

Section 2: Employment

Policy #4: Background Checks

Effective Date: July 1, 2011

I. Purpose

This policy establishes guidelines for completing and administering background checks.

II. Scope

This policy shall apply to all applicants applying for Town positions and persons holding a paid position as an employee of the Town, except the Town Manager, Town Attorney, a member of any appointed or volunteer board or committee, or any others that may be appointed or hired by the Town Board. For this purpose, and subject to the exceptions set out herein, Town employees shall be defined as those employees in departments and offices for which the Town Board serves as the final budget authority.

III. Background

None

IV. Definitions

None

V. Legislation

Fair Credit Reporting Act

VI. Policy

It is the Town of Mooresville's policy to require that all applicants and/or employees prior to being hired and/or considered for a position in the Town consent to a background check. Such background checks can include such things as a criminal history check, credit history check, a polygraph test (according to position), a drug test, and a reference check.

VII. Provisions

A. Effect of Criminal History on Selection

Where a previous conviction relates to the suitability of the job applicant to perform the duties of a particular job, such person may be denied Town employment. Some examples include, but are not limited to (this is not an all inclusive list – these serve only as examples):

- 1) **Crimes Involving The Unlawful Taking Of Money And Other Property:** Persons having been convicted of crimes of theft such as embezzlement, theft, larceny, burglary, breaking or entering, or attempts to commit these and similar offenses are not suitable for positions such as accountants, purchasing agents, accounting technicians, cashiers, auditors, and other positions dealing with public funds or inventory, or fire, police, zoning and/or licensing enforcement.
- 2) **Sexual Offenses:** Persons convicted of sexual offenses such as child molestation, possession or distribution of child pornography, incest, rape, sex offense, taking indecent liberties with children, crime against nature, sodomy or any attempts to commit these and similar offenses are not suitable for positions such as librarians, activities coordinators, youth athletic manager, recreation assistants, or other positions dealing with minors or the aged, and/or infirmed.
- 3) **Conviction of Violent Crimes:** Persons convicted of crimes of violence such as murder, robbery, felonious assault, brandishing weapons or other acts of violence or attempted acts of violence are not suitable for any positions where face-to-face contact with the public is required or where duties are performed administering to the needs of minors or the aged and/or infirmed. "Face-to-face contact" as used herein shall mean regular contact with the general public, which conduct is an integral part of job duties, and not merely incidental to such duties.
- 4) **Conviction of Drug-Related Offenses:** Persons convicted of an offense or offenses involving the sale, attempted sale, delivery, possession, possession of controlled substances with intent to distribute, or trafficking in controlled substances, are not suitable for any position where duties involve supervising minors or administering to the needs of minors.
- 5) **Conviction of Crimes of Moral Turpitude:** Persons convicted of any crime of moral turpitude, such as larceny, embezzlement, extortion, making false statement, etc. are not suitable for any position of employment where confidential records are held or where privileged or confidential information is involved.

B. Failure to Indicate the Fact of Criminal Conviction on the Town Employment Application Where Required

Where an applicant has been convicted of any criminal offense and fails to so state on the application for employment as required, such failure may be a bar to employment and, where the applicant has been added to the payroll, may be grounds for termination.

C. Crimes Committed As A Juvenile

No applicant having been found not innocent or guilty of an act of juvenile delinquency in a Juvenile Court shall be required to state this fact for any purpose.

D. Denial of Certification or Licensing As a Bar to Employment

This policy is not meant to supersede the decision of a certifying or licensing agency in matters involving the certification or licensing of an employee or applicant as required by state or federal law.

VIII. Authorization

Approved by:

Erskine Smith

Town Manager

July 1, 2011

Date