

# Stark County Board of Developmental Disabilities

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## BACKGROUND CHECKS ON EMPLOYEES

### POLICY

The background of all persons hired, consultants, and contracted persons shall be checked to insure that they have accurately represented themselves to the Board and that their employment or use would not expose the Board to undue risk.

All Employees shall be subject to updated background and registry checks as required by the standard related to the position or the Stark County Board of Developmental Disabilities.

The Board shall follow Ohio Revised Code 3319.39; 3327.10; 5123.081; and OAC 3301-83-06; 5123-2-02.

Historical Resolution Information		Reviewer(s):
<b>Date</b>	<b>Resolution Number</b>	Director of Human Resources
6/5/14	Procedure Revision	
5/24/16	05-24-16	
5/28/19	05-24-19	
7/12/19	Procedure Revision	
9/27/22	09-50-22	

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## BACKGROUND CHECKS ON EMPLOYEES

### PROCEDURE

1. Applicants for employment with Stark DD are required to complete an employment application and provide names and addresses of present and former employers. The Human Resources Department or designee(s) will attempt to obtain references from these employers and maintain written evidence that reference checks were attempted and/or completed.
2. The Human Resources Department will check each of the following databases to determine if the employee is included. All database checks are signed off by two (2) Human Resource employees (processor and reviewer) using a standard template to ensure that a copy of each of the database results are printed and maintained in the personnel file. The template is filed with the printed database checks. The Director of Human Resources is the third check on all database checks for new employees and five year database checks. The Board shall not continue to employ an employee if the employee is included in one of the databases described below.
  - a. The list of excluded persons and entities maintained by the office inspector general in the United States Department of Health and Human Services pursuant to section 1128 of the Social Security Act.
  - b. The abuser registry established pursuant to section 5123-52 of the Revised Code.
  - c. The nurse aide registry established pursuant to section 3721.32 of the Revised Code.
  - d. The sex offender and child-victim offender database established pursuant to division (A) (11) of section 2950.13 of the Revised Code.
  - e. The United States general services administration system for award management database.
  - f. The database of incarcerated and supervised offenders established pursuant to section 5120.066 of the Revised Code.
  - g. The Ohio Medicaid provider exclusion and suspension list identifies individuals who are excluded from employment by Medicaid or Medicare providers because they have been terminated for cause.
3. Once the job offer is made, the Human Resources Department shall verify that the employee has a valid motor vehicle operator's license and obtain a driving record prepared by the Bureau of Motor Vehicles if the duties of the position for which the employee has applied require the employee to transport individuals or to operate the Employer's vehicles for any other purpose. The Employer will check the driving record of the employee on an annual basis thereafter. A person having six or more points on his or her driving record is prohibited from transporting individuals, or operating the Employer's vehicles.

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- a. Employees will be required to successfully complete van driver training every three (3) years. The training will be conducted and scheduled through the Transportation Department.
  - b. Each employee required to provide non-medical transportation services is required to complete testing for controlled substances by a laboratory certified for such testing and be determined to be drug free prior to initially providing non-medical transportation.
4. Employees in the Transportation Department with duties that require the employee to transport individuals or to operate the employer's vehicles for any other purpose will be subject to a driving record check by the Bureau of Motor Vehicles on a quarterly basis.
5. After the initial job offer, but prior to providing any services, the Human Resources Department will require the employee to complete the following:
  - a. A statement to the Employer with the employee's signature attesting that he or she has not been convicted of, pleaded guilty to or been found eligible for intervention in lieu of conviction to a disqualifying offense. See Exhibit 1. An employee shall disclose a conviction for any offense that has been sealed or expunged.
  - b. The employee is provided with a copy of the Noncriminal Justice Applicant Rights (NCJAR) letter for their review and/or for them to keep.
  - c. A verification waiver is provided to the employee at the time of the background check allowing the release of Criminal History Information (CHRI) for their signature. The waivers are maintained in the employee's personnel file.
  - d. Notification by the staff member must occur within fourteen (14) calendar days, if while the employee is employed by the Board, the employee is ever formally charged with any of the offenses listed in Exhibit 1 and again, within fourteen (14) calendar days after being convicted of, pleading guilty to, or been found eligible for intervention in lieu of conviction of a criminal offense.
  - e. The notification must be made in writing and forwarded to the Superintendent or designee. It must also specify the exact offense(s), date of occurrence, and jurisdiction.
6. After the job offer, the Human Resources Department will request the Bureau of Criminal Identification and Investigation to conduct a criminal records check of an employee. If the employee does not present proof that he or she has been a resident of Ohio for the five-year period immediately prior to the date upon which the criminal records check is requested, the employer shall request that the Bureau of Criminal Identification and Investigation obtain information from the Federal Bureau of Investigation as part of the criminal records check.

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7. Requests from the Federal Bureau of Investigation will also be conducted for employees who work in school buildings or on transportation routes with school children. The following items may be provided as proof of Ohio residency:
  - a. A notarized statement asserting that he or she has been a resident of Ohio for that five-year period.
  - b. A valid driver's license
  - c. Notification of registration as an elector
  - d. A copy of an officially filed federal or state tax form identifying the applicant's permanent residence
  - e. Any other document the Employer considers acceptable
8. The Retained Applicant Fingerprint Database (RapBack) is a continuous criminal record monitoring service that the Board uses to obtain any criminal records that occur post-employment. The BCI Authentication number for each criminal background check is entered into RapBack in order for the system to continually compare BCI data to the Retained Applicant Fingerprint Database.
  - a. Verification of Rapback enrollment for all new employees is noted on the Registry and Rapback Checklist by two (2) Human Resource employees. The Director of Human Resources is the third check on all new employee Rapback enrollments.

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AFFIDAVIT OF [REDACTED],

APPLICANT FOR EMPLOYMENT WITH THE STARK COUNTY BOARD OF DEVELOPMENTAL DISABILITIES (SCBDD) OR EMPLOYEE CONDUCTING UPDATED BACKGROUND CHECK

**EXHIBIT 1:** Under Ohio law, there are five tiers of disqualifying offenses with a corresponding time period that preclude an applicant from being employed or an employee from remaining employed by the Stark County Board. The number of years excluded from employment is listed in the chart with Tier levels at the end of this list. Employees or applicants may not be convicted of, pled guilty to, or been found eligible for intervention in lieu of conviction for these following offenses:

OFFENSES RELATING TO DOMESTIC ANIMALS*		TIER
O.R.C.959.13	Cruelty to animals*	3
O.R.C.959-131	Cruelty against companion animal*	3

HOMICIDE AND ASSAULT		TIER
O.R.C.2903.01	Aggravated Murder	1
O.R.C.2903.02	Murder	1
O.R.C.2903.03	Voluntary Manslaughter	1
O.R.C.2903.04	Involuntary Manslaughter	2
O.R.C.2903.041	Reckless homicide*	2
O.R.C.2903.11	Felonious Assault	1
O.R.C.2903.12	Aggravated Assault	3
O.R.C.2903.13	Assault	4
O.R.C.2903.15	Permitting child abuse*	1
O.R.C.2903.16	Failing to provide for a functionally impaired person	1
O.R.C.2903.21	Aggravated menacing	3
O.R.C.2903.211	Menacing by stalking*	3
O.R.C.2903.22	Menacing*	4

PATIENT ABUSE AND NEGLECT		TIER
O.R.C.2903.34	Patient abuse; neglect	1
O.R.C.2903.341	Patient endangerment	1

KIDNAPPING AND EXTORTION		TIER
O.R.C.2905.01	Kidnapping	1
O.R.C.2905.02	Abduction	1
O.R.C.2905.04	Child stealing (as the offense existed prior to 7-1-96)	2
O.R.C.2905.05	Criminal child enticement	2
O.R.C.2905.11	Extortion*	2
O.R.C.2905.12	Coercion*	3
O.R.C.2905.32	Human Trafficking *	1
O.R.C.2905.33	Unlawful conduct with respect to documents*	1

APPLICANT MUST INITIAL IN THE FOLLOWING SPACE [REDACTED]

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## SEX OFFENSES

		TIER
O.R.C.2907.02	Rape	1
O.R.C.2907.03	Sexual battery	1
O.R.C.2907.04	Unlawful sexual conduct with a minor	1
O.R.C.2907.05	Gross sexual imposition	1
O.R.C.2907.06	Sexual imposition	1
O.R.C.2907.07	Importuning	1
O.R.C.2907.08	Voyeurism	1
O.R.C.2907.09	Public indecency	4
O.R.C.2907.12	Felonious sexual penetration (as the offense formerly existed)	1
O.R.C.2907.21	Compelling prostitution	2
O.R.C.2907.22	Promoting prostitution	2
O.R.C.2907.23	Entice, solicit, or procure prostitution	2
O.R.C.2907.24	Soliciting and solicitation after a positive HIV test*	4
O.R.C.2907.25	Prostitution	4
O.R.C.2907.31	Disseminating matter harmful to juveniles	1
O.R.C.2907.32	Pandering obscenity	1
O.R.C.2907.321	Pandering obscenity involving a minor	1
O.R.C.2907.322	Pandering sexually oriented matter involving a minor	1
O.R.C.2907.323	Illegal use of minor in nudity-oriented material or performance	1
O.R.C.2907.33	Deception to obtain matter harmful to juveniles*	4

## ARSON AND RELATED OFFENSES\*

		TIER
O.R.C.2909.02	Aggravated Arson*	2
O.R.C.2909.03	Arson*	2
O.R.C.2909.04	Disrupting of public services*	3
O.R.C.2909.22	Soliciting or providing support for acts of terrorism*	1
O.R.C.2909.23	Making Terrorist Threat*	1
O.R.C.2909.24	Terrorism*	1

## ROBBERY AND BURGLARY

		TIER
O.R.C.2911.01	Aggravated robbery	2
O.R.C.2911.02	Robbery	3
O.R.C.2911.11	Aggravated burglary	2
O.R.C.2911.12	Burglary	3
O.R.C.2911.13	Breaking and entering*	4

## THEFT AND FRAUD\*

		TIER
O.R.C.2913.02	Theft*	4
O.R.C.2913.03	Unauthorized use of a vehicle*	4
O.R.C.2913.04	Unauthorized use of property computer, cable or telecomm property*	4
O.R.C.2913.05	Telecommunications fraud*	4
O.R.C.2913.11	Passing bad checks*	4
O.R.C.2913.21	Misuse of credit cards*	4
O.R.C.2913.31	Forgery and forging identification cards*	4
O.R.C.2913.32	Criminal simulation*	4
O.R.C.2913.40	Medicaid fraud*	1
O.R.C.2913.41	Defrauding a rental agency or hostelry	4
O.R.C.2913.42	Tampering with records*	4

**APPLICANT MUST INITIAL IN THE FOLLOWING SPACE**



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## **THEFT AND FRAUD(continued)**

O.R.C.2913.43	Securing writings by deception*	4
O.R.C.2913.44	Personating an officer*	4
O.R.C.2913.441	Unauthorized display of law enforcement emblems*	4
O.R.C.2913.45	Defrauding creditors*	4
O.R.C.2913.46	Illegal use of supplemental nutrition assistance or WIC program*	2
O.R.C.2913.47	Insurance fraud*	3
O.R.C.2913.48	Workers' Compensation fraud*	2
O.R.C.2913.49	Identity fraud*	2
O.R.C.2913.51	Receiving stolen property*	4

## **OFFENSES AGAINST THE PUBLIC PEACE\***

O.R.C.2917.01	Inciting to violence*	3
O.R.C.2917.02	Aggravated riot*	2
O.R.C.2917.03	Riot*	3
O.R.C.2917.31	Inducing panic*	3

## **OFFENSES AGAINST FAMILY**

O.R.C.2919.12	Unlawful abortion	4
O.R.C.2919.121	Unlawful abortion on a minor*	4
O.R.C.2919.123	Unlawful distribution of an abortion-inducing drug*	4
O.R.C.2919.22	Endangering children	3
O.R.C.2919.23	Interference with Custody*	4
O.R.C.2919.24	Contributing to unruliness or delinquency of child	4
O.R.C.2919.25	Domestic violence	3

## **OFFENSES AGAINST JUSTICE AND PUBLIC ADMINISTRATION**

O.R.C.2921.03	Intimidation*	3
O.R.C.2921.11	Perjury*	3
O.R.C.2921.12	Tampering with evidence*	4
O.R.C.2921.13	Falsification*	3
O.R.C.2921.21	Compounding a crime*	4
O.R.C.2921.24	Disclosure of confidential information*	4
O.R.C.2921.32	Obstructing justice*	4
O.R.C.2921.321	Assaulting a police dog, horse, or assistance dog*	4
O.R.C.2921.34	Escape*	3
O.R.C.2921.35	Aiding escape or resistance to authority*	3
O.R.C.2921.36	Prohibited conveying of certain items onto property of state facilities*	3
O.R.C.2921.51	Impersonation of peace officer*	4

## **CONSPIRACY, ATTEMPT, COMPLICITY; WEAPONS CONTROL; CORRUPT ACTIVITY**

O.R.C.2923.01	Conspiracy (when the underlying offense included in this list)*	Any
O.R.C.2923.02	Attempt (when the underlying offense included in this list)*	Any
O.R.C.2923.03	Complicity (when the underlying offense included in this list)*	Any
O.R.C.2923.12	Carrying concealed weapon	2
O.R.C.2923.122	Illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone and illegal possession of an object indistinguishable from a firearm in a school safety zone*	2

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## CONSPIRACY, ATTEMPT, COMPLICITY; WEAPONS CONTROL; CORRUPT ACTIVITY (continued)

O.R.C.2923.123	Illegal conveyance, possession or control of a deadly weapon or dangerous ordnance into courthouse*	2
O.R.C.2923.13	Having weapons while under disability	2
O.R.C.2923.161	Improperly discharging a firearm at or into a habitation or school	2
O.R.C.2923.162	Discharge of firearm on or near prohibited premises*	2
O.R.C.2923.21	Improperly furnishing firearms to a minor*	2
O.R.C.2923.32	Engaging in a pattern of corrupt activity*	2
O.R.C.2923.42	Criminal gang activity*	2

## DRUG OFFENSES

		TIER
O.R.C.2925.02	Corrupting another with drugs	2
O.R.C.2925.03	Trafficking offenses	2
O.R.C.2925.04	Illegal Manufacture of Drugs or Cultivation of Marijuana	2
O.R.C.2925.041	Illegal assembly or possession of chemicals for manufacture of drugs*	2
O.R.C.2925.05	Funding of Drugs or Marijuana Trafficking	3
O.R.C.2925.06	Illegal administration or distribution of Anabolic Steroids	3
O.R.C.2925.09	Illegal administration, dispensing, distribution, manufacture, possession, selling, or using any dangerous veterinary drug*	4
O.R.C.2925.11	Drug possession offenses other than minor drug possession	4
O.R.C.2925.11	Drug possession offenses that is minor drug possession	5
O.R.C.2925.13	Permitting drug abuse*	4
O.R.C.2925.14	Illegal use, possession, or sale of drug paraphernalia*	5
O.R.C.2925.141	Illegal use, possession, or sale of marijuana drug paraphernalia*	5
O.R.C.2925.22	Deception to obtain a dangerous drug*	4
O.R.C.2925.23	Illegal processing of drug documents*	4
O.R.C.2925.24	Tampering with drugs*	3
O.R.C.2925.36	Illegal dispensing of sample drugs*	4
O.R.C.2925.55	Unlawful purchase or receipt of pseudoephedrine product*	4
O.R.C.2925.56	Unlawful sale of pseudoephedrine product*	4

## MISCELLANEOUS OFFENSES

		TIER
O.R.C.2927.12	Ethnic intimidation*	3
O.R.C.3716.11	Adulteration of food	2

\*illustrates an added offense effective 1-1-2013

## ADDITIONAL DISQUALIFYING OFFENSES

- ❖ A conviction related to fraud, theft, embezzlement, breach of fiduciary responsibility, or other financial misconduct involving a federal or state-funded program, excluding the disqualifying offenses set forth in section 2913.46 of the Revised Code (illegal use of supplemental nutrition assistance program or women's, infants, and children program benefits.)
- ❖ A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed above.

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❖ Multiple disqualifying offenses

- If an applicant or employee has been convicted of or pleaded guilty to or has been found eligible for intervention in lieu of conviction for multiple disqualifying offenses listed in paragraphs (E)(1)(b)(i) to (E)(1)(b)(xxxii) of this rule, and offenses listed in paragraphs (E)(1)(c)(i) to (E)(1)(c)(xxvii) of this rule, and paragraphs (E)(1)(d)(i) to (E)(1)(d)(xiii) of this rule, the applicant or employee is subject to a fifteen-year exclusion period beginning on the date the applicant or employee was fully discharged from imprisonment, probation, or parole for the most recent offense.
- If an applicant or employee, has been convicted of or pleaded guilty to, or has been found eligible for intervention in lieu of conviction for multiple disqualifying offenses listed in paragraphs (E)(1)(c)(i) to (E)(1)(c)(xxvii) of this rule and offenses listed in paragraphs (E)(1)(d)(i) to (E)(1)(d)(xliii) of this rule, the applicant or employee is subject to a ten-year exclusion period beginning on the date the applicant or employee was fully discharged from imprisonment, probation, or parole for the most recent offense.
- If an applicant or employee has been convicted of or pleaded guilty to, or has been found eligible for intervention in lieu of conviction for multiple disqualifying offenses listed in paragraphs (E)(1)(d)(i) to (E)(1)(d)(xliii) of this rule, the applicant or employee is subject to a seven-year exclusion period beginning on the date the applicant or employee was fully discharged from imprisonment, probation, or parole for the most recent offense.

For Tier 5 – A responsible entity may employ an applicant or continue to employ an employee, if the applicant or employee has been convicted of, pleaded guilty to or has been found eligible for intervention in lieu of conviction for any of the listed Tier 5 offenses or violations.

An applicant or employee who has been granted a pardon, either conditional or unconditional, or if the conviction was overturned for certain codes, may be eligible for employment—see conditions set forth in OAC 5123-2-02(F). Alternately, the Board may continue to employ a person who made a determination and attestation prior to April 1, 2013—see conditions set forth in OAC 5123-2-02 (G).

Tier 1	Permanent Exclusion
Tier 2	10 year Exclusion
Tier 3	7 Year Exclusion
Tier 4	5 Year Exclusion
Tier 5	No Exclusion

**APPLICANT MUST INITIAL IN THE FOLLOWING SPACE**



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## AFFIDAVIT

STATE OF OHIO

COUNTY OF Stark:

**BEING DULY SWORN, DEPOSES AND SAYS:**

1. The affiant (referred to in this affidavit as the "individual") is applying for or working in the position of [REDACTED] at the Stark County Board of Developmental Disabilities (referred to in this affidavit as the "Board").
2. The affiant understands that, in accordance with the Ohio Revised Code Section 5123.081 and Ohio Administrative Code rule 5123-2-02, the Board is required to conduct a background investigation of all new employees, including gathering a set of impressions of the applicant's fingerprints for the purposes of a criminal records check, a reference check of past and present employers prior to employment, and a review of certain databases. The individual further understands that, if the individual is applying for a position which includes transporting individuals with developmental disabilities, a copy of the individual's abstract regarding the record of convictions for violations of motor vehicle laws will be requested from the registrar of motor vehicles. The individual agrees to sign all forms necessary for the Board (or the Board's designee) to receive this information and understands that failure to do so means the Board will not employ the individual. **By signing below, the individual hereby consents to the Board conducting the criminal records check required under Ohio law.**

**(Individual's: Initial either 3 or 4 but not both)**

- \_\_\_\_ 3. The individual states that he/she has been a resident of Ohio for the five-year period preceding this application. The individual agrees to provide proof to the Board that he/she has been a resident of Ohio for the five-year period preceding the application.
- \_\_\_\_ 4. The individual states that he/she has not been a resident of Ohio for the five-year period preceding this application. As a result, the individual understand that the Board must request a criminal records check from the Federal Bureau of Investigation (FBI), and the individual hereby consents to the Board requesting such information from the FBI.

**(Individual: Initial either 5 or 6 but not both)**

- \_\_\_\_ 5. The individual states that he/she has not been convicted of or pled guilty to, or been found eligible for intervention in lieu of conviction for any of the offenses listed in Exhibit 1. Exhibit 1 is attached to and hereby made a part of this affidavit. The individual states that he/she has read Exhibit 1 as acknowledged by individual's initials on every page of Exhibit 1.

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\_\_\_\_ 6. The individual states that he/she has been convicted or pled guilty to, or been found eligible for intervention in lieu of conviction for one or more of the offenses listed in Exhibit 1. Exhibit 1 is attached to and hereby made a part of this affidavit. The applicant states that he/she has read Exhibit 1 as acknowledged by individual's initials on every page of Exhibit 1.

For each offense for which the individual has been convicted or plead guilty or been found eligible for intervention in lieu of conviction, the individual states:

- a. The original charge was \_\_\_\_\_
- b. The conviction was for \_\_\_\_\_
- c. The date of the conviction was \_\_\_\_\_
- d. The sentence was \_\_\_\_\_
- e. The date of completion of all items of the sentence was \_\_\_\_\_
- f. The circumstance of the crime were as follows: \_\_\_\_\_

- \_\_\_\_\_
- 7. The individual understands that, in accordance with Sections 109.572 of the Ohio Revised Code, the Board is entitled to information regarding all convictions or guilty pleas, or interventions in lieu of conviction of the individual with respect to offenses listed or described in Exhibit 1, including those that have been expunged or sealed under Ohio law. **The individual understands that he/she must disclose such expunged or sealed convictions to the Board.**
  - 8. The individual agrees to inform the Board, **within 14 calendar days**, if, while the individual is employed by the Board, the individual is ever formally charged with, convicted of, pleads guilty to, or is found eligible for intervention in lieu of conviction for any of the offenses listed in Exhibit 1. The individual understands that failure to report to the Superintendent any formal charges, a conviction of a guilty plea, or eligibility for intervention in lieu of conviction for any of the offenses may result in the individual being dismissed from Board employment.
  - 9. The individual states that the above information is complete, true and accurate under penalty of perjury.
  - 10. The individual understands that the accuracy of this information is a condition of employment and that the Board is relying on the accuracy of this information in making any offer of employment to the individual.
  - 11. The individual understands that he/she may be discharged if any of the above information is false, incomplete or misleading.

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**FURTHER AFFIANT SAYETH NAUGHT**

\_\_\_\_\_

Date

\_\_\_\_\_

Signature of Affiant

**SWORN TO AND SUBSCRIBED BEFORE ME AT \_\_\_\_\_, OHIO,**

**THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_**

\_\_\_\_\_  
**NOTARY PUBLIC**

\_\_\_\_\_  
**MY COMMISSION EXPIRES**

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## REGISTRY CHECKLIST & RAPBACK ASSOCIATION

Employee Name:		Date of Hire:			
Job Title:					
DATABASE/REGISTRY	DATE OF CHECK	PROCESSED BY	REVIEWED BY	KRONOS	FILE
Inspector General's Exclusion List					
Sex Offender & Child Victim Offenders Database					
U.S. General Services Administration System for Award Management Database					
Database of Incarcerated & Supervised Offenders					
Abuser Registry					
Nurse Aide Registry					
The Ohio Department of Medicaid Exclusion & Suspension List					
Rapback Association					

\_\_\_\_\_  
Processor Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Reviewer Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
HR Director Initials