

POLICY No. 2009-01 POLICE CHECKS POLICY

Originating Department Human Resources

SMT Approval: 2013-05-03

Council in Committee: Recommendation #:

Council Approval: Resolution #:

Revision History: Click here for revision history

1. Policy:

An appropriate police check is required for specific positions at Haldimand County.

A Police Vulnerable Sector Check shall be provided by employees and persons 18 years of age and over who are selected to positions that provide service to or interact with a vulnerable person or persons

A Police Criminal Record Check shall be provided by employees and persons 18 years of age and over who are selected to positions that:

- handle cash over the amount of \$250 on behalf of the County; or
- have access to critical infrastructure or control equipment within County facilities (for example, mechanical rooms, server rooms, etc.)

2. Purpose:

To take reasonable precaution to ensure the safety of County assets and the well-being of County employees and persons who receive services provided by the County while at the same time to respect the privacy of candidates.

3. Scope:

This policy applies to all persons 18 years of age or over who are offered employment in positions designated by the Senior Management Team as requiring a Police Check.

4. **Definitions:**

A <u>Police Check</u> is either a Police Vulnerable Sector Check or Police Criminal Record Check conducted by the Ontario Provincial Police (OPP) Cayuga Detachment or the police service in the successful candidate's home location.

A Police <u>Vulnerable Sector Check</u> (Attachment A) is a police check used to verify the possible existence of a criminal record and a sexual offence conviction for which an individual has not received a pardon.

A <u>Vulnerable Person</u> is a person, who because of their age, a disability or other circumstances, whether temporary or permanent, are:

- (a) in a position of dependence on others or
- (b) are otherwise at greater risk than the general population of being harmed by a person in a position of authority or trust relative to them, pursuant to the *Criminal Records Act*.

A Police <u>Criminal Record Check</u> (Attachment B) is a police check used to verify the possible existence of a criminal record for which an individual has not received a pardon.

5. Responsibility:

- 5.1 The hiring Manager shall ensure that:
 - Any person presented an offer of employment for a position requiring a Police Check has submitted an appropriate Police Check as required for the position being filled;
 - An appropriate decision is made in consultation with the General Manager and Manager, Human Resources regarding employment based on the findings of the Police Check;
 - Any Police Check documentation presented to a Manager / Supervisor is treated with strict confidentiality and forwarded to the Human Resources Division for retention
- 5.2 The Manager, Human Resources shall ensure that:
 - A current list of positions identified by the Senior Management Team as requiring a Police Check is available at all times;
 - Police Check documentation received in the Human Resources Division is treated as private and confidential information and placed on the employee's personnel file in the Human Resources Division;
 - Hiring Managers are informed as appropriate when Police Check documentation is received;
- 5.3 An employee charged with a criminal offence shall contact their respective Manager or the Manager, Human Resources immediately to discuss the charge and its possible impact on their employment at Haldimand County.
- 5.4 Employees being considered for a position, different from their current position, that requires a Police Check shall provide an appropriate Police Check that has been completed within the past six months prior to the date on the conditional offer of employment. If the employee has submitted an appropriate Police Check since being hired, the employee may either complete Attachment F declaring that he / she does not have a criminal record or submit an appropriate Police Check.
- 5.5 Candidates from outside the County being considered for positions requiring a Police Check shall provide an appropriate Police Check that has been completed within the past six months prior to the date on the conditional offer of employment.

- 5.6 Managers responsible for the recruitment of volunteers will ensure that a police check policy and procedure consistent with this policy and covering the following points is developed and administered within their respective Division:
 - Volunteer positions requiring a Police Check are identified;
 - Responsibilities of persons involved in the process are identified;
 - A procedure ensuring that a satisfactory Police Check is required and obtained before the person begins to volunteer; and
 - All related documentation is stored in a manner that respects privacy.
- 5.3 The Manager, Emergency Services / Fire Chief will ensure that all Paramedics employed by Haldimand County provide a Police Check in accordance with Provincial legislative requirements and that all related documentation for Paramedics is administered by the Emergency Services Division in accordance with the principles of this policy.

6. Procedure

- 6.1 Job postings, external advertisements and job documents for those positions identified as requiring a Police Check shall reflect the appropriate requirement as a condition of employment.
- 6.2 An offer of employment for a position identified as requiring a Police Check shall be made conditional on the candidate providing a satisfactory Police Criminal Record Check or Police Vulnerable Sector Check, as appropriate, to the Human Resources Division prior to their start date.
- 6.3 A Vulnerable Sector Check requires the following documents:
 - Agency Letter (Attachment C)
 - Two forms of acceptable identification including one photo ID (see Attachment D)

If the candidate lives in Haldimand County, he / she shall take this information to the OPP Cayuga Detachment Office to initiate the Police Check.

If the candidate does not live in Haldimand County, he / she shall take this information to the police services office in their home location to initiate the Police Check.

- 6.4 A Police Criminal Record Check requires the following documents:
 - Agency Letter (Attachment C)
 - Two forms of acceptable identification including one photo ID (see Attachment D)

If the candidate lives in Haldimand County, he / she shall take this information to the OPP Cayuga Detachment Office to initiate the Police Check.

If the candidate does not live in Haldimand County, he / she shall take this information to the police services office in their home area to initiate the Police Check.

- 6.5 Any cost for obtaining a required Police Check is the responsibility of the candidate.
- 6.6 If the Police Check does not indicate any cause for concern relative to the position being filled, the Human Resources Division will inform the hiring Manager.

- 6.7 If the Police Check does indicate cause for concern relative to the position, the hiring Manager and their General Manager will consult with the Manager, Human Resources, and confirm in writing to the candidate their decision regarding employment.
- 6.8 If a Police Check is not provided within two weeks from the date of the conditional offer of employment without an explanation acceptable to the hiring Manager, the conditional offer may be withdrawn in writing by the hiring Manager and other candidates will be considered.
- 6.9 An offer of employment shall be confirmed in writing with the candidate once the Police Check and any other required information / documentation are received by the Human Resources Division and that documentation is deemed appropriate.
- 6.10 Although a successful candidate to any position designated as requiring a Police Check must submit an appropriate Police Check, an exception to the requirement to provide that Police Check prior to start date may be approved by the hiring Manager's General Manager or the Chief Administrative Officer.
- 6.11 When an exception is granted in conjunction with Section 6.10, the candidate will complete Attachment E declaring that he / she has requested the required Police Check and will return the completed declaration to the hiring Manager.
- 6.12 All Police Check documentation received by the County shall be treated as private and confidential information and placed only on the selection file maintained in the Human Resources Division or the successful candidate's personnel file in the Human Resources Division.

7. References:

Criminal Records Act

Freedom of Information and Protection of Privacy Act

Ontario Human Rights Code

Haldimand County Code of Conduct

Ministerial Directive Concerning the Release of Criminal Record Information by the Royal Canadian Mounted Police effective August 4, 2010

Attachments

Attachment A	Sample of OPP Form LE220E - Vulnerable Sector Check	
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Attachment B Sample of OPP Form LE219E - Criminal Record Check / Police Record

Check

Attachment C Agency Letter

Attachment D List of Acceptable Identification accepted by the Ontario Provincial Police

Cayuga Detachment

Attachment E Declaration Form – External Hire

Topical Index	Corporate Services		
Policy Number	09-01		
Short Title	Police Check (formerly Criminal Reference		
	Check)		
SMT Approval Date	January 16, 2009		
Council in Committee	September 14, 2009 Recommendation # 31		
Council Approval Date	September 21, 2009 Resolution # 281-09		
Originating Department	CS-HR-09-2009		
Revisions			
#1	Policy title change from Criminal Reference		
	Check to Police Check Policy		
	SMT Approval Date: May 26, 2011		
#2	Policy revisions and housekeeping changes		
	incorporated as per April 18,2013 e-mail from		
	Jim Dover to SMT		
	SMT Approval Date: May 3, 2013		



Vulnerable Sector Check

Personal information contained on this form is collected pursuant to the Police Services Act, s.41 and Federal and Provincial privacy legislation and is collected for the purpose of processing this Vulnerable Sector Check. Information related to this check will be retained for two years. Questions concerning this collection should be directed to your local OPP detachment.

to your local OPP detachment.

This check is to be used by applicants seeking a paid or volunteer position with vulnerable persons. "Vulnerable person" means a person who, because of their sige, a disability or other circumstances, whether temporary or permanent, are (a) in a position of dependence on others; or (b) are otherwise at a greater risk than the general population of being harmed by a person in a position of authority or trust relative to them, pursuant to the Criminal Records Act.

This check will include the following information as it exists on the date of the search:

RCMP National repository of Criminal Records, including the Pardoned Sex Offender Database - Pardoned criminal convictions as per the Schedule of the Criminal Records Act, including non sex offences, identified as a result of a Vulnerable Sector Verification search and authorized for release by the Minister of Public Safety

- and Emergency Prepareuness

 Canadian Police Information Centre (CPIC) (Intelligence and Investigative Databanks)

 Outstanding entries, such as charges and warrants, judicial orders, Family court restraining orders, Peace Bonds, Probation and Prohibition orders

 Absolute and Conditional Discharges (1-3 years) from local police databases

 Criminal charges resulting in dispositions and non-conviction including, but not limited to: Stayed, Withdrawn, Dismissed, Not Guilty, and cases of not criminally responsible by reason of mental disorder as listed on local police indices
- Police contacts including but not limited to theft, weapons, sex offences, or violent, harmful or threatening behavior which may or may not have involved a mental health incident where no charges were laid

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Criminal Record Check Police Record Check

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Attachment C - AGENCY LETTER



TO:	□ OR	Ontario Provincial Police
		Police Services Provider other than OPP - (Name)
		Vulnerable Sector Clearance Request
being	of one	orized representative of a person or organization that is responsible for the well- or more children or vulnerable persons, as defined in Section 6.3(1) of the <i>Criminal</i> , I hereby request that the above-identified police services:
	□ C	conduct a search
		o not conduct a search (Person Under Age of 18 and / or not in direct contract with ulnerable persons)
Pursu	ant to	Section 6.3 of the Act with respect to the following individual and / or positions(s):
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Requ	ired for	: (check one) mployment olunteer college / University student placement
Name	of cor	ntact at Haldimand County:
		(Hiring Supervisor)
		(Position)
Date:		
Agen	cy Lette	er 2013Feb11

Attachment D – List of Acceptable Identification Accepted by OPP - Cayuga Detachment

*Applicant shall provide two forms of ID including one photo ID

- ✓ Driver's License
- ✓ Passport
- ✓ Fishing / Hunting License
- ✓ Birth Certificate
- ✓ Canadian Citizenship
- ✓ Status Card
- ✓ Canadian Blood Donor Card
- ✓ PAL Card ✓ FAC Card
- ✓ Age of Majority Card✓ Baptismal Certificate
- ✓ Government Employment Card
- ✓ Military Employment Card
- ✓ Immigration Papers

Attachment E - DECLARATION FORM - External Hire



DECLARATION REGARDING REQUIREMENT FOR POLICE CHECKS - EXTERNAL HIRE

Police Checks Policy 2009-01 requires that a satisfactory current Criminal Record Name Check or Vulnerable Sector Check (within the past six months prior to the date on the conditional offer of employment letter) be provided by potential employees and persons 18 years of age and over who are selected for positions that:

- provide service to or interact with a vulnerable person or persons, OR
- handle cash over the amount of \$250 on behalf on the County, OR
- have access to critical infrastructure or control equipment within County facilities (for example, mechanical rooms, sever rooms, etc.).

I, (name of candidate)in the	, have been offered the position of Division, and
declare that:	Biviolon, and
☐ I do not have a criminal record☐ I do have a criminal record for which I have not bee	n pardoned
Date of Incident(s):	
Nature of Criminal Charge(s):	
On (date), I requested (name of police to provide me with a complete	
(Note: Hiring Supervisor to check which form is required by above)	the Candidate for the position noted
,	□ Vulnerable Sector Check.
I agree to provide this Police Check to Haldimand County in understand that the information provided on this Declaratio will be used solely for the purpose of making an employme Declaration will be just cause for the immediate termination	n and the completed Police Check nt selection decision and that a false
Candidate's Signature	Date

Attachment F - DECLARATION FORM - COUNTY EMPLOYEE



DECLARATION REGARDING REQUIREMENT FOR POLICE CHECKS – COUNTY EMPLOYEE

Police Checks Policy 2009-01 requires that a satisfactory current Criminal Record Name Check or Vulnerable Sector Check (within the past six months prior to the date on the conditional offer of employment letter) be provided by potential employees and persons 18 years of age and over who are selected for positions that:

- provide service to or interact with a vulnerable person or persons, OR
- handle cash over the amount of \$250 on behalf on the County, OR
- have access to critical infrastructure or control equipment within County facilities (for example, mechanical rooms, sever rooms, etc.).

I, (name of employee)	
in the	Division, and
declare that:	
 ☐ I provided a current Police Check to Haldimand Co ☐ I do not have a criminal record ☐ I do have a criminal record for which I have not been considered. 	
- Tuo have a chiminal record for which thave not bee	on pardoned
I understand that the information provided on this Declarat of making an employment selection decision and that a faltithe immediate termination of my employment.	, , , , , , , , , , , , , , , , , , , ,
Employee's Signature	 Date