

IDAHO DIVISION OF VETERANS SERVICES

CRIMINAL HISTORY AND BACKGROUND CHECK PROCEDURES

HR-PR-03-02

In accordance to the criminal history and background check requirements pursuant to Idaho Department of Health and Welfare, Minimum Standards for Skilled Nursing and Intermediate Care Facilities and Criminal History And Background Checks Rules, IDAPA 16.03.02.009 and 16.05.06.100, a criminal history and background check must be completed on employees and contractors (contract employees) hired or contracted with, after October 1, 2007, who have direct patient access to residents in the skilled nursing care facility.

An Idaho Department of Health and Welfare criminal history and background check conducted under IDAPA 16.05.06, "Criminal History and Background Checks," satisfies this requirement. The Idaho Department of Health and Welfare criminal history and background check is a fingerprint-based check consisting of a search of crimes in various record sources, including the FBI's national criminal history systems, State systems, statewide Child Abuse and Adult Protection Register, Idaho Sexual Offender Registry, Idaho driving records, Nurse Aide Registry, and the Office of Inspector General exclusion list.

The Division of Veterans Services ("the Division") has implemented the following procedures to ensure the health and safety of the Division's residents, clients, employees, contractors, interns, volunteers, and visitors.

The Division Criminal History Check Documentation Coordinators* (along with the Contract Companies for contract employees) are responsible for maintaining and monitoring the employees', contract employees', interns', and volunteers' criminal history background check documentation, and informing the appropriate Agency Program Executives if there should happen to be any issues. As part of this process, the appropriate Division Criminal History Check Documentation Coordinators* will complete and sign the Criminal History and Background Checklist (form HR-PR-14-02-F1) for each Idaho State Veterans Home (ISVH) employee, contract employee, or intern (this form is not required for volunteers). This form will be attached as the cover page and maintained with the criminal history background check application and records received from the Idaho Department of Health and Welfare Criminal History Unit (IDHW-CHU), the Idaho State Police, Bureau of Criminal Identification (ISP-BCI), and/or any other Consumer Reporting Agency (CRA).

Section 1. The Division Criminal History Check Documentation Coordinators*

The Division Criminal History Check Documentation Coordinators include the following Division personnel/positions:

1. The Division's Senior Human Resource Specialist position (for Division headquarters staff who work at the ISVH)
2. The Idaho State Veterans Homes' Human Resource Associate and HR Specialist positions (for ISVH staff)
3. The Idaho State Veterans Homes' Administrative Assistant 2 positions (for ISVH contract employees and interns)
4. The Idaho State Veterans Homes' Volunteer Services/ Activities Coordinator positions (for ISVH volunteers)

Section 2. Fair Credit Reporting Act (FCRA) Disclosure & Authorization Requirements

Since the Division is required to obtain a criminal history and background check (also considered a consumer report), pursuant to the Idaho Department of Health and Welfare Rules described above, from the IDHW-CHU, the ISP-BCI, and/or another CRA, the Division and its Contract Companies must also adhere to the federal Fair Credit Reporting Act (FCRA) and the Fair and Accurate Credit Transaction Act (FACT Act). In accordance with FCRA and FACT, **prior to ordering a criminal history and background check**, the Division Criminal History Check Documentation Coordinators, along with the Contract Companies for contract employees, must:

1. Inform the employee or contract employee (hereon after referred to as "employee/contractor"), or intern/volunteer, of the Division's employment screening procedures. This is done by providing the employee/contractor/intern/volunteer with a copy of these procedures (Criminal History and Background Check Procedures, HR-PR-03-02), along with the Division's Combined Disclosure and Authorization form and A Summary of Your Rights Under the Fair Credit Reporting Act (Exhibit A, pages 1-3).
2. Obtain the employee/contractor/intern/volunteer's written authorization for the background check by having the employee/contractor/intern/volunteer sign and return the signature page of *Exhibit A (page 1 of 3)* and *Exhibit B*. The signed Combined Disclosure Notice and Authorization form, regardless of the hiring decision, shall be kept in the employee/contractor/intern/volunteer's ISVH criminal history check file for a minimum of 8 years (see the Section 7 below concerning Records Retention and Disposal of Records for further information).

3. If the employee/contractor/intern/volunteer expresses any concern that he/she may have been a victim of identity theft, the employee/contractor/intern/volunteer shall be advised to contact the applicable CRA in order to be provided with the appropriate guidance. The employee/contractor/intern/volunteer shall also be encouraged to visit the Federal Trade Commission website at <http://www.consumer.ftc.gov/features/feature-0014-identity-theft> so he/she can obtain further information regarding immediate steps he/she can take to remedy/repair the effects of identity theft.

If denying employment or continued employment, and/or the ability to provide services at the ISVH, is being considered based on the results of the criminal history and background check, then the following additional steps are required:

1. A **Pre-Adverse Action Notification** letter must be sent to the employee/contractor/intern/volunteer. As part of this pre-notification letter, the employee/contractor/intern/volunteer shall:
 - a. be informed that their employment, or ability to provide services, "**may be denied/terminated/discontinued**" as a result of the information contained in their background screening results (information concerning the final decision shall be disclosed in this letter);
 - b. be provided with the appropriate CRA's contact information (e.g. IDHW-CHU, ISP-BCI, or other third party agency used to obtain the background check results) in case he/she has any questions concerning the background screen results or wishes to dispute the results;
 - c. be informed to also contact the Division Criminal History Check Documentation Coordinator in writing no later than ten (10) calendar days if he/she has decided to dispute the background check findings obtained from IDHW-CHU, ISP-BCI, and/or other CRA (Note: an employee/contractor/intern/volunteer may not continue to provide services during this time);
 - d. receive a copy of these procedures;
 - e. receive a copy of their complete criminal history and background check results; and
 - f. receive a copy of A Summary of Your Rights Under the Fair Credit Reporting Act (also found in Exhibit A)
2. If the employee/contractor/intern/volunteer chooses to dispute the finding(s) with the CRA, the Division Criminal History Check Documentation Coordinator shall contact the Division Headquarters Financial Manager and/or the Human Resource Officer for further guidance.
3. If, within five (5) calendar days, the Division Criminal History Check Documentation Coordinator does not receive written notification of the employee/contractor/intern/volunteer's intent to dispute any finding(s) that he/she believes to be erroneous, an **Adverse Action Notification** letter will be issued. As part of this letter, the employee/contractor/intern/volunteer shall:
 - a. be informed of the Division's final decision to deny continued employment, or ability to provide services, at the ISVH;
 - b. be informed that the CRA did not make the adverse decision, nor is the CRA able to explain why the Division made this decision; and
 - c. be informed that he/she has sixty (60) days to request a free copy of their report from the CRA and be provided with the CRA's contact information.

Section 3. Employees and Contract Employees

3A. IDHW-CHU Transferable Background Checks & Idaho State Police Background Checks

IDHW-CHU background checks are transferable for up to three (3) years from the date of completion. Therefore, if a new hire has received an IDHW-CHU background check with a previous employer, and it has been less than three (3) years since the completion of the IDHW-CHU background check, the Division (or the Contract Company for contract employees) may choose to either have another IDHW-CHU background check, or, at a minimum, must conduct a name-based check of Idaho criminal records through the Idaho State Police, Bureau of Criminal Identification (ISP-BCI).

When the Division (or the Contract Company for contract employees) elects to use an IDHW-CHU background check within the past three (3) years, **prior to allowing an Division employee/contractor to provide services at the ISVH**, the Criminal History Check Documentation Coordinator (along with the Contract Company for contract employees) must complete the following steps:

- Request a transfer of the completed IDHW-CHU background check by either:
 - a. contacting IDHW-CHU to request that this employee/contractor be transferred to ISVH's Employer ID# (1160 for Boise; 1008 for Pocatello; and 1106 for Lewiston); or

- b. assisting the employee/contractor in contacting IDHW-CHU to request that their name be transferred to ISVH's Employer ID# (1160 for Boise; 1008 for Pocatello; and 1106 for Lewiston)
- Print and review the Notice of Clearance upon confirmation that the transfer was completed. The Notice of Clearance letter shall be retained in the employees/contractors' ISVH criminal history file.
- If an employee/contractor has any non-disqualifying offense(s) shown on the Notice of Clearance and a risk is determined, this information will then be sent to the ISVH Home Administrator for review, as further described in the below section, titled *Non-Disqualifying Records and ISVH Reviews*.
- Once the Notice of Clearance is verified, the ISP-BCI Non-Criminal Justice Criminal History Records Check Request (aka the Name Based Criminal Background Check Form) will need to be completed by the employee/contractor.
- The ISP-BCI Non-Criminal Justice Criminal History Records Check Request form can be found at: <https://www.chu.dhw.idaho.gov/CH/documents/ISP%20form.pdf> Note: If a Contract Company has their employee complete this form, they are required to have their employees sign a release authorizing the Contract Company to disseminate their criminal history record information obtained from the ISP-BCI to the ISVH. The form found in *Exhibit C* may be used for this purpose. If applicable, the Division Criminal History Check Documentation Coordinators are required to retain a copy of this authorization/release in the contractor's criminal history file.
- Prior to an employee/contractor completing the ISP-BCI name-based background check form, the Division Criminal History Check Documentation Coordinator (along with the Contract Company for contract employees) should explain this process. Following this explanation, the employee/contractor should be provided with a copy of these procedures (Criminal History and Background Check Procedures, HR-PR-03-02) and asked to carefully review the list of unconditional denials/disqualifying offenses (*Exhibit B*) that may prohibit them from being able to provide services at the ISVH. The Division Criminal History Check Documentation Coordinator (along with the Contract Company for contract employees) should then ensure that the employee/contractor understands that he/she is required to inform the Division Criminal History Check Documentation Coordinator (along with the Contract Company for contract employees) if he/she has any disqualifying offenses in the last three (3) year period since their IDHW-CHU Notice of Clearance (to include juvenile and adult charges, convictions, dismissals, withheld judgments, child or adult protections actions, or any pending crimes or warrants). This is important as the employee/contractor will be unable to provide services at the ISVH if he/she has any disqualifying offenses. ISVH employees are then required to sign a copy of *Exhibit B* certifying that they understand that they must disclose all criminal history items and inform their employer of any unconditional denials.
- Once the ISP-BCI name-based background check form is completed, it should then be sent to ISP-BCI prior to the employee/contractor providing services and must be returned, from ISP-BCI to the Division , within thirty (30) calendar days.
- When ISP-BCI returns the form, they will respond with identifying either that no records were found or will attach the records. Any records found must be reviewed by the Criminal History Check Documentation Coordinator for any disqualifying offenses or other relevant records as described in the below sections of these procedures, titled *Unconditional and Disqualifying Offenses*, and *Non-Disqualifying Records and ISVH Reviews*.
- A copy of the ISP-BCI Non-Criminal Justice Criminal History Records Check Request form and any records found must also be maintained in the employees/contractors' criminal history file.

3B. Notarized Application - IDHW-CHU (Non-Transferable Background Checks)

When there is no existing IDHW-CHU background check available for transfer, or when the Division (or the Contract Company for contract employees) elects to have another IDHW-CHU background check completed instead of a transfer, the Division Criminal History Check Documentation Coordinator (along with the Contract Company for contract employees) must ensure the following steps are met:

- The Employee/contractor is required to complete and then sign the IDHW-CHU self-declaration application in the presence of a Notary Public ("notarized application") disclosing all criminal history items (including juvenile, dismissals and withheld judgments). This application may be completed on-line at <https://chu.dhw.idaho.gov/CH/default.aspx> and then printed so it can be signed and notarized.
- Prior to an employee/contractor completing the application, the Division Criminal History Check Documentation Coordinator (along with the Contract Company for contract employees) should explain this process. Following this explanation, the employee/contractor should be provided with a copy of these procedures (Criminal History and Background Check Procedures, HR-PR-03-02) and asked to carefully review the list of unconditional denials/disqualifying offenses (*Exhibit B*) that may prohibit them from being able to provide services at the ISVH. The Division Criminal History Check Documentation Coordinator (along with the Contract Company for contract

employees) should then ensure that the employee/contractor understands that he/she is required to disclose all criminal history items, including juvenile and adult charges, convictions, dismissals, withheld judgments, child or adult protection actions, or any pending crimes or warrants. ISVH employees are then required to sign a copy of *Exhibit B* certifying that they understand that they must disclose all criminal history and inform their employer of any unconditional denials.

- Once the application is complete, it must be printed, notarized, and maintained separately by the Division Criminal History Check Documentation Coordinator in a secure location with controlled access (i.e. the employee/contractor's criminal history file). This documentation shall not be maintained in the employee's personnel file or the business office's main contract file.
- **The Division Criminal History Check Documentation Coordinator must have a copy of the completed, signed, and notarized application on file prior to the employee/contractor being allowed to provide services at the ISVH.**
- As described above, as part of the notarized application, employees/contractors are required to disclose if they have ever had a valid child or adult protection action taken against them, or if they have any past or pending crimes or warrants. The Division Criminal History Check Documentation Coordinator (along with the Contract Company for contract employees) is required to review the employee/contractor's notarized application carefully to determine whether the employee/contractor has any disqualifying offenses, and/or has a relevant record that poses a health or safety risk to vulnerable residents. This is further described in the below section of these procedures, titled *Unconditional Denials & Disqualifying Offenses* and *Non-Disqualifying Records & ISVH Reviews*. **This application review must also be completed prior to allowing the employee/contractor to provide services at the ISVH.**
- If an employee/contractor has a disqualifying offense, the employee/contractor **cannot** be employed or provide contract services at the ISVH, as described below under the section titled *Unconditional Denials & Disqualifying Offenses*.
- If an employee/contractor has a non-disqualifying offense and a risk is determined, this information will then be sent to the Home Administrator for further review, as described below under the section titled *Non-Disqualifying Records & ISVH Reviews*.
- A copy of the application should then be provided to the employee/contractor as the applicant is required to provide IDHW-CHU with a signed and notarized copy upon appearing at their fingerprint appointment.

3C. IDHW-CHU Fingerprinting

- A fingerprint appointment should be scheduled at the same time that the notarized application is completed. The fingerprint appointment may either be scheduled on-line or by contacting the IDHW-CHU via telephone.
- The employee/contractor must be fingerprinted by IDHW-CHU within twenty-one (21) calendar days (on or before the 21st calendar day) of the notarized application and may not continue to work if he/she goes beyond this timeframe due to a missed appointment and/or a scheduling conflict.
- Per IDAPA 16.05.06.150.03, IDHW will not extend the twenty-one (21) calendar day timeframe unless just cause is provide. Therefore, should there be an IDHW-CHU scheduling conflict resulting in an ISVH employee/contractor being unable to be fingerprinted until after the twenty-one (21) calendar day timeframe, the Division (or the Contract Company for contract employees) can request a written extension waiver from IDHW-CHU. The employee/contractor, however, is unable to provide services past the twenty-one (21) calendar day timeframe until after a written waiver is received or written verification is received that the fingerprint appointment has occurred. A copy of the written waiver/verification must be printed and retained in the ISVH employee/contractor's criminal history file.
- If IDHW-CHU requests a reprint due to being unreadable or rejected by the FBI, the second set of prints must be submitted to IDHW-CHU within fifteen (15) calendar days after they are rejected by the FBI. Failure of an employee/contractor to meet this timeframe will result in the application being inactive/incomplete. This would also immediately result in the employee/contractor being unable to provide services at the ISVH until the matter is resolved with IDHW-CHU.

3D. IDHW-CHU Website

The employee/contractor's application status may also be viewed, as needed, via the IDHW-CHU website log-on system. The Division Criminal History Check Documentation Coordinator (along with the Contract Company for contract employees) should visit the website weekly, and follow-up on any pending employee/contractor checks, until the process has been appropriately completed.

3E. Notice of Clearance or Denial

Once the background check results are received by IDHW-CHU and processed, a final status will appear on the employee/contractor's status page, via the IDHW-CHU website log-on system.

The Division Criminal History Check Documentation Coordinator (along with the Contract Company for contract employees) are required to print the **Notice of Clearance** within fourteen (14) calendar days of it being available in the IDHW-CHU website. A copy of the Notice of Clearance shall be maintained by the Division Criminal History Check Documentation Coordinators in the employees/contractors' criminal history file.

If the IDHW-CHU issues a **Notice of Denial**, the employee/contract can no longer provide services at the ISVH. A copy of the denial notification shall be maintained by the Division Criminal History Check Documentation Coordinators in the employees/contractors' criminal history file.

3F. Unconditional Denials & Disqualifying Offenses

If an applicant discloses, is found to have been convicted, or has a withheld judgment as an adult or juvenile of any of the disqualifying offenses, shown in *Exhibit B*, this person **cannot** be employed or provide contract services at the ISVH as this is considered an unconditional denial by the IDHW-CHU.

If an employee/contractor has a conviction or withheld judgment as an adult or juvenile within the last five (5) years of any crimes on the disqualifying five (5) year offenses list, shown in *Exhibit B*, this person **cannot** be employed within this period of time at the ISVH as this is also considered an unconditional denial.

Any five (5) year offense which occurred beyond the five (5) year timeframe (date of conviction) shall also be carefully reviewed by the Division Criminal History Check Documentation Coordinator (along with the Contract Company for contract employees) to determine whether the employee/contractor poses a health or safety risk to vulnerable residents. If a risk is determined, this information will then be sent to the Home Administrator for further review.

3G. Conditional Denials

IDHW-CHU may issue a conditional denial, within fourteen (14) calendar days of the completion of a criminal history and background check, when the criminal history check reveals a plea, finding or adjudication of guilt for any crime other than a traffic violation which does not result in a suspension of the individual's driver's license, or a Level 3 listing on the child protection registry, or a substantiated adult protection issue. IDHW-CHU may also issue a conditional denial when the results of the criminal history check reveal that the individual has falsified or omitted information on the application.

Should a conditional denial notification be issued by the IDHW-CHU on any employee/contractor, the employee/contractor is no longer able to provide services at the Idaho State Veterans Home. If a conditional denial is issued, the applicant may request an exemption review hearing with IDHW-CHU to have the matter reviewed by an exemption review officer per IDAPA 16.05.06.220. If an exemption review be requested, the employee/contractor remains unable to provide services at the ISVH and the Home Administrator can make a patient safety hiring decision, at any time in the process, based on the records and information received.

3H. Non-Disqualifying Records & ISVH Reviews

If the IDHW-CHU or ISP-BCI criminal history check reveals that a non-disqualifying record is found, this information will be reviewed by the by the Division Criminal History Check Documentation Coordinator (along with the Contract Company for contract employees) to determine if it may pose a risk to the health or safety of our veterans. If a risk is determined, this information will then be sent to the Home Administrator for further review. If additional information is needed concerning the matter, the Division Criminal History Check Documentation Coordinator will request that the employee/contractor submit this information in writing. At any time in the review process, the Home Administrator can make a patient safety hiring decision based on the records and information received.

The Home Administrator has the authority to consider factors or evidence including, but not limited to, the following:

- a. Severity or nature of the complaint;
- b. Period of time since the complaint was committed;
- c. Number of offenses;

- d. Circumstances surrounding the commission of the complaint demonstrating the unlikelihood of repetition;
- e. Evidence of rehabilitation;
- f. Relationship of offense to adult care activity;
- g. Activities since complaint, including employment or participation in therapy or education that would indicate changed behavior.

The decision of the Home Administrator will be recorded in writing and kept in the employees/contractor's criminal history file.

31. Additional Responsibilities of the Contract Companies

In addition to the above requirements, Contract Companies are required to:

- Notify the Division Criminal History Check Documentation Coordinator of any new contract employee hires directly following their hire date.
- Add the ISVH Employer ID# (1160 for Boise; 1008 for Pocatello; and 1106 for Lewiston) to all new contract employees' notarized applications directly upon the date of hire. This may also be done directly upon hire on all contract employee who provide services at more than one (1) location or for more than one (1) provider and who may potentially provide services at the ISVH in the future. When a criminal history and background check clearance is required for a contract employee that may work in more than one (1) facility, Contract Companies can list multiple employer numbers on the initial notarized application for that contract employee and this would meet IDHW-CHU requirements with no future ISP-BCI being required by IDHW-CHU upon the date this contract employee starts working at ISVH. However, if the ISVH Employer ID# is added after the date of the initial notarized application then an ISP-BCI name-base check is required.
- Provide the Division Criminal History Check Documentation Coordinator with a copy of the Notarized Application for all non-transferrable contract employees. These include those contract employees whose initial notarized application had the ISVH Employer ID # being added:
 - a. upon their date of hire with the Contract Company, or
 - b. following the date of hire but still within the 21 calendar day period and prior to the Notice of Clearance being processed by IDHW-CHU. **Note: if the ISVH Employer ID# was added within this period then an ISP-BCI name-based check is also required.**

A notarized application is not required for contract employees who had an IDHW-CHU background check that was transferrable.
- Provide the Division Criminal History Check Documentation Coordinator with a copy of the Notice of Clearance and ISP-BCI name-based check the (ISP-BCI Non-Criminal Justice Criminal History Records Check Request) and any records found, and the Contract Employee Authorization Release for ISP-BCI Check Form (Exhibit C) for each contract employee who had a IDHW-CHU background check that was transferrable.
- Provide the Division Criminal History Check Documentation Coordinator with a monthly spreadsheet detailing all the information found on *Exhibit D*. The spreadsheet must be submitted no later than the 5th day of each month for the preceding month.

Section 4. Volunteers and Interns

Pursuant to the Idaho Department of Health and Welfare, Minimum Standards for Skilled Nursing and Intermediate Care Facilities, IDAPA 16.03.02.009, Skilled Nursing Facilities are not required to obtain a criminal history and background check for interns and volunteers providing services at the ISVH, unless information necessities such. However, for the protection of those involved, including the safety of the ISVHs' residents, the following measures will be taken:

1. The Division Criminal History Check Documentation Coordinator will provide each intern/volunteer of the ISVH with a copy of these procedures (Criminal History and Background Check Procedures, HR-PR-03-02) and ask him/her to carefully review the list of unconditional denials/disqualifying offenses described above and found on *Exhibit B* that may prohibit them from being able to provide services at the ISVH. The Division Criminal History Check Documentation Coordinator should then ensure that the intern/volunteer understands that he/she is required to inform the Division Criminal History Check Documentation Coordinator if he/she has any disqualifying offenses (to include juvenile and adult charges, convictions, dismissals, withheld judgments, child or adult protections actions, or any pending crimes or warrants). This is important as the intern/volunteer will be unable to provide services at the ISVH if he/she has any disqualifying offenses. ISVH interns/volunteers are then required to sign a copy of *Exhibit B* certifying that they understand that they must inform the ISVH of any unconditional denials.

2. For all volunteers of the ISVHs, the Division Criminal History Check Documentation Coordinator will conduct at least two (2) checks on professional and/or personal references of the volunteer prior to the effective date they begin providing services at the ISVH. Said reference checks will be documented and made part of the volunteer's file.
3. For all interns of the ISVHs, the Division Criminal History Check Documentation Coordinator will either obtain a copy of the background check ordered by the school/institution or have the intern complete a new criminal history and background check completed by a CRA (i.e. ISP-BCI).
4. Should the ISVH elect to have an intern/volunteer complete a new criminal history and background check by a CRA, then Section 2, Fair Credit Reporting Act (FCRA) Disclosure & Authorization Requirements, of these procedures shall be closely followed by the appropriate Division Criminal History Check Documentation Coordinator;
5. Should another public entity (i.e. University, County, or Court Service Program) complete a consumer reporting background check (similar to the ISP-BCI name-based check), and then provide the results of this check to the ISVH, then the Division Criminal History Check Documentation Coordinator will also need to ensure that this entity has obtained written authorization from the intern/volunteer (*Exhibit C*) so the results can be released to the ISVH. The Division Criminal History Check Documentation Coordinator will maintain a copy of this release in the intern/volunteer's criminal history check file. Section 7, Records Retention and Disposal of Records, of these procedures shall also be closely followed by the appropriate Division Criminal History Check Documentation Coordinators.

Section 5. Re-Checks

At any time, the Division may request a new criminal history background check for an employee/contractor/intern/volunteer through IDHW-CHU or ISP-BCI.

Section 6. Costs

The Division pays for the criminal history and background check costs for those individuals employed by the Idaho Division of Veterans Services, Idaho State Veterans Home. However, should an ISVH employee fail to show for their scheduled IDHW-CHU fingerprint appointment, the ISVH employee is responsible for any additional cost associated with the missed appointment.

Contract Companies are required to pay for their employees' criminal history and background checks, along with any re-checks requested by the ISVH.

The Division pays for the criminal history and background check costs for those individuals who volunteer at the Idaho Division of Veterans Services, Idaho State Veterans Home.

Interns are required to pay for the cost of their criminal history and background checks, along with any re-checks requested by the ISVH.

Section 7. Records Retention and Disposal of Records

The Division Criminal History Check Documentation Coordinators (along with the Contract Companies for contract employees) are required to retain the criminal history and background check records, for each employees/contractor/intern/volunteer at the ISVH in a secure location, separate from the incumbents personnel or the Contract file, for at least eight (8) years from the date of separation or termination of the contract.

At the time of disposal, in accordance with the FACT Act, the Division Criminal History Check Documentation Coordinators (along with the Contract Companies for contract employees) are required to properly dispose of the sensitive personal information contained in the employee/contractor/volunteers' criminal history. Shredding, pulverizing, or burning paper records so consumer information is unreadable are acceptable examples of disposal methods. Information stored electronically, must be overwritten, deleted or physically destroyed such that electronic files cannot be read or reconstructed.

IDAHO DIVISION OF VETERANS SERVICES
CRIMINAL HISTORY AND BACKGROUND CHECK PROCEDURES
Combined Disclosure Notice and Authorization Regarding Background Consumer Reports
Important: Please read carefully before signing
Exhibit A – page 1 of 3

In connection with my employment, application for employment, or as a contract employee, volunteer, or intern with the Division of Veterans Services, Idaho State Veterans Home ("the Division"), I understand that the Division will conduct a background investigation, which includes requesting from a consumer reporting agency (CRA) a consumer report or investigative consumer report, as defined by the Fair Credit Reporting Act (15 U.S.C. 1681).

By signing below, I hereby authorize the Division to request a consumer report or investigative consumer report about me for employment-related purposes during the course of my employment, or in affiliation with the Division to the extent allowed by law (for contract employee, interns and volunteers), and acknowledge that this disclosure and Authorization for Release of Information will be valid, now and during the course of my Division employment or affiliation, in original, faxed, copied or electronic form. I acknowledge that I have received a copy of "A Summary of Your Rights Under the Fair Credit Reporting Act," which is attached as page 2 and 3 of this form.

I further authorize any investigator or other duly accredited agent of the Division conducting my background investigation to obtain any information relating to my activities, including but not limited to information from individuals, educational institutions, corporations, employers, courts, criminal justice agencies, law enforcement agencies, licensing agencies, governmental agencies or departments including military services, public records, and any other relevant source. This information may include, but is not limited to, my academic, residential, achievement, performance, attendance, disciplinary, employment history, driving record, and criminal history record information. I have been advised that I have a right to inspect the files that the CRA may have on me during normal business hours upon you furnishing proper identification.

I agree to release the aforesaid from any liability for collecting this information. I authorize custodians of records and other sources of information pertaining to me to release such information upon request of the investigator or other duly accredited representative of the Division regardless of any previous agreement to the contrary.

Printed Name

Title

Signature

Date

IDAHO DIVISION OF VETERANS SERVICES
CRIMINAL HISTORY AND BACKGROUND CHECK PROCEDURES
A Summary of Your Rights Under the Fair Credit Reporting Act
Exhibit A – page 2 of 3

Para informacion en espanol, visite www.ftc.gov/credit o escribe a la FTC Consumer Response Center, Room 130-A 600 Pennsylvania Ave. N.W., Washington, D.C. 20580.

A Summary of Your Rights Under the Fair Credit Reporting Act

The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records). Here is a summary of your major rights under the FCRA. **For more information, including information about additional rights, go to www.ftc.gov/credit or write to: Consumer Response Center, Room 130-A, Federal Trade Commission, 600 Pennsylvania Ave. N.W., Washington, D.C. 20580.**

- **You must be told if information in your file has been used against you.** Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment – or to take another adverse action against you – must tell you, and must give you the name, address, and phone number of the agency that provided the information.
- **You have the right to know what is in your file.** You may request and obtain all the information about you in the files of a consumer reporting agency (your “file disclosure”). You will be required to provide proper identification, which may include your Social Security number. In many cases, the disclosure will be free. You are entitled to a free file disclosure if:
 - a person has taken adverse action against you because of information in your credit report;
 - you are the victim of identify theft and place a fraud alert in your file;
 - your file contains inaccurate information as a result of fraud;
 - you are on public assistance;
 - you are unemployed but expect to apply for employment within 60 days.

In addition, by September 2005 all consumers will be entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies. See www.ftc.gov/credit for additional information.

- **You have the right to ask for a credit score.** Credit scores are numerical summaries of your credit-worthiness based on information from credit bureaus. You may request a credit score from consumer reporting agencies that create scores or distribute scores used in residential real property loans, but you will have to pay for it. In some mortgage transactions, you will receive credit score information for free from the mortgage lender.
- **You have the right to dispute incomplete or inaccurate information.** If you identify information in your file that is incomplete or inaccurate, and report it to the consumer reporting agency, the agency must investigate unless your dispute is frivolous. See www.ftc.gov/credit for an explanation of dispute procedures.
- **Consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information.** Inaccurate, incomplete or unverifiable information must be removed or corrected, usually within 30 days. However, a consumer reporting agency may continue to report information it has verified as accurate.
- **Consumer reporting agencies may not report outdated negative information.** In most cases, a consumer reporting agency may not report negative information that is more than seven years old, or bankruptcies that are more than 10 years old.
- **Access to your file is limited.** A consumer reporting agency may provide information about you only to people with a valid need -- usually to consider an application with a creditor, insurer, employer, landlord, or other business. The FCRA specifies those with a valid need for access.
- **You must give your consent for reports to be provided to employers.** A consumer reporting agency may not give out information about you to your employer, or a potential employer, without your written consent given to the employer. Written consent generally is not required in the trucking industry. For more information, go to www.ftc.gov/credit.
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IDAHO DIVISION OF VETERANS SERVICES
CRIMINAL HISTORY AND BACKGROUND CHECK PROCEDURES
 A Summary of Your Rights Under the Fair Credit Reporting Act
 Exhibit A – page 3 of 3

- **You may limit “prescreened” offers of credit and insurance you get based on information in your credit report.** Unsolicited “prescreened” offers for credit and insurance must include a toll-free phone number you can call if you choose to remove your name and address from the lists these offers are based on. You may opt-out with the nationwide credit bureaus at 1-888-5-OPTOUT (1-888-567-8688).
- **You may seek damages from violators.** If a consumer reporting agency, or, in some cases, a user of consumer reports or a furnisher of information to a consumer reporting agency violates the FCRA, you may be able to sue in state or federal court.
- **Identity theft victims and active duty military personnel have additional rights.** For more information, visit www.ftc.gov/credit.

States may enforce the FCRA, and many states have their own consumer reporting laws. In some cases, you may have more rights under state law. For more information, contact your state or local consumer protection agency or your state Attorney General. Federal enforcers are:

TYPE OF BUSINESS:	CONTACT:
Consumer reporting agencies, creditors and others not listed below	Federal Trade Commission: Consumer Response Center - FCRA Washington, DC 20580 1-877-382-4357
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 Consumer Help (FRCH) P O Box 1200 Minneapolis, MN 55480 Telephone: 888-851-1920 Website Address: www.federalreserveconsumerhelp.gov Email Address: ConsumerHelp@FederalReserve.gov
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 Complaints 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 703-519-4600
State-chartered banks that are not members of the Federal Reserve System	Federal Deposit Insurance Corporation Consumer Response Center, 2345 Grand Avenue, Suite 100 Kansas City, Missouri 64108-2638 1-877-275-3342
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

IDAHO DIVISION OF VETERANS SERVICES
CRIMINAL HISTORY AND BACKGROUND CHECK PROCEDURES
Exhibit B

Unconditional Denials – An individual is not available to provide direct care or services at the Idaho State Veterans Home when an individual discloses or the IDHW-CHU issues an unconditional denial. Unconditional denials are issued for:

- Disqualifying crimes described in the Permanent and 5 Year Disqualifying lists found below
- A relevant record on the Idaho Child Abuse Central Registry with a Level 1 or 2 finding
- A relevant record on the Nurse Aide Registry
- A negative finding in the state's Certified Nurse's Assistant (CNA) Registry
- A relevant record on the state or federal Medicaid Exclusion List

Disqualifying Offenses Resulting in an Unconditional Denial – Permanent

- Abuse, neglect, or exploitation of a vulnerable adult
- Aggravated, first degree and second-degree arson
- Crimes against nature
- Forcible sexual penetration by use of a foreign object
- Incest
- Injury to a child, felony or misdemeanor
- Kidnapping
- Lewd conduct with a minor
- Mayhem
- Manslaughter
- Voluntary manslaughter
- Involuntary manslaughter, Involuntary Manslaughter, Felony Vehicular Manslaughter
- Murder in any degree or assault with an intent to commit murder
- Poisoning
- Possession of sexually exploitative material
- Rape
- Robbery
- Felony stalking
- Sale or barter of a child
- Sexual abuse or exploitation of a child
- Video voyeurism
- Enticing of children
- Inducing individuals under 18 years of age into prostitution or to patronize a prostitute
- Any felony punishable by death or life imprisonment
- Attempt, conspiracy, accessory after the fact or aiding and abetting to commit any of the Disqualifying designated crimes

Disqualifying Offenses Resulting in an Unconditional Denial - Five (5) Year

- Any felony not described on the permanent disqualifying offenses list
- Misdemeanor forgery of and fraudulent use of a financial transaction card
- Misdemeanor forgery and counterfeiting
- Misdemeanor identify theft
- Misdemeanor insurance fraud
- Misdemeanor public assistance fraud
- Stalking in the second degree
- Misdemeanor Vehicular Manslaughter
- Sexual exploitation by a medical care provider
- Attempt, conspiracy, accessory after the fact or aiding and abetting to commit any of the Disqualifying Five Year offenses

On, _____ (date), I, _____ (name), received a copy of the Division of Veterans Services' Criminal History and Background Check Procedures (HR-PR-03-02). I understand that I am required to disclose all criminal history items, including juvenile and adult charges, convictions, dismissals, withheld judgments, child or adult protections actions, and any pending crimes or warrants. I further understand that if I have a conviction or withheld judgment as an adult or juvenile of any of the unconditional denials identified on this page, I need to inform the ISVH because I will be unable to provided services at the ISVH. _____ (signature)

IDAHO DIVISION OF VETERANS SERVICES
CRIMINAL HISTORY AND BACKGROUND CHECK PROCEDURES
Contract Employee, Intern, and Volunteer Authorization Release for ISP-BCI Check or Other
Consumer Reporting Agency Background Check
Exhibit C

I, _____ (Contract Employee, Intern or Volunteer), authorize _____
(Contract Company or other Entity) to release:

The Non-Criminal Justice Criminal History Records Check Request (Name Based Criminal Background Check Form) and my criminal history record information obtained from the Idaho State Police, Bureau of Criminal Identification (to include any records found) to the Idaho State Veterans Home.

My Criminal history record information obtained from _____ (Name of Entity),
to include any records found, to the Idaho State Veterans Home.

Printed Name

Title

Signature

Date

