

# TOWN OF FLORENCEVILLE-BRISTOL

## CRIMINAL RECORD CHECK POLICY

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### POLICY NO: 15

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<b>Category:</b>	<b>Human Resources</b>
<b>Policy Number:</b>	<b>15</b>
<b>Effective Date:</b>	<b>July 8, 2014</b>
<b>Approval by Council:</b>	<b>July 8, 2014</b>
<b>Supersedes:</b>	<b>Not Applicable</b>
<b>Amended:</b>	<b>Not Applicable</b>

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### 1. POLICY STATEMENT:

It is the policy of the Town of Florenceville-Bristol that all persons considered for employment with the Town must first submit to a Criminal Records Check and/or Vulnerable Sector Verification Check and/or New Brunswick Department of Public Safety Certified Driver's Abstract for applicable employees who will be required to operate a Town vehicle.

### 2. PURPOSE:

The Town of Florenceville-Bristol strives to hire the most qualified individuals to fill positions that will contribute to the overall success of the Town. Criminal Record Checks and Driver's Abstracts act as an important part of the selection process. Information collected through Criminal Record Checks and Driver's Abstracts allow the Town to provide a safe work environment for elected officials, employees, residents, volunteers and the public it serves. Criminal Record Checks and Driver's Abstracts help obtain information that assists the Town in determining the applicant's overall employability, ensuring the protection of Town property/equipment, sensitive information within the organization, as well as maintain public trust.

Although disqualification from Town employment is possible, a previous conviction does not automatically disqualify an applicant from consideration. Based on a variety of factors (e.g., the nature of the position, the nature of the conviction, age of the candidate when the conviction occurred), the candidate may retain eligibility for employment with the Town.

However, if an applicant attempts to withhold information or falsify information pertaining to any previous convictions, the applicant will be disqualified from further employment consideration in any position due to falsification of an application.

The Criminal Record Check includes a check of the Royal Canadian Mounted Police (RCMP) national Canadian Police Information Centre (CPIC) database and possibly a Vulnerable Sector Verification.

### 3. DEFINITIONS:

**3.1. Criminal Record Check** is a search used to determine whether an individual has a criminal record. The search is based on an individual's name and date of birth of the RCMP National Repository of Criminal Records. A Criminal Record Check may also include a search of a Canadian police service's local records, which may reveal criminal record information that has not been reported to the RCMP. The Criminal Record Check certificate must be prepared by a police force or service from national data on the Canadian Police Information Centre (CPIC) database within 6 months before the day the Town collects the certificate and it must contain information concerning the individual's Personal Criminal History.

**3.2. Personal Criminal History** means, in respect of an individual, information on criminal offences of which the individual has been convicted under the Criminal Records Act (Canada) and for which a pardon under Section 4.1 of the Criminal Records Act (Canada) has not been issued or granted to the individual.

**3.3. Vulnerable Sector Verification** is used to verify the possible existence of a criminal record and a sexual offence conviction for which an individual has received a pardon. In addition to a query of the RCMP National Repository of Criminal Records, a Vulnerable Sector Verification also includes:

- A query of pardoned sex offender records in the National Repository of Criminal Records.
- A query of investigative and intelligence records via the CPIC Investigative Data Bank and the CPIC Intelligence Data Bank.
- A query of local police records where the applicant resides.
- A requirement for the verification to be conducted by a police service of local jurisdiction where the applicant resides.

The verification and disclosure of pardoned sex offender records is pursuant to the *Criminal Records Act*. In some cases, fingerprints may be required if a name-based query is inconclusive as to the existence of a pardoned sex offender record. The Vulnerable Sector Verification certificate must be prepared by a police force or service from national data on the Canadian Police Information Centre (CPIC) database within 6 months before the day the Town collects the certificate, it must contain information concerning the individual's Personal Criminal History and it must contain information resulting from a criminal record search of data maintained by the Royal Canadian Mounted Police for sexual offences for which a pardon has not been granted.

**3.4. Vulnerable Person** according to the *Criminal Records Act*, means persons who, because of their age, a disability, or other circumstances, whether temporary or permanent;

- are in a position of dependence on others; or

- are otherwise at a greater risk than the general population of being harmed by person in a position of authority or trust relative to them, pursuant to the *Criminal Records Act*.

**3.5. Driver's Abstract** is a document that outlines a person's driving record, detailing when their original license was issued and any driving offences from the last three to five years. It is issued by the New Brunswick Department of Public Safety and can be obtained in person at Service New Brunswick.

#### **4. SCOPE:**

**4.1.** This policy applies to all new hires on a go forward basis.

**4.2.** All must have a Criminal Record Check prior to being accepted for a position. All offers of employment shall be conditional upon the applicant supplying an acceptable criminal record check.

**4.3.** Any prospective full time, part time, seasonal, and interim replacement employees whose duties may include the use of Town vehicles and/or the transportation of individuals for Town event participation, is required to submit a Driver's Abstract for review prior to starting work. The person's driver's abstract must indicate a clean record or indicate that their driving record does not contain serious enough offenses to pose risk.

**4.4.** Students under the age of 18 will be exempt from this policy.

**4.5.** Any costs incurred relating to the application, completion, and submission of a criminal record check and/or vulnerable sector verification check and/or driver's abstract, including transportation costs, are the sole responsibility of the prospective employee.

**4.6.** Any offer of employment is conditional upon successful completion of a Criminal Record Check and/or Driver's Abstract. Therefore, the applicant's first day of work in the position shall not be prior to the satisfactory completion of the criminal record check and or driver's abstract, and their offer of employment may be revoked, pending reception of the Criminal Record Check and/or Driver's Abstract.

#### **5. CRIMINAL RECORD CHECK PROCEDURE:**

**5.1.** When the Criminal Record Check is completed, the completed certificate will be returned to the Chief Administrative Officer/Clerk, stating either 'No Record Found' or will list all adult criminal convictions registered.

**5.2.** If a prospective employee has criminal convictions for which a pardon has not been granted, outstanding/pending criminal charges, probations, prohibitions, or other judicial orders in effect, it is at the discretion of the Chief Administrative Officer/Clerk in consultation with the Human Resource Committee and the appropriate Department Head to determine if the

prospective employee will be excluded from employment with the Town based upon his or her criminal record check and/or vulnerable sector verification check results.

**5.3.** A criminal conviction for which a pardon has not been granted, outstanding/pending criminal charges, probations, prohibitions, or other judicial orders in effect do not automatically exclude a prospective employee from employment with the Town of Florenceville-Bristol.

**5.4.** The following extenuating circumstances may be considered when a criminal record check and/or vulnerable sector verification check reveals a criminal conviction, charges, probations, prohibitions, or other judicial orders in effect:

- the specific duties and responsibilities of the position in question, and the relevance of the criminal convictions, charges, probations, prohibitions, or other judicial orders in effect to that position;
- the potential risk posed to Town of Florenceville-Bristol elected officials, employees, residents, volunteers, property/equipment, or the public it serves;
- if the offence(s) involved children and/or sexual activity and/or acts of dishonesty; employment history;
- the likelihood the offence will be repeated; attitude towards offence(s); was alcohol or illegal drugs a factor in the commission of the offence and; relevance of offence(s) to their employment duties;
- the period of time since the criminal convictions, charges, probations, prohibitions, or other judicial orders; and
- any rehabilitative or other efforts undertaken relating to the criminal convictions, charges, probations, prohibitions, or other judicial orders in effect.

## **6. DRIVER'S ABSTRACT PROCEDURE:**

**6.1.** When the Driver's Abstract is completed, the completed certificate will be returned to the Chief Administrative Officer/Clerk, stating either 'No Record Found' or will list all driving convictions registered.

**6.2.** If a prospective employee has driving convictions it is at the discretion of the Chief Administrative Officer/Clerk in consultation with the Human Resource Committee and the appropriate Department Head to determine if the prospective employee will be excluded from employment with the Town based upon his or her driver abstract results.

**6.3.** A driving conviction does not automatically exclude a prospective employee from employment with the Town of Florenceville-Bristol.

**6.4.** The following circumstances will be considered when a driver's abstract reveals a driving conviction:

- the nature of the offence and relevance to the position sought or held;
- when the offence occurred;
- the specific requirements and responsibilities of the position; and
- the applicant's driving record, work record and behavior since the offence occurred.

**6.5.** A driver's abstract of a potential employee or will be considered unacceptable when the candidate:

- has three distinct events on his/her current driver record under the Motor Vehicle Act that occurred within two consecutive years during the last five years, not including a Criminal Code conviction; or
- has any Criminal Code driving related conviction; or
- has ever had an event that, by its severity or nature, affords reasonable grounds that he/she would not be suitable to drive a Town vehicle.

When an investigation has demonstrated that a candidate involved in a reportable accident is not at fault, that person shall not be penalized.

## **7. OFFER OF EMPLOYMENT:**

**7.1.** A conditional offer of employment will be rescinded if a prospective employee:

- fails to apply for a criminal record check and/or vulnerable sector verification check and/or driver's abstract within five (5) working days of the verbal offer of employment;
- applies for a criminal record check and/or vulnerable sector verification check and or driver's abstract but chooses not to sign for its release or chooses not to send the results to the Chief Administrative Officer/Clerk immediately upon receipt after the offer of employment is made (an extension may be granted for a criminal record check and/or vulnerable sector verification check that requires additional processing time; confirmation of this extension must be confirmed by the appropriate police force); or
- the results of the criminal record check and/or vulnerable sector verification check and or driver's abstract indicate that the employee cannot be considered for employment based upon, or in light of, the extenuating circumstances outlined in Procedure 5.4., for criminal record checks and Procedure 6.4., for driver's abstracts.

7.2. The result of a positive criminal record check and/or vulnerable sector verification check and or driver's abstract may include action up to and including dismissal, and/or withdrawal of the offer of employment, and shall be in compliance of other Town policies, and legislation.

**8. RECORD KEEPING:**

The Town of Florenceville-Bristol guarantees that all information attained from the Criminal Record Check process will only be used as part of the employment process and kept strictly confidential. Only the Chief Administrative Officer/Clerk will have access to this information.

**Certification for Town of Florenceville-Bristol Policy Manual:**

I certify that this *Criminal Record Check* was adopted by Council as indicated above.

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**Mayor**

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**Date of Council Resolution**

\_\_\_\_\_  
**Clerk**

\_\_\_\_\_  
**Date Policy in Effect**