



**DEPARTMENT OF CORRECTIONS
Human Resources**



Title:	Applicants for DOC Positions with Prior Criminal Convictions	DOC Policy: 20.4.2
Effective:	7/8/14	Supersedes: 7/15/98
Applicability:	Applicants for department permanent and temporary positions, volunteers, student interns and contractors	
Directives Cross-Reference: OAR 259-008-0000		
Attachments: None		

I. PURPOSE

The Department of Corrections shall conduct criminal history and background investigations on all applicants for department permanent and temporary positions, contractors, employees, volunteers, and student interns. The purpose of this policy is to provide hiring supervisors with the department requirements when considering applicants with prior criminal history by category of position and type of conviction. The fact that the department approves a subject individual as fit does not guarantee the individual a position as a department employee, volunteer, or intern.

II. DEFINITIONS

- A. Contractor: Any person under contractual arrangement to provide services to the Department of Corrections.
- B. Corrections Classification Series: A corrections officer certified by the Department of Public Safety Standards and Training (DPSST). A position that is subject to the employment, training, and certification requirements of OAR 259-008-0000.
- C. Criminal Record Check: Use of a computerized database at the state and/or federal level to determine whether a person has been convicted of a crime or has pending criminal charges. An individual's name, date of birth, and social security number is the basis for identification in such system.
- D. Discretionary Disqualifier: Misconduct identified in OAR 259-008-0070 and Prison Rape Elimination Act (PREA) related issues. Discretionary disqualifiers carry lengths of eligibility established by the Department of Corrections.
- E. Functional Unit Manager: Any person within the Department of Corrections who reports to the Director, an Assistant Director or administrator and has responsibility for delivery of program services or coordination of program operations.
- F. Mandatory Life-time Disqualifier: Crimes for which a conviction carries a lifetime disqualification for employment.
- G. Sentence Completion: The date of completion of all sentence requirements including incarceration, parole, probation and post-sentence supervision.

III. POLICY

- A. All department managers are expected to exercise sound judgment when considering candidates with prior criminal convictions, carefully evaluating the applicant's qualifications and the requirements of the positions.
- B. As required by the PREA, an candidate for a position that involves contact with inmates is automatically disqualified from employment, volunteering, and interning if he/she has any of the following:
 - 1. Any conviction for sexual abuse in a prison, jail, secure community placement, or juvenile facility;
 - 2. Any conviction for engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
 - 3. In the absence of a conviction, any civil or administrative finding that the applicant attempted to engaged in any activity described in sub-paragraphs (1) and (2), above.
- C. Substantiated allegations of sexual abuse or sexual harassment incidents will be used in determining whether to hire or promote a candidate. Candidates with these types of incidents may be considered with the approval of the Assistant Director of Human Resources.
- D. For all department corrections classification series positions, applicants with any prior felony convictions or misdemeanor crimes of domestic violence, and any other offenses that prohibit DPSST Certification, shall be eliminated from consideration. Upon sentence completion, applicants with misdemeanor convictions may be considered according to the discretionary disqualifiers carry lengths of eligibility established by the Department of Corrections. Lists of these disqualifiers are listed on the ODOC recruitment web pages. http://www.oregon.gov/doc/HR/pages/r_co_disqual.aspx
- E. For all department non-correctional officer series, institution-based positions and upon sentence completion, applicants with prior criminal convictions may be considered by the hiring supervisor with appointing authority approval under the following conditions:
 - 1. Only after five years after release from incarceration for felony convictions for permanent and temporary positions;
 - 2. On a case-by-case basis for misdemeanor convictions for permanent and temporary positions; and
 - 3. On a case-by-case basis for felony or misdemeanor convictions for volunteer and student intern positions or contractors.
- F. For all department positions outside of the secured perimeter of an institution, the hiring manager may appeal to the Assistant Director of Human Resources for an exception to the felony conviction five year waiting period.

- G. As required by the PREA, the department shall conduct criminal background records checks at least every five years of current permanent and temporary employees, volunteers, and student interns, and contractors who may have contact with inmates.
- H. The functional unit manager is responsible to implement the procedures necessary to ensure that this policy is incorporated in the applicable recruitment and selection process and job announcements.

IV. IMPLEMENTATION

This policy will be adopted immediately without further modification.

Certified: signature on file
Birdie Worley, Rules Coordinator

Approved: signature on file
Elizabeth Craig, Administrator