

SUBJECT: Criminal History Record Check (OMRDD Supported Employment Program)

The BOCES will appoint the following authorized parties to request OMRDD (Office of Mental Retardation and Developmental Disabilities) criminal history record check and receive results:

- a. Supported Employment Program Administrator
- b. Director of Employer/Employee Relations

The results of the criminal background check will be used solely for the purposes authorized by law and confidentiality requirements will be met.

The BOCES will require all employees working in the Transition Services department who may have regular and substantial unsupervised or unrestricted physical contact with people receiving OMRDD Supported Employment services to consent to OMRDD's criminal history record check along with requirements established by the New York State Education Department. All applicants for the positions of Transition Services Teacher, Senior Job Coaches/Teacher Assistants, and Job Coaches/Teacher Assistants are subject to such criminal history check.

All applicants for the above positions will be asked about pending criminal charges in addition to convictions during the application process. Applicants will be informed that BOCES is authorized to request criminal history record checks and review the results of these checks. Each applicant will be informed of the right to obtain, review and seek correction of his/her criminal history record check results.

While results of criminal history record checks are pending, employees and volunteers may not have unsupervised physical contact with people receiving services in OMRDD Supported Employment. Oversight of temporarily approved provisional employees, volunteers, and substitutes will be provided by an employee who has completed required training in incident and abuse reporting, and who either was not subject to a criminal history check or whose criminal history check has been completed.

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(Cont'd.)**

The SLL BOCES will not hire an applicant who has a pending felony charge and may put on hold an applicant with misdemeanor charges pending. In case of a future arrest, the staff member will not continue working directly with people in Supported Employment, pending a resolution on the matter. Appropriate steps will be taken to protect the people receiving services and continuation of necessary coaching with transition between staff will be ensured.

An annual criminal history background check statement will be submitted to OMRDD.

All OMRDD regulations related to applicant background check procedures in Section 633.5 of Volume 12 of the Codes, Rules and Regulations of the State of New York that apply to employees working in Supported Employment will be followed.

12 New York State Codes, Rules and Regulations,
Section 633.5

Adopted: 2006