

OHIO NETWORK FOR INNOVATION (ONI)

Background Investigations Policy

I. SUBJECT

All Directors of Operation, Supervisors of Direct Support Professionals, Direct Support Professionals, and Volunteers of ONI shall abide by the policy outline. No provider associate shall seek special privileges, criticize employees publicly, disclose confidential information or consider a complaint by or against an employee, service, or program of the provider.

II. PURPOSE

In compliance with ORC 5123:2-2-08(D)(1), ONI will ensure development and implementation of written policy and procedures regarding background investigations for employment.

III. POLICY

ONI recognizes the importance of compliance regarding having background investigations completed for its employees. ONI will complete background investigations and take appropriate actions in accordance with rule 5123-2-02 of the Administrative Code for its director of operations, supervisors of direct support professionals, direct support professionals, and when applicable, volunteers.

IV. APPLICATION

- **Background Investigation**

The provider will complete a background investigation on any applicant that is being considered for employment prior to employing them. The background investigation shall include the following:

- An employment application and the names and addresses of present and former employers
- ONI will attempt to obtain references from the applicant's present and former employers and maintain written evidence that reference checks were attempted and/or completed
- Prior to employing an applicant, the following databases shall be checked to determine if the applicant is included. If an applicant is on one or more of these databases, ONI shall not employ the applicant or continue to employ an employee. These shall be checked at a frequency of no less than once every five years.
 - List of excluded persons and entities maintained by the office of inspector general in the United States Department of Health and Human Services
 - The Abuser Registry
 - The Nurse aide registry
 - The Sex Offender and Child-Victim Offender database

- The United States General Services Administration System for Award Management database
 - The Ohio Department of Medicaid Provider Exclusion and Suspension list
 - The database of incarcerated and supervised offenders
 - ONI will request a Bureau of Criminal Identification and Investigation to perform a criminal record check of the applicant.
 - If the applicant does not have proof that they have lived in Ohio for the five-year period immediately prior to the date upon which the criminal records check is requested, then it must be requested that the Bureau of Criminal Identification and Investigation also obtain information from the Federal Bureau of Investigation as part of the criminal records check.
 - If the applicant has proof of five-years of residency in Ohio prior to the date the criminal records check is requested, then the Bureau of Criminal Identification and Investigation is needed.
 - Proof of Ohio residency can be any of the following:
 - Notarized statement asserting that he or she has been a resident of Ohio for that five-year period
 - Valid driver's license
 - Notification of registration as an elector
 - Copy of an officially filed federal or state tax form identifying the applicant's permanent residence
 - Any other document that the provider considers acceptable
- **Driving License, Record and Transporting Individuals**
 - ONI will require anyone who will be involved in transporting individuals or operating the provider's vehicles for any purpose to have:
 - a valid motor vehicles operator's license
 - obtain a driving record prepared by the bureau of motor vehicles.
 - If the applicant has six or more points on his or her driving record, they are prohibited from transporting individuals.
- **Conditional Employment**
 - An applicant can be conditionally employed for a period not to exceed sixty calendar days, pending receipt of information concerning the applicant's criminal records check once the applicant submits to ONI the statement that includes their signature attesting that he or she has not been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.
 - ONI shall terminate the applicant's employment if it is informed that the applicant has been convicted of or plead guilty to a disqualifying offense.
- **Rapback**
 - ONI shall complete the following for each employee:
 - Enroll each employee in a direct service position in the retained applicant fingerprint database (Rapback) within fourteen calendar days of receiving the employee's criminal records check form the bureau of criminal identification and investigation or within fourteen calendar days of the employee's date of hire, whichever is later.
 - Maintain enrollment in the retained applicant fingerprint database (Rapback) for each employee in a direct services position throughout the employee's tenure.

- Voyeurism
- Felonious sexual penetration
- Disseminating matter harmful to juveniles
- Pandering obscenity
- Pandering obscenity involving a minor
- Pandering sexually oriented matter involving a minor
- Illegal use of minor in nudity-oriented material or performance
- Soliciting/providing support for act of terrorism
- Making terrorist threat
- Terrorism
- Medical fraud
- Conspiracy, attempt, or complicity when the underlying offense is any of the offenses or violations listed above
- Tier two- Ten-year exclusion
 - Involuntary manslaughter
 - Reckless homicide
 - Child stealing as it existed prior to July 1, 1996
 - Criminal child enticement
 - Extortion
 - Compelling prostitution
 - Promoting prostitution
 - Enticement or solicitation to patronize a prostitute, Procurement of a prostitute for another
 - Aggravated arson
 - Arson
 - Aggravated robbery
 - Aggravated burglary
 - Illegal use of supplemental nutrition assistance program or women, infants, and children program benefits
 - Workers' compensation fraud
 - Identity fraud
 - Aggravated riot
 - Carrying concealed weapon
 - Illegal conveyance or possession of deadly weapon or dangerous ordnance in a school safety zone, illegal possession of an object indistinguishable from a firearm in a school safety zone
 - Illegal conveyance, possession, or control of deadly weapon of dangerous ordnance into courthouse
 - Having weapons while under disability
 - Improperly discharging a firearm at or into habitation or school
 - Discharge of firearm on or near prohibited premises
 - Improperly furnishing firearms to minor
 - Engaging in pattern of corrupt activity
 - Participating in criminal gang
 - Corrupting another with drugs
 - Trafficking in drugs
 - Illegal manufacture of drugs or cultivation of marihuana

- Illegal assembly or possession of chemicals for the manufacture of drugs
 - Placing harmful objects in food or confection
 - Conspiracy, attempt, or complicity when the underlying offense is any of the offenses listed above
- Tier three- Seven Year Exclusion
 - Cruelty to animals
 - Prohibitions concerning companion animals
 - Aggravated assault
 - Aggravated menacing
 - Menacing by stalking
 - Coercion
 - Disrupting public services
 - Robbery
 - Burglary
 - Insurance fraud
 - Inciting to violence
 - Riot
 - Inducing panic
 - Endangering children
 - Domestic violence
 - Intimidation
 - Perjury
 - Falsification, falsification in theft offense, falsification to purchase firearm, or falsification to obtain a concealed handgun license
 - Escape
 - Aiding escape or resistance to lawful authority
 - Illegal conveyance of weapons, drugs, or other prohibited items onto grounds of detention facility or institution
 - Funding of drug or marihuana trafficking
 - Illegal administration or distribution of anabolic steroids
 - Tampering with drugs
 - Ethnic intimidation
 - Conspiracy, attempt, complicity when the underlying offense is any of the offenses or violations described above
- Tier four- Five-year exclusion
 - Assault
 - Menacing
 - Public indecency
 - Soliciting after positive human immunodeficiency virus test
 - Prostitution
 - Deception to obtain matter harmful to juveniles
 - Breaking and entering
 - Theft
 - Unauthorized use of a vehicle
 - Unauthorized use of property, computer, cable, or telecommunication property
 - Telecommunications fraud
 - Passing bad checks

- Misuse of credit cards
- Forgery or forging identification cards
- Criminal simulation
- Defrauding a rental agency or hostelry
- Tapering with records
- Securing writings by deception
- Personating an officer
- Unlawful display of law enforcement emblem
- Defrauding creditors
- Receiving stolen property
- Unlawful abortion
- Unlawful abortion upon minor
- Unlawful distribution of an abortion-inducing drug
- Interference with custody
- Contributing to unruliness or delinquency of child
- Tampering with evidence
- Compounding a crime
- Disclosure of confidential information
- Obstructing justice
- Assaulting/harassing police dog or horse/service animal
- Impersonation of peace officer
- Illegal administration, dispensing, distribution, manufacture, possession, selling or using any dangerous veterinary drug
- Drug possession other than a minor drug possession offense
- Permitting drug abuse
- Deception to obtain dangerous drugs
- Illegal processing of drug documents
- Illegal dispensing of drug samples
- Unlawful purchase of pseudoephedrine product
- Unlawful sale of pseudoephedrine product
- Conspiracy, attempt, or complicity when the underlying offense is any of the offences listed above
- Tier Five- No exclusion
 - Drug possession that is minor drug possession offense
 - Illegal use or possession of drug paraphernalia
 - Illegal use or possession of marijuana drug paraphernalia
 - A violation of an existing or former municipal ordinance of this state, any other state, or the United States that is substantially equivalent to any of the above listed offenses
- Multiple disqualifying offenses
 - If an applicant, employee or candidate has been convicted of, pleaded guilty to, or has been found eligible for intervention in lieu of conviction for multiple disqualifying offenses listed as Tiers two, three or four then they are subject to a fifteen-year exclusion period beginning on the date they were fully discharged from imprisonment, probation or parole for the most recent offense.
 - If an applicant, employee or candidate has been convicted of, pleaded guilty to, or has been found eligible for intervention in lieu of conviction for multiple

disqualifying offenses listed as Tiers three or four then they are subject to a ten-year exclusion period beginning on the date they were fully discharged from imprisonment, probation or parole for the most recent offense.

- If an applicant, employee or candidate has been convicted of, pleaded guilty to, or has been found eligible for intervention in lieu of conviction for multiple disqualifying offenses listed as Tier four then they are subject to a seven-year exclusion period beginning on the date they were fully discharged from imprisonment, probation, or parole for the most recent offense.

- **Volunteers**

- ONI shall require all volunteers shall undergo a background investigation that includes the following:
 - Requiring a volunteer to submit a statement to the agency provider with the volunteer's signature attesting that he or she has not been convicted of, plead guilty to, or been found eligible for intervention in lieu of conviction for any of the offenses listed or described in the disqualifying offenses section.
 - Requiring the volunteer to sign an agreement under which the volunteer agrees to notify the agency provider within fourteen calendar days if the volunteer is formally charged with, is convicted of, pleads guilty to, or is found eligible for intervention in lieu of conviction for any of the offenses listed in Tier One of the disqualifying offenses. The agreement shall provide that failure to make the notification may result in termination of the volunteer's services.
 - Checking each of the following databases to determine if the volunteer is included.
 - List of excluded persons and entities maintained by the office of inspector general in the United States Department of Health and Human Services
 - The Abuser Registry
 - The Nurse aide registry
 - The Sex Offender and Child-Victim Offender database
 - The United States General Services Administration System for Award Management database
 - The Ohio Department of Medicaid Provider Exclusion and Suspension list
 - The database of incarcerated and supervised offenders
 - Obtaining a criminal records check conducted by the Ohio Bureau of Criminal Identification and Investigation. If the volunteer does not present proof that he or she has been a resident of Ohio for five-year period immediately prior to the date upon which the criminal records check is requested, the criminal records check shall include information from the federal bureau of investigations.
 - The provider shall, at a frequency of no less than once every five years, conduct a background investigation for each volunteer.

V. DEVELOPMENT OF PROCEDURES

ONI and/or board of directors authorizes the CEO or designee to develop and implement written procedures consistent with agency policy and applicable rules, regulations, and statutes.

Adopted:

Revised: