

TRADEWINDS SERVICES, INC.

SUBJECT: Criminal Background Check, Nurse Aid Registry, Home Health Aid Registry, U.S Residency Verification, Office of the Inspector General & National Sex Offender Registry

SECTION: 3.6

Policy: TradeWinds Services, Inc. shall conduct a criminal background check, Indiana Nurse Aid Registry, Indiana Home Health Aid Registry, U.S Residency Verification, Office of the Inspector General and National Sex Offender check on all candidates for any position within or related to TradeWinds Services, Inc.

Purpose: To provide a safe environment for consumers, employees, and visitors, and to protect the assets and property of TradeWinds Services Inc.

Administrative Procedures:

I. Criminal Background Check

Criminal background checks shall be administered through the Human Resources Department of TradeWinds Services, Inc. ("TradeWinds").

All notices for employment vacancies, Board positions, internships, and volunteer positions shall state "This position requires a criminal background check."

All candidates for any position within or related to TradeWinds Services, Inc., must consent to and satisfactorily complete a criminal background check as a condition for appointment to that position.

To do so, all candidates must complete and submit a "Consent to Criminal Background Check" form.

The "Consent to Criminal Background Check" form shall provide notice that:

- A criminal background check is a mandatory part of the application process;
- Omission of required information including failure to consent to or submitting false or misleading information in any communication with TradeWinds shall result in withdrawal of conditional acceptance and termination of employment processing; and
- False or misleading information discovered after being fully accepted into employment shall result in immediate termination of employment.

Once consent has been provided, the Human Resources Department will obtain a Limited Criminal History from the Indiana State Central Repository for each candidate for any position within or related to TradeWinds Services, Inc., to include each

employee, officer, or agent involved in the management, administration or provision of services.

For employees hired after October 1, 2003, the limited criminal history report shall include a criminal background check for each county and state of residence a provider, employee, officer, or agent resided in during the three (3) years before the criminal background check. Should a county refuse to provide the requested information, Human Resources shall place a statement in the employee's personnel file stating the respective county would not provide the requested information.

Limited criminal history checks will be conducted annually. Criminal county background checks will be conducted once every three years or at the discretion of TradeWinds Services, Inc.

If a position has been offered to a candidate prior to completing the criminal background check, the offer letter must clearly state that the offer is conditional pending the results of a criminal background check and may be withdrawn or terminated if the results are unacceptable.

The cost of conducting criminal background checks, with the exception of the county background check, shall be at the expense of TradeWinds Services, Inc.

All Limited Criminal History reports shall be placed in the employee's personal record in the CONFIDENTIAL section of their personnel file so as to protect privacy.

A. Information Sought through the Criminal Background Check:

The criminal background check shall include all convictions and conviction equivalent adjudications plus all arrests regardless of adjudication plus all arrests without final adjudications.

Pursuant to 460 IAC 6-10-5, the criminal background check shall verify that the applicant has not been convicted of the following offenses:

- A sex crime (IC 35-42-4);
- Exploitation of an endangered adult (IC 35-46-1-12);
- Failure to report:
 - a. Battery, neglect, or exploitation of an endangered adult (IC 35-46-1-13); or
 - b. Abuse or neglect of a child (IC 31-33-22-1)
- Theft (IC 35-43-4), if the person's conviction occurred less than ten (10) years before the person's employment application date, except as provided in IC 16-27-2-5(a) (5);
- Murder (IC 35-42-1-1);
- Voluntary manslaughter (IC 35-42-1-3);
- Involuntary manslaughter (IC 35-42-1-4);
- Felony battery; and

- A felony offense relating to a controlled substance.

B. Where a Criminal Background Check reveals convictions and/or pending criminal charges:

- (1). Convictions listed under 460 IAC 6-10-5, automatically preclude hiring, subject to any listed exceptions;
- (2). Convictions not listed under 460 IAC 6-10-5 are subject to discretion as TradeWinds Services, Inc. reserves the right to prohibit employment and/or serving as an intern or volunteer so long as said practice is not discriminatory. Under this circumstance, to determine suitability for a position, Human Resources will consider the relationship of the position applied for and the offense(s), the circumstances of the offense(s), and time elapsed since the offense(s).
- (3). Pending criminal charges are subject to discretion as TradeWinds Services, Inc., reserves the right to prohibit employment and/or serving as an intern or volunteer so long as said practice is not discriminatory. Under this circumstance, to determine suitability for a position, Human Resources will consider the relationship of the position applied for and the pending charge(s) and the circumstances of the pending charge(s). In addition, an applicant's suitability may be re-reviewed upon disposition of the case.

C. Adverse Action Procedure

Where the results of a criminal background check preclude employment, Human Resources will provide the applicant notice verbally or in writing, within four (4) days, to include the year and jurisdiction of the conviction(s) and source of information. TradeWinds Services, Inc. will not hold open a position should an applicant challenge the results of the criminal background check.

II. Indiana Nurse Aid Registry Check

As part of an applicant's background check, Human Resources shall obtain a report from the Indiana Department of Health Nurse Aid Registry verifying that each employee has not had a finding entered into the Nurse Aid Registry.

III. Indiana Home Health Aid Registry Check

As part of an applicant's background check, Human Resources shall obtain a report from the Indiana Department of Health Home Health Aid Registry verifying that each employee has not had a finding entered into the Home Health Aid Registry.

IV. U.S. Residency Verification

TradeWinds prohibits employing or contracting with a person where U.S. residency status is not able to be verified.

V. Office of the Inspector General

As part of an applicant's background check, Human Resources shall obtain a report from the Office of Inspector General verifying that each employee has not had an exclusion finding entered with the Office of Inspector General.

VI. National Sex Offender Registry

As part of an applicant's background check, Human Resources shall obtain a report from the National Sex Offender Registry verifying that each employee has not had a negative finding entered with the National Sex Offender Registry.

Questions regarding this policy may be directed to the office of Human Resources.