
Town of Wellesley
Personnel Policy



CRIMINAL OFFENDER RECORD INFORMATION POLICY

Date HR Board approved:
Effective Date:

PURPOSE

Massachusetts law governs the use of Criminal Offender Record Information (CORI) checks. The purpose of this policy is to set forth how the Town will conduct and review all CORI checks submitted to and received by the Massachusetts Department of Criminal Justice Information System (DCJIS) as part of a background check for employment and volunteer opportunities.

APPLICABILITY

This policy applies to all Town employees, volunteers, subcontractors, vendors, interns, and applicants.

POLICY

When CORI and other criminal history checks may be part of a general background check for employment and volunteer work, the following practices and procedures will be followed:

Conducting CORI Screening - CORI checks will only be conducted as authorized by DCJIS regulations (803 CMR 2.00) and M.G.L. c. 6, § 172. The applicant must first complete DCJIS' CORI Acknowledgement Form, which notifies the applicant that their CORI may be requested at any time within one year that the acknowledgment form is valid.

All CORI obtained from the DCJIS is confidential, and access to the information is limited to those individuals who have a "need to know" the information to fulfill their duties. This may include, but not be limited to, hiring managers, staff submitting the CORI requests, and staff charged with processing job applications. The Town maintains and keeps a current list of each individual authorized to have access to, or view, CORI. This list is updated every six (6) months and is subject to inspection upon request by DCJIS at any time.

CORI Training - An informed review of a criminal record requires training. Accordingly, all personnel authorized to review or access CORI at the Town will review, and will be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by DCJIS.

Use of CORI in Background Screening - CORI used for employment purposes shall only be accessed for applicants who are otherwise qualified for the position for which they have applied. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on background checks will be made consistent with this policy and any applicable law or regulations.

PROCEDURES

Verifying an Applicant's Identity - If a criminal record is received from the DCJIS, the information is to be closely compared with the information on the CORI Acknowledgement Form and any other identifying information provided by the applicant to ensure the record belongs to them. If the information in the CORI provided does not exactly match the identification information provided by the

applicant, a verification determination is to be made by an authorized individual based on a comparison of the CORI and documents provided by the applicant.

Questioning an Applicant About Their Criminal History - In connection with any decision regarding employment, the applicant shall be provided with a copy of the criminal history record, whether obtained from DCJIS or from any other source, prior to questioning. The source(s) of the criminal history record is also to be disclosed.

Determining Suitability - If a determination is made that the criminal record belongs to the applicant, and the applicant does not dispute the record's accuracy, then the determination of suitability for the position will be made. Unless otherwise provided by law, factors considered in determining suitability may include, but are not limited to, the following:

- (a) Relevance of the offense(s) noted in the record to the position sought;
- (b) The nature of the work to be performed;
- (c) Time since the conviction;
- (d) Age of the applicant at the time of the offense;
- (e) Seriousness and specific circumstances of the offense;
- (f) The number of offenses;
- (g) Whether the applicant has pending charges;
- (h) Any relevant evidence of rehabilitation or lack thereof; and
- (i) Any other relevant information, including information submitted by the applicant or requested by the Town.

The applicant is to be notified of the decision and the basis for it in a timely manner.

Adverse Decisions Based on CORI - If an authorized official is inclined to make an adverse decision based on the results of a criminal history background check, the applicant will be notified in accordance with DCJIS' regulations. Unless previously provided, the applicant shall be provided with a copy of this policy, DCJIS' *Information Concerning the Process for Correcting a Criminal Record*, the criminal history record, and the source(s) of the criminal history record. The applicant will be provided with an opportunity to dispute the accuracy of the CORI record.

Secondary Dissemination Logs - All CORI obtained from the DCJIS is confidential and can only be disseminated as authorized by law and regulation. A central secondary dissemination log shall be used to record *all* dissemination of CORI outside the Town, including dissemination at the request of the applicant.