

Item Title: Criminal History Inquiries and Background Check Ordinance

Specific Action Requested:

That the Board of Commissioners amends the Personnel Ordinance to establish a Criminal History Inquiries and Background Check provision.

Item Summary:

Commissioner Holmes requested staff to provide information and research on removing the question on the initial employment application regarding prior criminal convictions and delay the question of criminal history to a later stage in the application and recruitment process.

The Wake County Government application for employment currently includes the following question that job applicants must answer: "Have you ever been convicted of any unlawful offense, other than a minor traffic violation? Please note, a conviction record will not necessarily exclude you from consideration."

It is recommended the County Personnel Ordinance be amended effective May 1, 2016 to reflect that the initial application form used to gather information from job applicants shall not require any applicant to disclose prior criminal convictions, but shall contain a prominent notice informing all job applicants that "Position may require a background check. Unless required by state law, a record of conviction will not automatically exclude you from consideration for employment." Wake County will conduct background checks on applicants for positions as required by law, positions deemed safety sensitive, positions that the County has determined a business necessity, and positions of such sensitivity that a background check is warranted.

If an applicant has a conviction, before being denied consideration of employment a number of factors are considered which include:

- The nature and gravity of the offense and its relationship to the position;
- The time that has passed since the conviction and/or completion of sentence;
- The number (if more than one) of convictions,
- The individual's age at the of the offense; and,
- Whether hiring the applicant would pose a risk to the business and other evidence regarding fitness for the position such as character references.

Wake County does not require a criminal background check on all positions. Each Department in Wake County has identified those positions either required by law or that are so sensitive in nature to require a background check. The type of information that may be collected as part of a background check is based on the duties and requirements of the position and may include a criminal background check, motor vehicle record, sexual offender registry check, reference check, credit history, drug screening, credentials, education and social security verification and e-verify.

Attachments:

1. Recommended Ordinance 31.14
2. Ban the Box Consideration
3. Administrative Human Resources Policy