

PENNSYLVANIA HOSPITAL

800 Spruce Street · Philadelphia · Pennsylvania · 19107

ADMINISTRATIVE POLICY MANUAL

SUBJECT: Pre-Employment Background Investigations

POLICY NUMBER: HR61 - 0505



POLICY STATEMENT:

It is the policy of Pennsylvania Hospital and the University of Pennsylvania Health System (UPHS) to provide a safe environment for patients, visitors and employees. Pennsylvania Hospital, in accordance with this policy, will conduct background investigations, including criminal history record checks, for all new hires and re-hires, as a condition of employment and as required by law or a business reason.

PURPOSE

The purpose of this policy is to ensure the safe and competent job performance provided by Pennsylvania Hospital employees. The information received through pre-employment background investigations will assist in making sound hiring decisions affecting the well being of patients, visitors and employees, as well as potentially reducing liability for Pennsylvania Hospital.

SCOPE

The requirements and procedures outlined in this policy statement apply to all external candidates hired or rehired at Pennsylvania Hospital effective 5/1/03.

Outsourced Services Contracts - Effective 5/1/03, these requirements will be negotiated into any new contracts, or re-negotiated into existing contracts going forward.

PROCEDURE

Pre-employment background investigations are to be completed on every external applicant (defined as a new hire or re-hire) being considered for employment within Pennsylvania Hospital. In the case where a criminal history check is required by law or for a business reason (see E. below), internal applicants will also be required to complete appropriate paperwork and undergo that portion of the investigation. **All offers of employment, including verbal and subsequent written confirmation, should include a statement indicating that the offer is being made conditional on successful completion of the background investigation.** The procedure must be completed **prior to** processing the applicant onto payroll. Information should be secured through the chosen vendor (Certiphi Screening, Inc.), and the documentation should be maintained in the employee file kept in the Human Resources Department.

Approved/Issued

- May, 2003

HR Approval

- May, 2003
- May, 2005

Revised

- May, 2004
- May, 2005

Attachment(s)

- [A-Release Authorization](#)
- [B-Summary of Your Rights](#)
- [C-Assessment of Job Relatedness of Criminal Convictions](#)
- [D- 1st Adverse Action Notice Letter](#)
- [E-2nd Adverse Action Notice Letter](#)

Related Policies

- Authorization to Obtain Information - Before** initiating the background investigation, the applicant **must** complete the UPHS Employment Application and sign the “Release Authorization and Fair Credit Reporting Act Disclosure” (Appendix A). This form is to be maintained in the employee file kept in the Human Resources Department.
- “Summary of Rights” document** - At the time of authorization the applicant will receive a “Summary of Rights” document, outlining their rights under the Fair Credit Reporting Act (FCRA) (Appendix B).
- Content of Background Investigation Report** – The following information will be verified on all External applicants, as defined above:
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1. Education (last completed)
2. Employment History (seven (7) years or four (4) employers)
3. Social Security Number Verification
4. Address Verification
5. Professional Licensure (when applicable)
6. Criminal History Record Information (refer to D. and E. below)
7. State/Federal Program Exclusions (OIG)
8. Driving Records and/or Credit Reports, if deemed applicable to the job applied for

D. **Criminal History Record Information** – With respect to each position, a criminal history check will be required, either by applicable law (see E. below) or for business reasons (i.e. access to particular patient areas within the Entity). If a criminal history check is required, any applicant for the position, whether internal or external, will be required to complete the appropriate criminal history record paperwork. Failure to fully complete any required paperwork may result in denial or loss of employment. If any consent form is required by a law enforcement agency to release the information, the applicant will be required to provide such a consent form.

If the criminal history provided by the applicant does not conform with the information obtained, the applicant will be given an opportunity to explain any inaccuracies. If a satisfactory explanation is not given, the applicant will not be considered further for the position.

If after employment any employee hired under this policy is discovered to have lied or made material omissions regarding his or her criminal history, that individual is subject to immediate discharge.

Unless required by applicable law, Pennsylvania Hospital will not inquire about arrest records. Pennsylvania Hospital will inquire about probation, including deferred adjudication in accordance with applicable law.

Pennsylvania Hospital's equal employment opportunity policy will be followed with respect to any criminal history information. Accordingly, the following factors will be considered if an individual has a criminal history in determining whether to hire the individual (see details under Appendix C, "Assessment of Job-Relatedness of Prior Criminal Convictions"):

- The nature of the criminal act
- The frequency of criminal acts
- The time since the last conviction
- The time between convictions
- The nature of the job
- The qualifications of the individual for the job
- Evidence the individual has successfully rehabilitated himself/herself.

E. **Criminal History Record Checks as Required Under Law** – Healthcare organizations that provide services to the elderly are required to conduct criminal history checks of job applicants before hiring and employing those applicants. The applicants may be hired only if they are free from certain criminal convictions under amendments to Pennsylvania's Older Adults Protective Services Act (see details under Appendix C).

This law, effective July 1, 1998, applies to "facilities"—which include long-term nursing facilities, home health care agencies (including any private or public organization which provides care to a care-dependent individual in the individual's residence), domiciliary care homes, older adult daily living centers, and personal care homes. **Mandatory Pennsylvania state police criminal history records are required. Criminal background checks other than those performed by the state police are not acceptable.**

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The law requires applicants to submit a criminal history report from the Pennsylvania state police with their employment application. This PATCH report can be obtained through Certiphi Screening, Inc., when requested. If the applicant does not reside in Pennsylvania, or has not resided there for the two years immediately preceding the application, then a federal criminal history record information report must be obtained from the Federal Bureau of Investigation in addition to the state police report.

A record of any felony conviction under the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act, or a record of certain misdemeanor and felony convictions under the Pennsylvania Crimes code, will preclude an applicant's employment. Certain special provisions apply to provisional employment. The Act contains criminal and administrative penalties for willful or intentional failure to comply.

Note: Legal requirements for fingerprinting applicants for particular positions are not covered under this policy, and will need to be accomplished through alternate arrangements.

F. **Adverse Action Notification Procedures as Required under the Fair Credit Reporting Act (FCRA)** – in order to comply with the federal statutory requirements under FCRA, the following two (2) letters will be sent out to applicants when any information contained in the background investigation report could result in the withdrawal of the conditional offer of employment:

1. **“1st Adverse Action Notice Letter”**(Appendix D) – This letter will be sent out immediately along with two attachments: (1) a copy of the Background report from Certiphi Screening, and (2) a copy of the “Summary of Rights”(Appendix B).

2. **“2nd Adverse Action Notice Letter”** (Appendix E) - On the **fifth business day** from the date of mailing of the “1st Adverse Action Notice Letter”, a review should be done of supplementary information submitted by the applicant (if any), and a decision made regarding employment, taking into consideration the job-relatedness factors outlined in Appendix C. If a decision is made to withdraw the conditional offer of employment based in whole or in part on the adverse information, the “2nd Adverse Action Notice” letter will be sent, along with two attachments: (1) the “Summary of Rights” (Appendix B), and (2) a signed copy of the “Release Authorization and Fair Credit Reporting Act Disclosure” (Appendix A) originally signed by the applicant.

The letters should be sent by both regular mail and registered mail (no signature required), or Federal Express(no signature required), to the address given by the applicant on the authorization form.

Any questions concerning the application of and/or compliance with this policy should be directed to Pennsylvania Hospital's Chief Human Resource Officer or designee.

/s/ Timothy O. Morgan
TIMOTHY O. MORGAN
EXECUTIVE DIRECTOR

05/06/05
DATE