



TOWN OF NORWOOD PERSONNEL BOARD

#P-102 – Criminal Offender Record Information (CORI) Employment Policy

1. Purpose and Scope

The Town of Norwood is a certified agency in accordance with M.G.L. c. 6 § 172. Where Criminal Offender Record Information (CORI) checks authorized by law or regulation for employment and volunteer work with the Town of Norwood, the following practices and procedures will generally be followed.

2. Applicability

2.1 This policy applies to all full and part-time positions, paid or unpaid, excluding elected officials and employees of the School Department, that may in the course of its duties have access to vulnerable populations such as the elderly, the disabled or children or any other position that the Town must or is authorized to perform CORI checks on pursuant to law or regulation.

2.2 This policy is intended to be consistent with any and all applicable laws. If any part of this policy is inconsistent with the law, that part of the policy shall be considered invalid, and the remaining provisions of the policy shall be construed so as to be consistent with the law.

3. Definitions

3.1 Applicant: Includes any current or prospective employee, volunteer or person who is subject to the requirements of 803 CMR 2.00, 3.00 and 6.00.

3.2 Department of Criminal Justice Information Services (DCJIS): DCJIS, in accordance with M.G.L. c. 6, § 167A, provides for and exercises control over the installation, operation, and maintenance of the data processing and data communication systems known as the Public Safety Information System, which includes the criminal justice information system. The authority and functions of DCIS are further described in Massachusetts General Laws, chapter 6, and regulations passed pursuant to the statute.

3.3 Criminal Offender Record Information (CORI): "Criminal Offender Record Information" (CORI) includes records and data in any communicable form which concern an identifiable individual and relates to the nature or disposition of a criminal charge, an arrest, a pre-trial proceeding, other judicial proceedings, sentencing, incarceration, rehabilitation, or release. Such information shall be restricted to that recorded as the result of the initiation of criminal proceedings or any consequent proceedings related thereto. As provided by law, CORI shall be limited to information concerning persons who have attained the age of 17 and shall not include any information concerning criminal offenses or acts of delinquency committed by any person adjudicated a delinquent child before he attained the age 17; provided, however, that if a person under the age 17 is adjudicated as an adult, information relating to such criminal offense shall be criminal offender record information. CORI shall not include information concerning any offenses which are not

punishable by incarceration. CORI is further limited in accordance with law and regulation.

- 3.4 CORI Consent Form (document #D-108):** All those required to undergo a CORI check must complete and sign this form. The most current version of this form is available from the Human Resources Department.
- 3.4.a **Dissemination.** The release of CORI in any communicable form.
- 3.4.b **Otherwise Qualified:** Refers to final applicants that meet all other criteria for positions for which the individual is being screened.
- 3.4.c **Regulations:** Regulations include the whole or any part of any rule, standard, other requirement of general application and future effect, including the amendment or repeal thereof, adopted by DCJIS to interpret or implement the law enforced or administered by DCJIS but does not include:
- 3.4.c.i An advisory ruling of DCJIS;
- 3.4.c.ii Procedures concerning the internal management of or discipline within DCJIS, which do not substantially affect the rights of or the procedures available to the public; or,
- 3.4.c.iii Decisions issued in adjudicatory proceedings.
- 3.5** Please consult the Personnel Definitions Document (#D-100) regarding Appointing Authority, Regular Full-time Employee, Regular Part-time Employee, Intermittent Employee, Seasonal Employee, Intern, Volunteer, Summer Hire, Contingent Worker, Temporary Employee and any other applicable terms utilized in this document.

4. Eligibility

This section intentionally left blank.

5. Policy

5.1 For Employees

- 5.1.a For the purposes of Regular Full-time, Regular Part-time, Temporary, Seasonal, Intern, Volunteer, Summer Hire, Contingent Worker, CORI checks will only be conducted as authorized by the Department of Criminal Justice Information Services (DCJIS).
- 5.1.b All applicants for employment with the Town of Norwood that require a CORI check as part of a conditional offer of employment or background check will be notified that a CORI check will be conducted. A list of positions which are subject to CORI is located in the Human Resources Department.

- 5.2** To the extent permitted by law, any person applying for an appointment through the Town of Norwood may be required to undergo a CORI check and in such circumstances will be provided access to the Town's full CORI Employment Policy via the web at www.norwoodma.gov, click Personnel under the Committees/ Boards heading, then click Personnel Policies under the article index section.

6. Provisions

6.1 Conducting CORI checks

- 6.1.a CORI checks will only be conducted as authorized by the DCJIS. All persons who must undergo a CORI check will be notified that a CORI check will be conducted and access to the Town's full CORI Employment Policy per Section 5.2 shall be provided. Individuals are not required to produce a copy of their own CORI.
- 6.1.b An agency certified pursuant to M.G.L. c. 6, § 172 shall obtain information required by the DCJIS on the CORI Consent Form, including but not limited to full name, date of birth, mother's maiden name, place of birth, sex, former addresses, height, eye color, and may request the last six digits of the applicant's social security number, in order to assure that the distribution of CORI relates to the individual for whom the request has been made.
- 6.1.c In order to obtain a CORI check on an applicant, the Town shall:
 - 6.1.c.i Confirm that it is currently certified to perform a CORI check on the current employee or otherwise qualified applicant under its grant of certification from the DCJIS;
 - 6.1.c.ii Obtain an Consent Form prescribed by the DCJIS and obtain the signature of the individual upon whom the CORI check is being performed, unless otherwise authorized by law.(if a subsequent check is performed on the same individual within a year of signing an Acknowledgment Form, the individual will be given a seventy-two (72) hour prior notice of the new check; if the subsequent check is performed more than a year after the signing, a new Acknowledgment Form is required).
 - 6.1.c.iii Verify the identity of the applicant upon whom the CORI check is being requested with at least one form of government issued photographic identification (state issued driver's license or ID card, passport, or military ID). For individuals in which a government issued photo identification is not available, the HR Department shall call DCJIS for other appropriate document to be provided.
 - 6.1.c.iv Maintain a copy of the signed document **#D-108 – CORI Consent Form**.
 - 6.1.c.v The Town shall not retain CORI for longer than seven years from the date of employment or volunteer service, or from the date of the final employment of the requestor regarding the subject, whichever occurs later, or unless otherwise required or permitted by law.

6.2 Review of CORI

- 6.2.a An informed review of a criminal record requires adequate training. Accordingly, all personnel authorized to review CORI in the decision-making process will be thoroughly familiar with the educational materials made available by the DCJIS. The Human Resources Department will oversee training and information regarding the regulations of the DCJIS.
- 6.2.b CORI obtained from DCJIS is confidential. Only authorized and trained personnel with a need to know (for instance, hiring managers, and certain HR staff) will have access to CORI information. The Town will keep a list, updated at least every six (6) months of all personnel with access to CORI. This list is subject to inspection by the DCJIS.

- 6.2.c Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on CORI checks will be made by the appropriate appointing authority consistent with this policy and any applicable law or regulations.
- 6.2.d If a criminal record is received from DCJIS, the authorized individual will closely compare the record provided by DCJIS with the information on the CORI request form and any other identifying information provided by the applicant, to ensure the record relates to the applicant.
- 6.2.e The Town will record and maintain a log of any dissemination of CORI outside the Town, including any dissemination at the request of the individual. The Town may disseminate CORI to a court or administrative agency for the purpose of defending itself in a legal action concerning the decision not to hire, to discharge, or to deny the license. The log must include: (a) the subject's name; (b) the subject's date of birth; (c) the date and time of dissemination; (d) the name of the person and organization to whom the CORI was disseminated; (e) the name of the agency for whom the requestor works; (f) the specific reason for the dissemination. The log must also identify the person completing the dissemination.

6.3 Findings and Appeals

- 6.3.a Prior to questioning an applicant about his or her criminal history record, the applicant will be given a copy of the record and notified of its source.
- 6.3.b If the Town of Norwood is inclined to make an adverse decision based on the results of the CORI check, the Human Resources Department or the appropriate appointing authority will immediately notify the applicant. The Town shall provide the applicant with a copy of the criminal record, notify the applicant of its source, advise the applicant of the part(s) of the record that make him or her unsuitable for the position, provide a copy of the Town's CORI Employment Policy, provide an opportunity to dispute the accuracy of the CORI record, and provide a copy of DCJIS's *Information Concerning the Process in Correcting a Criminal Record*.
- 6.3.c If an applicant believes that the criminal record received from the DCJIS is not his or hers, or is otherwise inaccurate, the applicant must document his or her challenge in writing, as directed by the Human Resources Director.
- 6.3.d If the CORI record provided does not exactly match the identification information provided by the applicant, the Town of Norwood will make a determination based on a comparison of the CORI record and documents provided by the applicant. The Town of Norwood may contact DCJIS and request a detailed search consistent with DCJIS policy.
- 6.3.e If the Town of Norwood reasonably believes the record belongs to the applicant and is accurate, based on the information as provided in section 6.1 of this policy, then the determination of suitability for the position will be made. Unless otherwise provided by law, factors considered in determining suitability may include, but not be limited to the following:
 - Relevance of the crime to the position sought
 - The nature of the work to be performed

- Time since the conviction
- Age of the candidate at the time of the offense
- Seriousness and specific circumstances of the offense
- The number of offenses
- Whether the applicant has pending charges
- Any relevant evidence of rehabilitation or lack thereof
- Any other relevant information, including information submitted by the candidate or requested by the hiring authority

The Town of Norwood will notify the applicant of the decision in a timely manner.

7. Applicable Laws / Statues

- 7.1 All questions regarding CORI regulations and this policy may be directed to the Human Resources Department.
- 7.2 This policy is written in accordance and consistent with the regulations set forth under 803 C.M.R. 2:00 – 9.00 et seq. and M.G.L. c. 6 § 167-178.
- 7.3 If CORI information is obtained by use of a Consumer Reporting Agency, as that term is defined under federal law, the Fair Credit Reporting Act may apply.

The following documents associated with and attached to this policy may change to meet the needs of the Town or new requirements of law. The HR Director may make the necessary document changes without changing the intent or content of this policy. Please consult the Human Resources Department for the most current version:

- #D-108 – CORI Consent Form (section 3.4)

PERSONNEL BOARD

For the Personnel Board: David E. Hajjar 10 / 15 / 14

- David E. Hajjar, chairman
- Anne Haley, vice-chair
- Willard Krasnow
- Patterson Riley
- John E. Taylor



**TOWN OF NORWOOD
MASSACHUSETTS**

566 WASHINGTON ST., NORWOOD MASSACHUSETTS 02062
PHONE 781-762-1240 FAX 781-278-3000

**Document #D-108
CORI CONSENT FORM**

_____ is registered under the provisions of M.G.L. c. 6, § 172 to receive CORI for the purpose of screening current and otherwise qualified employees, subcontractors, volunteers, license applicants, current licensees, and applicants for the rental or lease of housing.

As a prospective or current employee, subcontractor, volunteer, license applicant, current licensee, or applicant for the rental or lease of housing, CORI submitted for my personal information to the DCJIS. I hereby acknowledge and provide permission to

_____ to submit a CORI check for my information to the DCJIS. This authorization is valid for one year from the written notice of my intent to withdraw consent to a CORI check.

FOR EMPLOYMENT, VOLUNTEER, AND LICENSING PURPOSES ONLY;

the _____ may conduct subsequent CORI checks within a year of the date this Consent Form was signed by me provided, however, that _____ must first provide me with written notice of this check.

By signing below, I provide my consent to a CORI check and acknowledge that the information provided on Page 2 of this Acknowledgement Form is true and accurate.

SIGNATURE

_____/_____/20_____
DATE

SUBJECT INFORMATION: (PLEASE PRINT):

Last Name First Name Middle Name Suffix

Maiden Name (or other name(s) by which you have been known)

_____/_____/20 _____
Date of Birth Place of Birth (city/town – state)

Last Six Digits of Your Social Security Number: _____ - _____

Sex: _____ Height: _____ ft. _____ in. Eye Color _____ Race: _____

Driver's License or ID Number: _____ State of Issue: _____

Mother's Full Maiden Name Father's Full Name

Current and Former Addresses:

Street Number & Name City/Town State Zipcode

Street Number & Name City/Town State Zipcode

The above information was verified by reviewing the following form(s) of government-issued identification:

VERIFIED BY: _____
Name of Verifying Employee (Please Print)

Signature of Verifying Employee