while employed by the entity the person is ever formally charged for any of the offenses listed or described in division (E) of section 5126.28 of the revised code. The agreement shall inform the person that failure to report formal charges may result in being dismissed from employment.

- F. A county Board may take appropriate action against a contracting entity that violates this section, including terminating the contracting entity's contract with the Board.

Adopted: 10/27/97
Revised: 9/25/00
Updated: 7/24/2012