



Health Services
LOS ANGELES COUNTY

POLICIES AND PROCEDURES

SUBJECT: CRIMINAL RECORDS BACKGROUND CHECK/LIVE SCAN POLICY
POLICY NO: 703.1

PURPOSE:

To ensure that candidates selected for hire, promotion or transfer from another department and non-County workforce members do not have a criminal record that may conflict with the duties assigned and/or a criminal conviction that might pose a potential threat to the Department of Health Services (DHS) or the public in performance of duties.

SCOPE:

The provisions of this policy and procedure must be applied to all potential workforce members; this includes employees, contract staff, affiliates, volunteers, trainees, and any other persons who may perform work under the control of DHS, whether or not they receive compensation from the County.

The following statements apply to contract staff, vendors and maintenance crews (e.g., landscapers): The provisions of this policy apply to persons who provide direct patient care, who work in or near patient care areas, or in safety/security sensitive areas (e.g., pharmacy, medical records, nuclear medicine) **within a hospital or facility**. Persons who perform work **external to a hospital or facility** will not be fingerprinted, but must still meet all other standards in accordance with terms of the contract/formal agreement and other applicable County/DHS policies.

POLICY:

DHS acknowledges that patients have the right to be free from mental, physical, sexual, and verbal abuse, neglect, harassment, exploitation and the reporting thereof without fear of retaliation. Additionally, the intent of this policy and procedure is to safeguard those patient rights by conducting criminal background checks on all potential workforce members, including those transferred or promoted to sensitive positions, as defined below.

All candidates selected for hire, promotion to a sensitive position or transfer from another department and non-County workforce members will participate in a criminal background check. The criminal background check will include fingerprinting and Live Scan (CADOJ) and/or the FBI, as applicable. State and federal licensing and administrative agencies may

APPROVED BY:
REVIEW
DATES:

EFFECTIVE DATE: September 1, 2009

SUPERSEDES: September 1, 2001

DEPARTMENT OF HEALTH SERVICES COUNTY OF LOS ANGELES

SUBJECT: CRIMINAL RECORDS BACKGROUND CHECK/LIVE SCAN POLICY

POLICY NO.: 703.1

also be contacted. All information resulting from the criminal background check or from an employment application/information sheet will be reviewed for conduct incompatible with County employment/assignment. Any such conduct will be evaluated based on the nature of the conviction, job nexus, and amount of time elapsed since the conviction.

In accordance with Civil Service Rule 6.04, the Department may refuse to accept an application for a position if the candidate has been convicted of a crime or who is guilty of conduct incompatible with County employment/assignment, whether or not it amounts to a crime. The conviction may not be disqualifying if it is determined that there were mitigating circumstances or that the conviction is not related to the position and poses no threat to the County or the public. Prospective employees with criminal convictions may still be accepted and placed in a position for which they qualify and in which their previous conviction does not pose a risk.

Prospective workforce members who do not answer questions related to conviction information will be rejected.

Any current workforce member **charged** with a crime (including traffic violations, if position requires driving on County business) shall report being charged with such crime to DHS Human Resources within 72 hours of becoming aware of the charge. A current workforce member **convicted** of a crime (including a traffic violation, if position requires driving on County business) shall report the conviction to DHS Human Resources (HR) Performance Management Unit (PMU) within 24 hours of the conviction. Failure to report may result in disciplinary action, including discharge or termination from assignment. DHS HR PMU will review the charges/conviction to determine if a job nexus exists. All information reported to DHS Human Resources will only be released on a "need-to-know" basis as required to determine a job nexus.

DEFINITION:

For purposes of this policy, all positions within the Department of Health Services are considered "sensitive." Sensitive positions are positions that involve duties that may pose a threat or risk to the County or to the public when performed by workforce members who have a criminal history incompatible with those duties, whether those workforce members are paid or not paid by the County. Such duties may include, but are not limited to:

- positions that involve the care, oversight, or protection of persons through direct contact with such persons;

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PAGE 2 OF 3

DEPARTMENT OF HEALTH SERVICES COUNTY OF LOS ANGELES

SUBJECT: CRIMINAL RECORDS BACKGROUND CHECK/LIVE SCAN POLICY

POLICY NO.: 703.1

- positions having direct or indirect access to funds or negotiable instruments;
- positions that require state and/or professional licensing;
- positions that involve public safety and/or law enforcement;
- positions that have access to or are in charge of drugs or narcotics;
- positions that involve access to confidential and/or classified information, including criminal conviction information;
- positions that involve the care, oversight, or protection of County, public, or private property; and
- positions that are subject to provisions related to homeland security.

AUTHORITY:

Civil Service Rules 6.04, 10, 18.031

LA County Code Section 5.12.110

Employee Evaluation & Discipline Guidelines, Section 5060, Subsection C, Misconduct, Item 17

Board of Supervisors Resolution, Intention to Provide for the Access of Criminal History Information for Employment in Sensitive Positions, November 10, 1998.

Board of Supervisors Motion, Amendment to Item 38-C (MLK MACC – Auditor-Controller Report), October 28, 2008

California Penal Code Sections 11105(b)(10) and 13300(b)(10)

Letter, California Department of Public Health to All California Radioactive Materials Licensees Authorized to Possess Radioactive Material in Quantities of Concern. Subject:

Implementation of Fingerprinting and Criminal History Record Checks for Unescorted Access to Radioactive Material in Quantities of Concern, June 5, 2008

Joint Commission Standard, HR 01.02.05

Centers for Medicare and Medicaid Services (CMS) Standards A0058

CROSS REFERENCES:

Department of Human Resources, Policy Procedure and Guideline 514, Designated Sensitive Positions and Requirements for Criminal History Information

DHS Policies:

728.000, Non-County Workforce Members

935.00 – 935.20, Data Security Policies

918.6, Design/Construction and Maintenance Risk Assessment: Policies and Procedures – Criminal Background Check Policy

EFFECTIVE

DATE: September 1, 2009

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PAGE 3 OF 3