

FOREST HILLS BACKGROUND CHECK POLICY

Scope: The Forest Hills Background Check Policy (the “Policy”) applies to all individuals who receive a conditional offer of full or part-time employment from the Borough of Forest Hills (“the Borough”), any current employee seeking a promotion or any volunteers whose activities may bring them into contact with children under the age of 18. All offers of full or part-time employment with the Borough are conditional upon the results of a background check, as set forth in this Policy.

Purpose: The purpose of this Policy is to establish the conditions for full or part-time employment and certain volunteer positions that involve contact with children under the age of 18 with the Borough.

Background Check Process: All individuals seeking full or part-time employment with the Borough who receive a conditional offer of employment, any current employee seeking a promotion or any volunteers whose activities may bring them in contact with children under the age of 18 will be required to execute a written authorization allowing the Borough to order and/or conduct a criminal background check. All executed authorization forms must be returned to the Borough by the designated due date. Failure to provide a completed authorization form by the deadline may disqualify the individual from employment with the Borough.

The background check may include all or a portion of the following:

- *Social Security Number Verification*
- *Criminal History Check* – This includes a state-wide criminal background check, a county by county criminal background check, all sex offender registries and a nationwide criminal background check.
- *Credit Report Check*
- *Driving Records Check*
- *Verification of Academic Credentials*
- *Previous Employment History*

It is in the Borough’s sole discretion whether to conduct a particular background check. The authorization form attached to this Policy will permit the Borough to conduct any of the above-referenced background checks.

The Borough will pay any fees associated with the above-referenced background checks. However, an individual seeking full or part-time employment, a current employee seeking a promotion or any volunteers which involve contact with children under the age of 18 must obtain an Act 33/34 clearance at his or her own expense. Failure to obtain the Act 33/34 clearance, if required for the position, will disqualify an individual from employment, a current employee from a promotion or an individual from a volunteer position.

All information received as a result of a background check will be kept confidential. The results will not be disclosed to anyone other than certain employees or elected officials that have a legitimate business need to know.

Results of Background Check: In accordance with the Pennsylvania Criminal History Record Information Act, 18 Pa.C.S.A. § 1925, when making employment decisions, the Borough will only consider felony and misdemeanor convictions to the extent that they relate to the individual's suitability for employment in the desired position. The Borough will not disqualify any individual on the basis of his or her criminal experience that falls short of conviction or a plea of guilty or nolo contendere, such as an arrest. Before rejecting an individual based on the results of a background check, the Borough will provide the individual with a copy of the background check as well as a summary of the individual's rights under the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. 1681-1681u. The Borough will also notify the individual in writing if he or she is being rejected in whole or in part based on the individual's criminal history.

The requirements of the Pennsylvania Criminal History Record Information Act do not apply to the Borough's volunteer positions.

Disqualification: In accordance with Pennsylvania Criminal History Record Information Act, 18 Pa.C.S.A. § 1925, the Borough may exclude an individual from employment based on misdemeanor and felony convictions that relate to the individual's suitability for employment in the desired position. The requirements of the Pennsylvania Criminal History Record Information Act do not apply to the Borough's volunteer positions.

The Borough will consider the nature of the offense, the rehabilitation of the individual and the length of time since the offense. It is in the Borough's sole discretion to determine whether a particular felony or misdemeanor is related to the individual's suitability for employment in a particular position or suitability for certain volunteer positions. Moreover, it is in the Borough's sole discretion to determine whether any non-criminal related information discovered in an individual's background check will disqualify the individual from employment or certain volunteer positions with the Borough.

Nothing in this Policy shall be construed as a waiver or limitation on the discretion of the Borough to disqualify an individual for employment, current employee from promotion or any volunteers whose activities may bring them into contact with children under the age of 18 for any non-legally protected basis.

Fair Credit Reporting Act (FCRA) Disclosure and Authorization Statement

All applicants for employment and certain volunteer positions should carefully read and sign below.

I, the undersigned Applicant, understand that as part of the employment and volunteer application process, the Borough of Forest Hills (the "Borough") may obtain or have prepared by a third party consumer reporting agency, a consumer report detailing, among other things, my prior employment history, education, credit history and worthiness, character, reputation, criminal background, and references generally.

I understand that upon my written request to the Borough, I will be informed whether a consumer report was requested and given all information as to the nature and scope of the investigation summarized in the report. I hereby acknowledge that I understand that a consumer report may contain information regarding my prior employment history, education, credit history and worthiness, character, reputation, criminal background, and references generally, as well as other items deemed appropriate by the Borough to evaluate my qualification for employment or for a volunteer position that involves contact with children under the age of 18. Furthermore, I acknowledge that information contained in the consumer report is obtained by, among other methods, through personal interviews with neighbors, friends, or associates with whom I am acquainted.

By signing below, I hereby authorize, release and agree to hold harmless the individual, company, and/or institution that provides the consumer/investigative report, and the Borough and/or its employees, agents, and officers in obtaining and utilizing a consumer/investigative report on me as part of its employment or volunteer background investigation process in evaluating my qualifications for employment or for a volunteer position that involves contact with children under the age of 18. In the event I am offered employment or a volunteer position that involves contact with children under the age of 18 by the Borough, I hereby further authorize and hold harmless the Borough and/or its employees, agents, and officers in obtaining additional information of a consumer/investigative nature, as well as the individual, company and/or institution that provides the same, contained within consumer reports, at any time during my employment with the Borough.

Furthermore, by signing below, I hereby acknowledge that the Borough has provided me with an accurate summary of my rights under the federal Fair Credit Reporting Act.

Full Legal Name of Applicant (print): _____

Signature of the Applicant: _____

Date of the Signature: _____

A Summary of Your Rights Under the Fair Credit Reporting Act

The federal Fair Credit Reporting Act (FCRA), 15 U.S.C. 1681-1681u, is designed to promote accuracy, fairness, and privacy of information in the files of every "consumer reporting agency" (CRA). Most CRAs are credit bureaus that gather and sell information about you -- such as if you pay your bills on time or have filed bankruptcy -- to creditors, employers, landlords, and other businesses. The FCRA gives you specific rights, as outlined below. You may have additional rights under state law. You may contact a state or local consumer protection agency or a state attorney general to learn those rights.

- **You must be told if information in your file has been used against you.** Anyone who uses information from a CRA to take action against you -- such as denying an application for credit, insurance, or employment -- must tell you, and give you the name, address, and phone number of the CRA that provided the consumer report.
- **You can find out what is in your file.** At your request, a CRA must give you the information in your file, and a list of everyone who has requested it recently. There is no charge for the report if a person has taken action against you because of information supplied by the CRA, if you request the report within 60 days of receiving notice of the action. You also are entitled to one free report every twelve months upon request if you certify that (1) you are unemployed and plan to seek employment within 60 days, (2) you are on welfare, or (3) your report is inaccurate due to fraud. Otherwise, a CRA may charge you up to eight dollars.
- **You can dispute inaccurate information with the CRA.** If you tell a CRA that your file contains inaccurate information, the CRA must investigate the items (usually within 30 days) by presenting to its information source all relevant evidence you submit, unless your dispute is frivolous. The source must review your evidence and report its findings to the CRA. (The source also must advise national CRAs -- to which it has provided the data -- of any error.) The CRA must give you a written report of the investigation and a copy of your report if the investigation results in any change. If the CRA's investigation does not resolve the dispute, you may add a brief statement to your file. The CRA must normally include a summary of your statement in future reports. If an item is deleted or a dispute statement is filed, you may ask that anyone who has recently received your report be notified of the change.
- **Inaccurate information must be corrected or deleted.** A CRA must remove or correct inaccurate or unverified information from its files, usually within 30 days after you dispute it. **However, the CRA is not required to remove accurate data from your file unless it is outdated (as described below) or cannot be verified.** If your dispute results in any change to your report, the CRA cannot reinsert into your file a disputed item unless the information source verifies its accuracy and completeness. In addition, the CRA must give you a written notice telling you it has reinserted the item. The notice must include the name, address and phone number of the information source.
- **You can dispute inaccurate items with the source of the information.** If you tell anyone -- such as a creditor who reports to a CRA -- that you dispute an item, they may not then report the information to a CRA without including a notice of your dispute. In addition, once you've notified the source of the error in writing, it may not continue to report the information if it is, in fact, an error.
- **Outdated information may not be reported.** In most cases, a CRA may not report negative information that is more than seven years old; ten years for bankruptcies.
- **Access to your file is limited.** A CRA may provide information about you only to people with a need recognized by the FCRA -- usually to consider an application with a creditor, insurer, employer, landlord, or other business.

- **Your consent is required for reports that are provided to employers, or reports that contain medical information.** A CRA may not give out information about you to your employer, or prospective employer, without your written consent. A CRA may not report medical information about you to creditors, insurers, or employers without your permission.
- **You may choose to exclude your name from CRA lists for unsolicited credit and insurance offers.** Creditors and insurers may use file information as the basis for sending you unsolicited offers of credit or insurance. Such offers must include a toll-free phone number for you to call if you want your name and address removed from future lists. If you call, you must be kept off the lists for two years. If you request, complete, and return the CRA form provided for this purpose, you must be taken off the lists indefinitely.
- **You may seek damages from violators.** If a CRA, a user or (in some cases) a provider of CRA data, violates the FCRA, you may sue them in state or federal court.

FOR QUESTIONS OR CONCERNS REGARDING:	PLEASE CONTACT:
CRAs, creditors and others not listed below	Federal Trade Commission Consumer Response Center - FCRA Washington, DC 20580, 1-877-382-4367 (Toll-Free)
National banks, federal branches/agencies of foreign banks (word "National" or initials "N.A." appear in or after bank's name)	Office of the Comptroller of the Currency Compliance Management, Mail Stop 6-6 Washington, DC 20219, 800-613-6743
Federal Reserve System member banks (except national banks, and federal branches/agencies of foreign banks)	Federal Reserve Board Division of Consumer & Community Affairs Washington, DC 20551, 202-452-3693
Savings associations and federally chartered savings banks (word "Federal" or initials "F.S.B." appear in federal institution's name)	Office of Thrift Supervision Consumer Programs Washington, DC 20552, 800-842-6929
Federal credit unions (words "Federal Credit Union" appear in institution's name)	National Credit Union Administration 1775 Duke Street Alexandria, VA 22314, 703-518-6360
State-chartered banks that are not members of the Federal Reserve System	Federal Deposit Insurance Corporation Division of Compliance & Consumer Affairs Washington, DC 20429, 800-934-FDIC
Air, surface, or rail common carriers regulated by former Civil Aeronautics Board or Interstate Commerce Commission	Department of Transportation Office of Financial Management Washington, DC 20590, 202-366-1306
Activities subject to the Packers and Stockyards Act, 1921	Department of Agriculture Office of Deputy Administrator - GIPSA Washington, DC 20250, 202-720-7051

Please initial and date: _____

Approved: September 23, 2009
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