

CRIMINAL OFFENDER RECORD INFORMATION (CORI) POLICY

Town of Greenfield

1. Purpose and Scope

The Town of Greenfield is a certified agency in accordance with M.G.L. c.6 § 172, 172(C), 172(H). Where Criminal Offender Record Information (CORI) checks authorized by law or regulation for employment, contract or vendor work, volunteer work, and licensing purposes with the Town of Greenfield are performed, the following practices and procedures will generally be followed.

It is the goal of the Town of Greenfield to comply with the requirements of 803 CMR 2.00-9.00 *et seq* as set forth by the Criminal History Systems Board (CHSB) when conducting CORI checks, with section 172 of chapter 6, and section 4 of chapter 151B of the General Laws.

2. Applicability

This policy applies to any Town of Greenfield position; paid, unpaid or contracted that may in the course of its duties have access to vulnerable populations such as the elderly, the disabled or children; to employees who enter private residences on municipal business who have access to these vulnerable populations, to employees who are bonded due to monetary transactions or for other governmental reasons; to employees responsible for regulating body art practitioners. This policy also applies to any person applying for certain licenses through the Town of Greenfield as listed in section 4.3.

3. Definitions

Applicant: Includes any current or prospective employee, licensee, volunteer or person who is subject to the requirements of 803 CMR 2.00–9.00 *et seq*, with section 172 of chapter 6, and section 4 of chapter 151B of the General Laws .

Criminal History Systems Board (CHSB): The agency who provides for and exercises control over the installation, operation, and maintenance of the data processing and data communication systems known as the Criminal Offender Record Information System.

Criminal Justice Information System (CJIS): The automated law enforcement telecommunications system and network within Massachusetts that provides local,

county, state and federal agencies with the ability to obtain or exchange information such as missing and wanted persons, local and national criminal history, restraining orders, driver's license and vehicle registration, firearms licensing and gun sale transactions, and Homeland Security Broadcasts.

Criminal Offender Record Information (CORI): "Criminal offender record information" records any data in any communicable form which concerns an identified individual and relates to the nature or disposition of a criminal charge, an arrest, a pre-trial proceeding, other judicial proceedings, sentencing, incarceration, rehabilitation, or release, not including information concerning offenses which are not punishable by incarceration; and, limited to information concerning persons who have attained the age of 17 excepting a person under 17 adjudicated a youthful offender.

CORI Authorization Form (attached): All those required to undergo a CORI check must complete and sign this form.

Dissemination: The release of CORI in any communicable form.

Individual Agreement of Non-Disclosure and Statement of CORI Certification Compliance Form (attached): Any Town employee who has been authorized to review and process CORI must complete and submit this form to the CHSBG.

Otherwise Qualified: Refers to final applicants that meet all other criteria for positions within an agency's certification issued pursuant to MGL c. 6 § 172(b)(c).

Regulations: Include the whole or any part of any rule, standard or other requirement adopted by the CHSB to interpret or implement the law.

4. Policy

CORI checks will only be conducted as authorized by the CHSB.

4.1 For the purposes of full-time, part-time, temporary, seasonal employment and volunteer work.

All applicants for employment that require a CORI check as part of a conditional offer of employment or background check will be notified that a CORI check will be conducted. Applicants in the interview process or upon offering a conditional employment offer may be requested to provide information which consists of or

relates to criminal offender record information, including arrest data or any information concerning criminal offenses or acts of delinquency committed by any person before s/he attained the age of seventeen. CORI checks will provide information on criminal history in Massachusetts. Checks may also be made out-of-state, depending on the circumstances, as determined by the Town. On a case by case basis, all job offers and/or continued employment will be contingent upon the CORI results; and any job offer may be withdrawn and employment terminated when a result indicates a conviction or pending criminal data exists, in accordance with procedures and provisions of the Town's CORI policy.

If requested, the applicant will be provided with a copy of the CORI policy. A list of positions which are subject to CORI is located in the Human Resources Department.

4.2 For the purposes of contract or vendor work.

All contractors or vendors who in the course of their duties would be exposed to vulnerable populations such as the elderly, the disabled or children may be required to undergo and pass a CORI check through the Town or submit an affidavit indicating that the employees conducting contract or vendor work have successfully passed a CORI check through their own employer.

4.3 For the purposes of licensure

Any person applying for any license or appointment as listed below will be required to undergo a CORI check and in such circumstances will be provided with a copy of this policy.

Liquor, Taxi, Constable, Hawkers and Peddlers, Pawnshop, Massage, Body Art, Fortune Teller, Antique / Junk Dealer and Motor Vehicle Salvage (Class I, II and III) and any other licensed position permitted by the CHSB or general law.

5. Procedures

An agency certified to conduct CORI checks shall obtain information required by the CHSB on the prescribed CORI request form including full name, date of birth, mother's maiden name, place of birth, sex, former addresses, height, weight, eye color, state driver's license, and may request an applicant's social security number,

in order to assure that the distribution of CORI relates to the individual for whom the request has been made.

The Town will obtain the signature of the individual whom the CORI check is being performed, except as otherwise authorized by law; and, verify the identity of the applicant. The town will maintain a copy of the signed CORI request form.

CORI record information is not subject to the public records laws and may not be disseminated to unauthorized persons. CORI information will be maintained confidentially, on a need to know basis only, in Human Resources or office of the authorized appointing authority. CORI information will remain segregated from all personnel files or other personnel information. CORI will be kept for three (3) years and then destroyed.

6. Review of CORI

All those who will be authorized to review and/or process CORI must complete and submit to the CHSB the *Individual Agreement of Non-Disclosure and Statement of CORI Certification Compliance* form.

Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant, nor will the Town exclude, limit or otherwise discriminate against any person because of his/her criminal offender record information, or for merely having a criminal record. Rather, determinations of suitability based on CORI checks will be made by the appropriate appointing authority consistent with this policy and any applicable law or regulations. Such determination will relate to the circumstances of a particular employment or job training position or licensed activity, and the decision against the person will not be unreasonable based on the totality of the circumstances.

If a criminal record is received from CHSB, the authorized individual will closely compare the record provided by CHSB with the information on the CORI request form and any other identifying information provided by the applicant, to ensure the record relates to the applicant.

The Department of Public Safety has adopted three major categories of employment qualification based on the information which appears on a CORI report:

- (a) No Record: Indicates the applicant has no record of offenses processed through the Massachusetts court system. Therefore, the applicant is suitable for employment barring other reasons.
- (b) Discretionary Disqualification: An applicant is initially ineligible for licensure or employment based upon a conviction or pending charge for any of the crimes listed in CMR regulations (usually referred to as Tables B-D offenses).
- (c) Presumptive Disqualification: An applicant shall be ineligible for licensure or employment based upon a conviction, guilty plea or pending charge for any of the crimes listed in CMR regulations (referred to as Table A offenses). The applicant shall remain presumptively and permanently disqualified for licensure or employment except where the applicant is able to rebut the presumption of ineligibility.

7. Findings and Appeals

If the Town of Greenfield is inclined to make an adverse decision based on the results of the CORI check, the applicant will be notified by the Human Resources Department or the appropriate appointing authority. The applicant will be provided a copy of the criminal record, the Town's CORI policy, be advised of the part(s) of the record that make the individual unsuitable for the position or license, and given an opportunity to dispute the accuracy and relevance of the CORI record when the town is making an adverse decision based on the criminal background investigation.

If an applicant believes that the criminal record received from the CHSB is not his or hers, the applicant must document his or her challenge in writing within seven (7) days to the Town of Greenfield.

Applicants challenging the accuracy of the record will be provided a copy of CHSB's *Information Concerning the Process in Correcting a Criminal Record*. If the CORI record provides does not exactly match the identification information provided by the applicant, the Town of Greenfield will make a determination based on a comparison of the CORI record and documents provided the applicant. The Town may contact CHSB and request a detailed search consistent with their policy.

If the Town of Greenfield reasonably believes the record belongs to the applicant and is accurate, based on the information as provided in section 5 of this policy, then the determination of suitability for the position or license will be made.

Unless otherwise provided by law, factors considered in determining suitability may include, but not be limited to the following:

- (a) Relevance of the crime to the position sought;
- (b) Nature of the work to be performed;
- (c) Time since conviction;
- (d) Age of the candidate at the time of the offense;
- (e) Seriousness and specific circumstances of the offense;
- (f) The number of offenses;
- (g) Whether the applicant has pending charges;
- (h) Any relevant evidence of rehabilitation or lack thereof;
- (i) Any other relevant information, including information submitted by the applicant or requested by the hiring authority.

The Town will notify the applicant of a decision in a timely manner.

All questions regarding CORI regulations and this policy may be directed to the Human Resources Department.

This policy is written in accordance and consistent with the regulations set forth under 803 CMR 2.00-9.00, MGL c. 6 s.168-175, and MGL c.151B s.4 .

s/Mayor William Martin
Mayor William Martin

s/Dennis Helmus
Dennis Helmus, Director of Human
Resources

Dated: 10/21/2010