

Oregon State Archives

Records Retention Schedule

Edition: March 2011

Expires: March 2016

Organizational Placement

Schedule Number: 2003-0026

Agency: Department of Human Services / Oregon Health Authority
Division: Administrative Services
Office: Human Resources
Unit: Background Check Unit (BCU)

Program Description

The Background Check Unit is responsible for conducting criminal records checks pursuant to ORS 181.534, 181.537, 418.016, and 443.004; and abuse checks pursuant to ORS 409.025 and 409.027. The BCU's administrative authority is promulgated in OAR 407 Division 7. The program was created in 2001 as the Criminal Records Unit (CRU) to provide consistent, centralized investigations and background checks using technical expertise and the latest resources. With the addition of statutory abuse check responsibilities in 2007, the unit's name was changed to the Background Check Unit (BCU); the change became effective April 1, 2009.

Individuals subject to a criminal records check, abuse check, or both, include Department of Human Services (DHS) employees, volunteers, and contractors; Oregon Health Authority (OHA) employees, volunteers, and contractors; employees, volunteers, and contractors of DHS or OHA-regulated agencies providing services to vulnerable individuals such as children, individuals with disabilities, and elderly individuals. Subject individuals (SIs) also include adult and child foster providers, adoptive parents, individuals providing child care for clients, adult household members in homes where care is provided, and individuals who provide in-home care, home health care, or other types of support services for vulnerable individuals. The BCU reviews criminal offender and abuse investigation information to make fitness determinations. In some instances, the BCU may provide Oregon criminal offender information to DHS or OHA-regulated agencies to review and make fitness determinations. The BCU also monitors the fitness determinations made by DHS and OHA-regulated agencies, and reviews compliance with state and federal criminal records check and abuse check requirements.

Criminal records checks are conducted and information gathered upon request from a variety of sources, including but not limited to the Law Enforcement Data System (LEDS), the Oregon Judicial Information System (OJIN), the Oregon Department of Transportation Driver and Motor Vehicle Services Division (DMV), and local courts. In addition, the BCU uses the resources of the Oregon State Police and the Federal Bureau of Investigation to check fingerprints. Abuse checks are conducted using investigation reports available from other DHS and OHA sources. Due to the confidentiality of these reports, the BCU makes all fitness determinations in cases involving substantiated or founded abuse investigations. Rechecks are conducted as directed by program policy to verify or update the eligibility of a subject individual to hold a position.

A fitness determination is conducted upon discovery of any criminal or abuse information involving a subject individual. If the subject individual has potentially disqualifying convictions or conditions, several factors are considered, including but not limited to the nature of the crime or abuse and date committed; accuracy of the findings; current status of the applicant; and legal and policy guidelines regarding their authorization to hold the position, provide services, or be employed, licensed, certified or registered. Subject individuals receiving fitness determination outcomes of "denied" or "restricted approval" may request a hearing to appeal the decision.

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Program Records

001 Criminal Records Check Records

- (a) Retain contested criminal records check records 6 years after last action or employee separation, whichever is longer, destroy
- (b) Retain uncontested criminal records check records 3 years after last action or employee separation, whichever is longer, destroy
- (c) Retain fingerprint cards until final report/finding issued or upon return by the Oregon State Police or Federal Bureau of Investigation, destroy

002 Abuse Check Records

- (a) Retain contested abuse check records 6 years after last action or employee separation, whichever is longer, destroy
- (b) Retain uncontested abuse check records 3 years after last action or employee separation, whichever is longer, destroy

003 Newsletter (*BCU News*)

Retain 5 years, destroy

004 Provider Compliance Check Records

Retain 5 years after case closure, destroy

State Agency General Records Retention Schedule Records

Includes but is not limited to:

Administrative Records (OAR 166-300-0015)

Administrative Rule Preparation Records

Calendar and Scheduling Records

Conference, Seminar, and Training Program Records

Correspondence

Key Assignment Records

Legislative Tracking Records

LEDS Certification Records

Policy and Procedure Guidelines and Manuals

Publication Preparation Records

Telecommunications Logs

Visitor Logs

Financial Records (OAR 166-300-0025)

Budget Preparation Records

Internal Audit Reports

Personnel Records (OAR 166-300-0040)

Employee Personnel Records

Databases

APPEALS

CHAD

FINGERPRINT (CHILD WELFARE)

FINGERPRINT (DHS EMPLOYEES AND VOLUNTEERS)

FINGERPRINT (SENIORS)

HB2442

INTEGRATED QE

MH/DD FINGERPRINT