

Village of Cooperstown

Title: Background Check Policy

Purpose:

For the safety and well-being of each and every resident, business owner and employee of the Village of Cooperstown, the Village Board of Trustees introduces the following policy regarding background checks. Background checks are mandatory and applicable to any adult staff member/applicant ages 18 and above, seeking employment with the Village of Cooperstown. This policy is applicable to all prospective employees except full-time and part-time police offers, as a separate Police Department background check policy has been established for those positions.

Procedures:

All prospective staff will be required to read and sign a written authorization form allowing the Village of Cooperstown to obtain and utilize background checks. The signed form must include the applicant/staff's name, social security number, address, previous addresses, and date of birth, along with a photocopy of their current driver's license or ID. Applicants who decline or fail to sign the waiver will not be eligible for work with the Village of Cooperstown. All waivers must be signed and background check completed before any work may be done by the applicant.

Implementation:

The Village Clerk, with assistance from a third party reporting agency, will administer all background check procedures. The Village Clerk shall receive and review the results of the background check reports from the agency with the Village Board of Trustees. The Village Board of Trustees shall determine if any individual does not meet the background check policy standards.

Potential Disqualification Criteria:

Pursuant to Article 23-A of the New York Correction Law prohibiting employers from denying an applicant employment because the applicant was previously convicted of one or more criminal offenses, the following two exceptions under Article 23-A may constitute a denial of employment:

First, employment may be denied if there is a direct relationship between the criminal offense committed and the employment sought. A "direct relationship" exists if the nature of the criminal conduct directly bears on the fitness or ability of the applicant to perform the duties or responsibilities of the job.

Second, employment may be denied if the applicant would pose an unreasonable risk to property or safety or welfare of others. This includes a risk to specific individuals or the general public.

Existing Staff:

If at any time during Village employment, any charges are uncovered or brought against the employee, he/she will be required to disclose to the Board of Trustees the nature of the offense and the disposition of the charge. Failure to make disclosure to the Board of Trustees may result in the termination of the employee or other disciplinary action.

Potential Disqualifying Circumstances:

The Village Clerk shall notify the affected Applicant, in a confidential manner that a potential disqualifying factor was reported on the criminal background check and present the background report to the applicant.

In the event the applicant feels a mistake has been reported in their criminal check, it is the applicant's responsibility to contact the reporting agency and resolve any issues.

Appealing a Disqualifying Report:

An applicant denied by the above policy may request an appeal of this decision. The Village Board will convene, in Executive Session, to review the appeal. The decision of the Board is final.

Confidentiality:

All information in response to the criminal background check shall be kept confidential and not disclosed or discussed outside of the reviewing personnel. The Village of Cooperstown is not responsible for errors or omissions that may be reported on background checks.

Adopted: November 23, 2015

Village of Cooperstown
22 Main Street
PO Box 346
Cooperstown, NY 13326

PERMISSION FOR BACKGROUND RECORDS CHECK

I, the undersigned, hereby authorize and give consent for the Village of Cooperstown to obtain information regarding myself for employment or volunteer purposes. This information may be obtained either in writing or by way of telephone in connection with my application. Any person, firm or organization providing information in accordance with this authorization is released from any and all claims of liability for compliance. This information may include all or some of the following:

- Employment records/Employers references
- Criminal background check information
- Sex offender registry check
- Driver's license check
- Training/experience/educational background check
- Personal references check
- Consumer Credit Check (if applicable for positions handling cash)
- Addresses

Applicant's Full Name(Print): _____

Maiden Name: _____ SSN: _____

Sex: Male _____ Female _____ Date of Birth: _____

Address: _____

City: _____ State: _____ Zip: _____

How long at current address: _____

Driver's License Number: _____ State: _____

Signature of Applicant: _____ Date: _____

Article 23-A Exception – Evaluation Criteria

Article 23-A requires that employers consider several factors in determining whether an applicant may be denied employment based on past criminal convictions. The employer must consider:

- The state's public policy of encouraging the employment of individuals previously convicted of criminal offenses.
- The duties and responsibilities related to the job sought.
- What bearing, if any, the criminal offense or offenses for which the applicant was convicted has on the applicant's fitness or ability to perform these duties or responsibilities.
- The amount of time that has elapsed since the occurrence of the criminal offense or offenses. This refers to how long it has been since the applicant committed the offense, not how long it has been since the applicant was convicted. In some instances, the date of the conviction may be years after the applicant actually committed the offense.
- The applicant's age at the time of the criminal offense or offenses.
- The seriousness of the offense or offenses.
- Any information produced by the applicant, or on the applicant's behalf, regarding his or her rehabilitation and good conduct.
- The interest in protecting property, and the safety and welfare of specific individuals or the general public.

Also, if the applicant has been issued a certificate of relief from disabilities or a certificate of good conduct, the employer must take that into consideration. The certificate creates a presumption of rehabilitation, meaning that the employer must take it as evidence that the applicant has been rehabilitated.