

# Town of Ayer

## Criminal Offender Record Information

### (CORI) Policy

This Criminal Offender Record Information (CORI) policy is intended to allow the Town of Ayer to fulfill its due diligence obligation and to minimize the Town's liability exposure from actions by its employees, representatives, and agents. As such, this policy is applicable to the criminal history screening of prospective and current employees, subcontractors, volunteers, interns, professional licensing applicants, and applicants for the rental or leasing of housing. Where CORI and other criminal history checks may be part of a general background check for employment, volunteer work, internships, licensing, sub-contracted work, or the rental or leasing of housing, the following practices and procedures will be followed.

The Town currently has four departments authorized to access iCORI: Police Department, Fire Department, Parks Department and Benefits and Payroll Department. Each department is responsible to comply with CORI regulations as defined in Chapter 256 of the Acts of 2010 and MGL c. 6 §. 172. The Benefits and Payroll Manager will conduct CORI checks for all departments without CORI access.

#### **1. Conducting CORI Screening**

CORI checks will only be conducted as authorized by the Department of Criminal Justice Information Services (DCJIS) and MGL c. 6, §.172, and only after a CORI Acknowledgement Form has been completed. With the exception of screening for the rental or leasing of housing, if a new CORI check is to be made on a subject within a year of his/her signing of the CORI Acknowledgement Form, the subject shall be given seventy-two (72) hour notice that a new CORI check will be conducted. If a requestor is screening for the rental or leasing of housing, a CORI Acknowledgement Form shall be completed for each and every subsequent CORI check.

#### **2. Access to CORI**

All CORI obtained from the DCJIS is confidential, and access to the information must be

limited to those individuals who have a “need to know”. This may include, but not be limited to, hiring managers, staff submitting the CORI requests, and staff charged with processing job applications. The Benefits and Payroll Office will maintain and keep a current list of each individual authorized to have access to, or view, CORI. This list must be updated every six (6) months and is subject to inspection upon request by the DCJIS at any time.

### **3. CORI Training**

An informed review of a criminal record requires training. Accordingly, all personnel in the Town of Ayer administration that are authorized to conduct criminal history background checks, review CORI information, or have any access to CORI information will review, and be thoroughly familiar with the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS.

### **4. Use of Criminal History in Background Screening**

CORI used for employment purposes shall only be accessed for applicants who are otherwise qualified for the position for which they have applied. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on background checks will be made consistent with this policy and any applicable law or regulations.

### **5. Verifying a Subject’s Identity**

If a criminal record is received from the DCJIS, the information is to be closely compared with the information on the CORI Acknowledgement Form and any other identifying information provided by the applicant to ensure the record belongs to the applicant. If the information in the CORI record provided does not exactly match the identification information provided by the applicant, a determination is to be made by the individual authorized to make such determinations based on a comparison of the CORI record and documents provided by the applicant.

### **6. Inquiring about Criminal History**

In connection with any decision regarding employment, volunteer opportunities, housing, or professional licensing, the subject shall be provided with a copy of the criminal history record, whether obtained from the DCJIS or from any other source,

prior to questioning the subject about his or her criminal history. The source(s) of the criminal history record will also be disclosed to the subject.

## **7. Determining Suitability**

If a determination is made, based on the information as provided in Section 5 of this policy, that the criminal record belongs to the subject, and the subject does not dispute the record's accuracy, then the determination of suitability for the position, license, or housing will be made. Unless otherwise provided by law, factors considered in determining suitability may include, but not be limited to, the following:

- a) Relevance of the record to the position sought;
- b) The nature of the work to be performed;
- c) Time since the conviction;
- d) Age of the candidate at the time of the offense;
- e) Seriousness and specific circumstances of the offense;
- f) The number of offenses;
- g) Whether the applicant has pending charges;
- h) Any relevant evidence of rehabilitation or lack thereof; and
- i) Any other relevant information, including information submitted by the candidate or requested by the organization. The applicant is to be notified of the decision and the basis for it in a timely manner.

## **8. Adverse Decisions based on CORI**

If an authorized official is inclined to make an adverse decision based on the results of a criminal history background check, the applicant will be notified immediately. The subject shall be provided with a copy of the organization's CORI policy and a copy of the criminal history. The source(s) of the criminal history will also be revealed. The subject will then be provided with an opportunity to dispute the accuracy of the CORI record. Subjects shall also be provided a copy of DCJIS' *Information Concerning the Process for Correcting a Criminal Record*.

## **9. Secondary Dissemination Logs**

All CORI obtained from the DCJIS is confidential and can only be disseminated as authorized by law and regulation. A central secondary dissemination log shall be used

to record *any* dissemination of CORI outside this organization, including dissemination at the request of the subject.

#### 10. Implementation and Employee Responsibility

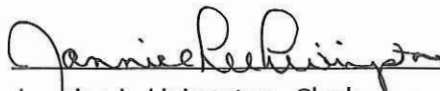
All employees of the Town of Ayer will be subject to a CORI check. If a CORI check conducted on a current employee determines that said employee is unfit to perform his or her duties based upon information that bear directly on his or her specific position, the employee may be subject to discipline up to and including termination.

Employees shall inform their Department Head of any arrest or criminal complaint within 24 hours or the first work day following the event, whichever is earlier, after their initial CORI check is executed by the Town of Ayer.

Approved by:

  
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Gary J. Luca, Chair

  
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Christopher R. Hillman, Vice-Chair

  
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Jannice L. Livingston, Clerk

#### Board of Selectmen

Date: June 7, 2016

### **Criminal Offender Record Information (CORI) Policy**

This acknowledges that I have received and reviewed the Town of Ayer Criminal Offender Record Information (CORI) Policy ("Policy"). As an Administrator authorized to conduct criminal history background checks, review CORI information, or have any access to CORI information I will review and comply with the educational training materials regarding CORI laws and regulations made available by the DCJIS. By signing this form, I agree to abide by the CORI process as defined by the DCJIS, this Policy and any Guidelines promulgated thereunder, and I agree to review periodically any changes or modifications. I recognize that CORI laws and the requirements associated with the CORI Policy may change and understand that my regular review of this Policy as it may be amended is required.

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

*To be included in employee's personnel file.*