

CHALLENGE WORKFORCE SOLUTIONS BACKGROUND CHECK POLICY

Commitment to Ethical Conduct

Challenge staff and volunteers are expected to adhere to the highest ethical standards. Challenge's intent is to protect its consumers, safeguard the privacy of all applicants whose background is being checked, and comply with all applicable laws.

Required Criminal Background Check

Challenge will comply with all laws requiring Criminal Background Checks of prospective employees and volunteers. In particular, we will comply with Chapter 575 of the Laws of 2004 of the Office of Mental Health and Part 550 of Title 14 MHL Criminal History Record Checks of 2007 of the Office of People with Developmental Disabilities, any amendments to these laws, and all regulations promulgated by OPWDD, OMH, or other regulatory authorities. In addition, we will observe any other laws or regulations governing background checks of applicants. In any event in which a provision of this policy conflicts with any law or regulation which govern our behavior, that provision will be considered void. It is always Challenge's policy to comply with the law and with current regulations. Only persons with a bona fide, conditional written job offer will be fingerprinted.

Which Applicants are Covered

We assume that any direct care employees who will have regular and substantial unsupervised contact with consumers are subject to a background check. Direct care employee, for the purposes of this policy, includes every person in the role of directly assisting a person receiving services.

Consultants, volunteers, or student interns who are not on Challenge's payroll, but are contracted to come to Challenge's premises to perform services directly to consumers on Challenge's behalf are covered by this policy. We will perform a criminal background check before allowing any consultant to have regular and substantial unsupervised contact with consumers.

Employees of other entities covered by Chapter 575 of the Laws of 2004 and Part 550 Criminal History Record Checks of 2007 who come to Challenge's premises to provide direct services to consumers on behalf of the other entity are presumed to have passed the appropriate criminal background check taken by their employer. Examples are Medicaid Service Coordinators, counselors or therapists employed by legitimate provider agencies, or group home representatives who come to Challenge to dispense medications. Challenge will take care to allow employees only of legitimate provider agencies to come onto our premises to provide such services.

Challenge will make sure that any other entity under contract with Challenge who provides services to our consumers is an approved provider agency before we will allow

employees of that entity to have regular and substantial unsupervised contact with our consumers. An example is transportation: Gadabout is an approved provider.

Examples of volunteers not subject to the check include members of the Board or a committee of the Board, and fund-raising volunteers. If there is any doubt about whether a volunteer will have regular and substantial unsupervised contact with consumers and is therefore subject to a criminal background check, Human Resources must be consulted before the volunteer is allowed unsupervised access Challenge's premises.

Other visitors and contractors who come to Challenge's premises are not considered to be employees or volunteers subject to a criminal background check. Examples are personal visitors escorted by an employee, building contractors and repair technicians. It is the responsibility of staff to ensure that these visitors do not have substantial unsupervised contact with consumers.

When Applicants May Start to Work

Challenge will not employ a job applicant, or allow a volunteer to interact with consumers unsupervised, until the results of the background check have come back. An applicant who is hired provisionally is required to work under direct supervision of management or staff who has been employed at least six months until all results of the background checks are completed.

Who May See Applicants' Paperwork and Results

Members of the Human Resources department and their designated back-ups may be selected by Challenge to act as an Authorized Party with the Justice Center to request, receive and review information related to a Criminal Background Check. Only authorized parties will have access to the Justice Center database. Any employee selected to act as an Authorized party will submit a properly completed Authorized Party Designation Form signed by the President of Challenge.

Authorized Parties will not discuss the specific contents of any information regarding an applicant, other than to inform the hiring manager whether the Justice Center has issued or not issued a denial for the applicant. If an abeyance has been issued, the Authorized Party will inform the hiring manager that there will be a delay before hiring, and will contact the applicant to make sure that the applicant knows how to proceed if he or she wishes to be hired. If a pending denial has been issued, the Authorized Party will inform the hiring manager that there is a pending denial, but will not reveal the reason.

How Files Are to be Kept

Criminal History Record Checks of all staff and volunteers are confidential and may not be shown to anyone other than an Authorized Party, and employee of New York State authorized by current regulations to examine the records, or the Executive Director of Challenge. They are stored separately from employee files and destroyed within six

years from the date employee is no longer considered to be a subject individual per OPWDD and OMH.

Criminal History Record Checks of any staff not hired or volunteers who do not begin their volunteer service are confidential and may not be shown to anyone other than an Authorized Party, an employee of New York State authorized by current regulations to examine the records, or the Executive Director of Challenge. They are stored separately from employee files and destroyed within six years from the date employee is no longer considered to be a subject individual per OPWDD and OMH. Applicants not hired because of a denial will be notified within fourteen days. Challenge will inform the CBC unit within fourteen days if the applicant decides not to accept an offer of employment or volunteer service.

A roster is kept of all active employees and volunteers who have been subject to the Criminal Background Check. When employment or volunteer service is terminated, Challenge will notify the CBC unit within fourteen days.

For Circumstances When a Prospective Employee's Application is Denied

In the event that a criminal background is present and employment is denied by the Justice Center, Challenge will notify the applicant in writing and they have the right to request a copy of their criminal record summary. Documentation of the notification will be kept confidential along with other criminal background information.

Employees Who Are Subject to Child Abuse Screening

Effective June 30, 2013, all employees subject to a criminal background check are also subject to a child abuse screening. Under this regulation, the prospective employee will give consent to the background check and Human Resources or its designated Authorized Party will conduct the screening through the NYS Office of Children and Family Services (OCFS) online clearance system. Until the screening is complete, the employee will not provide services to the consumer. All information provided by OCFS will be kept confidential and stored with the criminal background check information.

Applicants Who Are Subject to a Department of Motor Vehicle Record Screening

In addition to a Criminal Background Check, all applicants who are hired for a job where driving is an essential part of the job, will be required to have their license checked for insurance approval prior to their start date. The prospective employee will give consent by completing a DMV Authorization form and Human Resources will send it to Challenge's insurance company. All information provided by the DMV and Challenge's insurance company will be kept confidential and stored in the employee's personnel file.

Contracted Professionals Who are Subject to a License Verification

All prospective professionals who required a license to practice (i.e. Occupational Therapist, etc.) will be required to have their professional license verified for authenticity prior to their first day of providing services. The prospective employee will give consent by completing a license verification form and Human Resources will send it to the

proper authorities. All information provided will be kept confidential and stored in the contracted professional's file.

Applicants, volunteers and contracted professionals will be hired contingent upon a non-denial from OPWDD, OMH, OCFS, Challenge's insurance company, and/or license verification authorities.