



Borough of Chambersburg

*A full service municipality in Franklin County
celebrating over 65 years of consumer owned natural gas service
over 100 years of community electric and a
regional wastewater, water, and municipal solid waste utility*

Borough of Chambersburg Policy Regarding Background Checks for Applicants for Employment or Volunteer Positions Requiring Direct Contact with Children

Purpose: In accordance with the Personnel Policies of the Borough of Chambersburg, as promulgated and amended from time to time by the Borough Manager, and for the purpose of protecting the health, safety, and welfare of the children of the community involved and participating in existing or future Borough programs or in the receipt of municipal services; and, to protect Borough employees and volunteers from harm; and, to make appropriate and well established decisions in the hiring of personnel; this policy is hereby adopted by the Borough of Chambersburg.

This policy will apply to all current and future non-bargaining full-time employees, part-time employees, seasonal employees, temporary employees, paid and unpaid volunteers and coaches, managers, referees, and time keepers or other participating persons as determined by the Borough Manager.

Clearances for New Applicants:

Beginning immediately, all applicants for positions with the Borough of Chambersburg that, in the opinion of the Borough Manager, require direct contact with children under age 18 as a part of their role in the organization (hereinafter "Required Positions"), are henceforth required to provide the Borough authorization to conduct, at Borough expense, a current **Background Check sufficient to determine whether the applicant has committed one of the offenses listed in this policy.**

Failure to authorize the required background check is grounds for declining an offer of employment or in the case of volunteers, denial of access to facilities as a program participant.

All applicants for Required Positions must have current clearances on file, in hand, prior to the start of their first assignment or program participation.

Applicants under age 18 are exempt from having a current clearance on file until their 18th birthday.

Current clearances are ones obtained within one year (12 months) of the date the position or assignment will begin.

Once on file and in hand, the clearances will remain in effect as long as the individual is an active employee or volunteer of the Borough.

An active volunteer is one that volunteers at least one time during the calendar year.

Clearances for Current Employees/Volunteers:

No later than June 1, 2015, every current non-bargaining full-time employee, volunteer, part-time employee, seasonal employee, temporary employee, paid and volunteer coach, manager, referee, and time keeper or other participating person who holds a Required Position, as determined by the Borough Manager, must provide the Borough authorization to conduct, at Borough expense, a current **Background Check sufficient to determine whether the applicant has committed one of the offenses listed in this policy.**

Beginning on June 1, 2015, and thereafter, each year, those returning to Required Positions with the Borough of Chambersburg are required to provide the Borough authorization to conduct, at Borough expense, a current Background Check.

Failure to authorize the required background check is grounds for discipline up to and including termination, or in the case of both employees and volunteers, denial of access to facilities as a program participant. Further, any change in one's status that would be discovered in a future background check must be immediately disclosed to the Borough of Chambersburg Personnel Office. Failure to notify the Borough of Chambersburg of any change in status that would be discovered in a future background check is grounds for discipline up to and including termination, or in the case of both employees and volunteers, denial of access to facilities as a program participant.

A background check may take up to six (6) weeks to complete. Therefore having a current clearance on file is recommended. It is always advisable for anyone who may desire to participate in Borough youth activities to submit authorization to conduct the required background check as soon as possible.

Existing employees or volunteers under age 18 are exempt from having a current clearance on file until their 18th birthday.

Disqualification of Persons from Required Positions:

No current employee or volunteer nor an applicant for any Required Position with the Borough of Chambersburg shall be qualified for employment or participation where the background check indicates the person has been convicted of any of the following offenses:

- (1) An offense under one or more of the following provisions of Title 18 of the Pennsylvania Consolidated Statutes at any time:

Chapter 25 (relating to criminal homicide).

Section 2702 (relating to aggravated assault).

Section 2709.1 (relating to stalking).

Section 2901 (relating to kidnapping).
Section 2902 (relating to unlawful restraint).
Section 2910 (relating to luring a child into a motor vehicle or structure).
Section 3121 (relating to rape).
Section 3122.1 (relating to statutory sexual assault).
Section 3123 (relating to involuntary deviate sexual intercourse).
Section 3124.1 (relating to sexual assault).
Section 3124.2 (relating to institutional sexual assault).
Section 3125 (relating to aggravated indecent assault).
Section 3126 (relating to indecent assault).
Section 3127 (relating to indecent exposure).
Section 3129 (relating to sexual intercourse with animal).
Section 4302 (relating to incest).
Section 4303 (relating to concealing death of child).
Section 4304 (relating to endangering welfare of children).
Section 4305 (relating to dealing in infant children).
A felony offense under section 5902(b) (relating to prostitution and related offenses).
Section 5903(c) or (d) (relating to obscene and other sexual materials and performances).
Section 6301(a)(1) (relating to corruption of minors).
Section 6312 (relating to sexual abuse of children).
Section 6318 (relating to unlawful contact with minor).
Section 6319 (relating to solicitation of minors to traffic drugs).
Section 6320 (relating to sexual exploitation of children).

- (2) An offense designated as a felony under the act of April 14, 1972 (P.L. 233, No. 64) known as "The Controlled Substance, Drug Device and Cosmetic Act," at any time.
- (3) An offense similar in nature to those crimes listed in clauses (1) and (2) under the laws or former laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of this Commonwealth at any time.
- (4) More than one offense under 75 Pa.C.S. § 3802 (relating to driving under the influence of alcohol or controlled substance), or other similar offense outside of Pennsylvania, in the five years prior to application.

- (5) If the report of criminal history record information indicates the person has been convicted of a felony offense of the first, second or third degree other than those enumerated above, the person shall be eligible for prospective appointment as an employee or volunteer only if a period of ten (10) years has elapsed from the date of expiration of the sentence for the offense.
- (6) If the report of criminal history record information indicates the person has been convicted of a misdemeanor of the first degree, the person shall be eligible for prospective appointment as an employee or volunteer only if a period of five (5) years has elapsed from the date of expiration of the sentence for the offense.

About Social Security Verification

Social Security verifications are a critical first step in the process as it helps to ensure that the name and other personal data given by the applicant is accurate. The verification will generally reveal the state and year the SSN was issued, names, addresses and sometimes the date of birth that is associated with this Social Security number.

Although it is possible to run background checks without the SSN, this will reduce the effectiveness and limit the number of personal identifiers that can be found in public records. To report someone's criminal history the reporting agency must have at least 2 matching identifiers.

Non US Citizens

Social Security verifications are required. This is not an attempt to determine an applicant's work or citizenship status. The Borough of Chambersburg follows all State and Federal laws regarding work status and may require completion of an Employment Eligibility Verification Form I-9 from the U.S. Citizenship and Immigration Services for any position.

Meaning of Conviction Pursuant to this Policy

For purposes of this policy, a "conviction" or "convicted" means that a person was found guilty following a trial, entered a guilty plea, or entered a no contest plea accompanied by a court finding of guilty, regardless of whether there was an adjudication of guilt (conviction) or a withholding of guilt. An acquittal, dismissal of charges, or *nolle prosequi* will not disqualify a person under this policy.

Pending Legal Action Which May Result in Future Disqualification

Anyone who has been charged with any of the disqualifying offenses listed above shall be considered disqualified until a favorable official adjudication of the case requires otherwise.

Decision of the Borough Manager is Final

In all cases, whenever there is a need for interpretation of this policy or adjudication of an administrative decision, the Borough Manager is herein authorized to make the final determination.

If you are uncertain as to whether or not your position requires clearances, or whether your required clearances are up to date and on file with the Borough, please contact the Personnel Office at 717-261-3272 or personnel@chambersburgpa.gov for further clarification.



Jeffrey Stonehill
Borough Manager

Date: 1/5/15

This policy is an ongoing process and is subject to review and changes at any time. These guidelines are based upon Recreation industry practices in private, public and non-profit areas and the Pennsylvania Public School Code of 1949.



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Application for Background Check

Full Name As on Legal Identification (First, Middle, Last, Suffix)

Maiden Name, Former Name, Alias

Date of Birth

Gender (Male or Female)

US Social Security Number

Pennsylvania Driver's License Number

Home Telephone Number

Email Address

Cell Telephone Number

Home Address (Street, City, State, Zip)

Previous Home Address (If less than 3 years at current address)

School or Organization Affiliation (if applicable)

I have read the statement regarding disqualifying offenses included with this application and understand I can be removed or disqualified from participation in any program if my background check results prove to disqualify me.

Signature

Date

Print Name

DISQUALIFYING OFFENSES:

All applicants for any job or volunteer position that, in the opinion of the Borough Manager, requires direct contact with children under age 18 as part of their role in the organization will be disqualified from employment or participation if the background check reveals that he/she has been found guilty of the crimes specified in the Borough's policy, including, but not limited to, the following:

All Sex Offenses or Crimes Involving Children – regardless of the amount of time since offense.

Examples: Rape, sexual assault, statutory sexual assault, indecent exposure, kidnapping, sexual abuse or exploitation of children, incest, etc.

All Violent Felony Offenses – regardless of the amount of time since offense.

Examples: Murder, manslaughter, aggravated assault; etc.

All Drug-Related Felony Offenses – regardless of the amount of time since offense.

Examples: Possession of marijuana, heroin, cocaine, or other schedule I-IV drugs with intent to distribute; manufacturing methamphetamine, etc.

All Other Felony Offenses – within the past 10 years.

Examples: Domestic violence, burglary, theft, embezzlement, fraud, etc.

Any First Degree Misdemeanor – within the past 5 years.

Examples: Tampering with records or identification, receiving stolen property, etc.

Two or more DUI Offenses – within the past 5 years.

*Note that the above examples are for illustrative purposes only. Many of the offenses listed above are graded more or less severely depending on the degree of misconduct or the existence of prior offenses. If you are unsure whether an offense would disqualify you from consideration, you may contact the Personnel Office at 717-261-3272 or personnel@chambersburgpa.gov for further clarification.