



ALLEGHENY COUNTY DEPARTMENT OF HUMAN RESOURCES

Policies and Procedures

Criminal History and Background Checks

Policy Number: Employment, #20

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- I. Purpose:** To ensure equal employment opportunity to persons with prior criminal convictions by establishing procedures under which Allegheny County will conduct background investigations.
- II. Scope:** This policy applies to all applicants considered for employment with Allegheny County for full-time, part-time, seasonal, and temporary positions, including all new hires and rehires.

This policy does not apply to applicants at the following County departments (the “Exempt Departments”):

- Bureau of Corrections
- Department of Emergency Services
- Department of Police
- Kane Regional Centers
- Shuman Juvenile Detention Center
- Department of Human Services

All Exempt Department applicants must disclose the existence of prior criminal arrests and convictions at the time of application and/or as part of an ongoing duty to make such disclosures.

- III. Policy Statement:** Allegheny County is an equal opportunity employer. In order to advance that principle, Allegheny County will not inquire about criminal history at the time of application for employment (except as to Exempt Departments), but will conduct criminal history and background checks only after a conditional offer of employment has been made and accepted by an employment candidate.

V. Procedures:

- A.** Every Allegheny County job announcement will state that a criminal history or background check is required prior to appointment to the position. Allegheny County's personnel system is based on the principle that appointments and promotions of employees are made on the basis of merit. After assessment of applicants' qualifications for employment is completed, the hiring department will recommend an applicant for appointment and provide him or her the following:

- A written conditional offer of employment; and
- A Permission to Investigate form.

The Permission to Investigate form must be completed by the candidate and returned to the hiring

department within five (5) days in order for the candidate to continue in the hiring process.

- B.** Upon receipt of the form, the hiring department will forward the form along with a copy of the conditional offer of employment to the Workforce Diversity Specialist or other designee in the Department of Human Resources who will conduct all applicable criminal history and background checks required for the position.
- C.** Individualized assessment: If the criminal history check reveals a criminal conviction related to the position in question and that would result in withdrawal of the conditional offer for necessitous business reasons, then Allegheny County will notify the candidate in writing that the criminal history check revealed a prior conviction, provide a copy of the criminal record, and inform the candidate that a preliminary decision has been made to withdraw the conditional offer of employment.

Allegheny County will allow the candidate an opportunity to provide a written explanation of the criminal conviction, which must be received by Allegheny County within seven (7) business days of the date of notification to the candidate. The candidate's written explanation will be considered in the employment decision. If the candidate does not provide a written explanation within seven (7) business days, the hiring department may extend a conditional offer to another candidate. If the candidate does provide a written explanation within seven (7) business days, the conditional offer may be reinstated only if the explanation changes the initial determination of the hiring department to withdraw that conditional offer. Otherwise, the hiring department may proceed to extend a conditional offer to another candidate.

- D.** The name of an applicant who successfully meets all terms and conditions specified in the conditional offer of employment letter may be submitted by the hiring department, along with other documents and information related to the selection process, to the County Manager for review. All final offers of employment are contingent upon approval of the County Manager.
- E.** Allegheny County Department of Human Resources will maintain criminal history and background check records in accordance with the following schedule:
 - For candidates not hired: Records will be maintained for two (2) years.
 - For candidates hired: Records will be maintained for seven (7) years after the employee separates from employment.

VI. Nothing in this Policy shall be construed as altering current Allegheny County/Department policies or procedures, collective bargaining agreements, or federal, state, or local laws requiring and/or permitting periodic criminal history and background checks to be made of current employees and/or requiring current employees to report criminal convictions.

VII. **Allegheny County reserves the right to change this policy at any time.**

VIII. Attachments:
Conditional Offer
Permission to Investigate Form