



## **Policy: Background Screenings for Applicants, Employees, Interns, and Volunteers**

**ChildNet Number: CN 009.062**

**Original Approved Date: July 10, 2007**

**Policy Revised Date(s): August 28, 2007, October 2009, June 16, 2010**

**Policy Sunset Date:**

**COA Standard(s): HR 3.03**

### **Statement of Policy:**

To ensure the safety and well-being of the clients we serve, ChildNet conducts appropriate background screening of all its personnel, including interns, volunteers, and paid employees consistent with state and federal laws.

ChildNet will ensure adherence to the screening requirements described in Florida Statutes, F.S. 409.175 and F.S. 435 and F.A.C. 65C-15.016.

**Board Chair's Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

11/15/10



## **Procedure: Background Screenings for Applicants, Employees, Interns, and Volunteers**

**ChildNet Number: CN 009.062**

**Original Approved Date: July 10, 2007**

**Procedure Revised Date(s): August 28, 2007, October 2009, June 16, 2010, July 9, 2014, April 12, 2017, February 21, 2018, March 13, 2024**

**Procedure Sunset Date:**

**COA Standard(s): HR 3.03**

### **Definitions: (if any)**

**Screening:** Screening is the act of assessing the background of personnel and includes, but is not limited to, employment history checks as provided in Florida Statutes in Chapter 435, using the Level 2 standards for screening set forth in that chapter.

**Level 2 Screening:** Level 2 screening is background investigations that shall include, but not be limited to, the use of live scan to conduct statewide criminal and Department of Juvenile Justice juvenile records checks through the Florida Department of Law Enforcement, federal criminal records checks through the Federal Bureau of Investigation and may include local criminal records checks through local county and municipal law enforcement agencies.

**Live Scan:** An automated process for electronically capturing and transmitting fingerprints to appropriate law enforcement agencies for the purposes of conducting criminal records check.

**Office of Inspector General (OIG) List of Excluded Individual and Entities (LEIE):** A list maintained by the OIG that contains all individuals and entities that are currently excluded from Federally funded health care programs for a variety of reasons, including a conviction for Medicare or Medicaid fraud. Those that are excluded can receive no payment from Federal health care programs for any items or services they furnish, order, or prescribe. This includes those that provide health benefits funded directly or indirectly by the United States (other than the Federal Employees Health Benefits Plan).

**General Services Administration (GSA) System for Award Management (SAM):** A system used for registering to do business with the federal government, listing contract opportunities, capturing contractor performance, viewing contract data, searching assistance listings, reporting subcontracts, and more. A website (SAM.gov) is maintained as the official site used by the federal government to document and track the eligibility of an individual or entity to receive federal funds.

### **Statement of Procedure:**

**A. All candidates for employment and volunteer positions with ChildNet, including internships must:**



1. Complete the criminal history section of ChildNet's Employment Application, truthfully and accurately, and sign the release form on the front of the Application and such other releases of information that may be necessary for ChildNet to effectuate this policy. No one can begin work with children until after a background screening is completed and the applicant qualifies under F.S. 435.
2. Supply any missing criminal or other necessary information to ChildNet within 10 (ten) business days or be subject to automatic disqualification.
3. Complete a notarized Affidavit of Good Moral Character attesting to their eligibility.
4. Before their start date, submit to fingerprinting via Live Scan or other means and provide all information necessary to perform any and all background screenings.

**B. For every applicant, ChildNet's Human Resources will:**

1. Initiate Level 2 screenings for all applicants prior to their first day of work by:
  - a. Requesting and ensuring the submission of Live Scan or other methods of fingerprinting to the Federal Bureau of Investigation which then reports the findings of their national criminal records check to the Florida Department of Children & Families.
  - b. Submitting the individual's name and social security number to the local law enforcement agency for the municipality in which the individual resides.
  - c. Conduct and document at least three attempts to verify all previous employers during the past 5 years.
2. Receive and evaluate the results of the Level 2 criminal history screenings done by the agencies listed above and determine eligibility pursuant to the standards described in F.S. 435:
  - a. In any instance where a background screening indicates that a prospective employee, volunteer or intern has been arrested or taken into custody by law enforcement for an offense listed in F.S. 435.04, ChildNet's Human Resources staff is to obtain from the appropriate judicial or law enforcement agency documentation indicating disposition of the potentially disqualifying charge. In the case of an offense committed as a juvenile the disposition shall be obtained from the applicant, if not otherwise available. The candidate may not start while the disposition of an arrest for an offense listed in F.S. 435 is pending. To remain eligible for employment documentation of any disposition must be received before the end of the candidate's probationary period.
  - b. If such documentation indicates that the individual has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to any of



the offenses listed in F.S. 435.04 the individual shall be disqualified and denied employment for ChildNet.

- c. The individual shall be advised that requests to contest disqualification or to seek an exemption must be made in writing to the local Background Screening Coordinator of the Florida Department of Children & Families. The individual shall also be advised that granting of an exemption by the Department, however, does not compel ChildNet to reverse its decision to deny employment.
- d. When a background screening indicates that a candidate, volunteer, intern, or Board Member has been arrested or taken into custody by law enforcement for a felony offense that is not among those disqualifying offenses listed in F.S. 435 or for a drug or alcohol related offense ChildNet's Human Resources staff shall also obtain from the appropriate judicial or law enforcement agency documentation indicating disposition of the charge. In the case of an offense committed as a juvenile the disposition shall be obtained from the applicant, if not otherwise available.

If such documentation indicates that the individual has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to such a felony or drug or alcohol related offense, the case of the prospective employee shall be reviewed by a team consisting of ChildNet's head of Human Resources, Chief Legal Officer and Senior Management responsible for the department in which the individual is seeking employment or already employed. Their review shall consider the nature of the actual offense, the length of time since its occurrence and its relevance to the responsibilities and duties of the position for which the individual is being considered. Based on their review this team shall make a recommendation to ChildNet's Chief Executive Officer as to whether the individual should be denied employment with ChildNet. The final decision about the denial of employment shall be made by the Chief Executive Officer. In instances where a decision to deny employment is made, the documentation as to the disposition of the disqualifying offense shall be kept in a separate file maintained by ChildNet's Chief Legal Officer. The Chief Legal Officer shall also maintain records of team meetings convened to consider and recommendations made to deny employment. In all other instances the documentation as to disposition of a potentially disqualifying charge shall be made part of the individual's employment or personnel file maintained by the Human Resources Department.

3. For all Executive Leadership positions, Board Members, and designated employees providing responsibilities related to Medicaid Managed Care Organization (MCO) contract(s) for delegated care coordination activities, confirm these candidates are not excluded from federal and/or state health care programs upon hire. These checks include the OIG LEIE, GSA SAM, and State Exclusion Lists.



- a. If ChildNet discovers that an applicable candidate is excluded from federal and/or state health care programs, that candidate will be disqualified for these specified positions as related to the Medicaid MCO contract.
4. Conduct follow-up background screenings on existing employees, volunteers and interns according to the following schedule:
  - a. On or about the fifth anniversary of the individual's employment conduct the complete Level 2 background screening described in paragraphs 1.a, 1.b. and 1.c. above to include state and national criminal record checks.
  - b. For all Executive Leadership positions, Board Members, and designated employees providing responsibilities related to Medicaid Managed Care Organization (MCO) contracted delegated care coordination activities, monthly checks will be conducted to confirm an individual is not excluded from federal and/or state health care programs. These checks include the OIG LEIE, GSA SAM, and State Exclusion Lists.
  - c. ChildNet's Human Resources staff shall review and respond to the findings and follow-up background screenings of current employees in precisely the same manner as described above in paragraph 2 for prospective employees. This includes the consideration of felony charges that do not necessarily meet the disqualifying criteria described in F.S. 435.
  - d. If ChildNet becomes aware that an employee has been arrested for a disqualifying offense, the employee will be removed from a position that places the employee in contact with any child until the arrest is resolved in a way that ChildNet determines that the employee is still eligible for employment under F.S. 435.
  - e. If ChildNet discovers that an applicable employee or Board Member is excluded from federal and/or state health care programs, that individual will be removed and the Medicaid MCO will be notified immediately, as applicable if ChildNet holds a contract with a Medicaid MCO.
5. When making formal offers of employment and schedule employment start dates, given the speed with which the clearance can be obtained via Live Scan such activities should typically await full clearance. The following exception is permitted:

At the request of a ChildNet administrator at the Executive level, an employee may begin employment prior to obtaining FDLE clearance if the duties and responsibilities of that employee will not involve any direct contact with ChildNet clients, children or adults, prior to the obtaining of such clearance. Such a request must be made in writing to the Human Resources Department.



**C. Current ChildNet employees:**

1. Must immediately report to ChildNet's Human Resources Department and to their Supervisor following any arrest, allegation of child abuse, or incident that may/does result in an exclusion from federal and/or state health care programs while employed by ChildNet.
2. Must supply within a reasonable timeframe not to exceed two weeks, any missing criminal or other necessary background information to ChildNet's Human Resources Department upon their request for such information.
3. Shall, when requested, attest to, under penalty of perjury, they are meeting the requirements of qualifying for employment.
4. Those who observe or have knowledge of a violation of provisions of this Policy and Procedure must promptly report this observation or knowledge to their Supervisor and Human Resources. Failure to do so shall subject the employee to corrective action up to and including termination of employment.
5. Those who violate provisions of this Policy and Procedure shall be subject to corrective action up to and including immediate termination of employment.

**D. Confidentiality of personnel background screening information:**

No information obtained as a result of the background screening described in this Policy and Procedure shall be used for any purpose other than determining whether persons meet the minimum standards for employment or continued employment. The criminal and juvenile records obtained by ChildNet for this purpose are exempt from public records requests as described in F.S. 119.07.

**E. Human Resources, on ChildNet's behalf, shall submit to the Department of Children & Families annually, under penalty of perjury, an Affidavit of Compliance with the provisions of this Policy and Procedure.**

President's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

04-02-24