

Policy No.: 16	Procedure:
Date Approved:	HANDLING CRIMINAL RECORD SEARCHS

The Council for the Township of Conmee has identified a need to establish a policy for the collection and retention of criminal record searches. All Township employees shall require a criminal record search as outlined in the Hiring Policy already established by Council. This Policy will guide the Clerk and the Council in the procedures to be followed when dealing with personal information contained in criminal record searches.

It is the intention of the Hiring Policy that a criminal record search be submitted to the Township within the employee probationary period. Current employees have also submitted the application for a criminal record search.

Once the employee has been notified that their criminal record search has been completed by the appropriate agency, they shall submit that record to the Clerk. The Clerk shall keep all such records in a safe and confidential manner.

The Clerk will review the criminal record to ensure that there are no items contained therein which would impede the employee in their job duties, or which may place the Township of Conmee in a liability position. The Clerk shall use discretion in the review of the document. If, in the Clerk's opinion, there is a matter which may adversely affect either the employee or the Township, the Clerk shall submit the matter to Council for a final decision.

Although it is the intention of the Clerk to maintain the confidentiality of the employee, it is a fact that Council will likely be able to identify the subject individual. All such records submitted to Council will be reviewed in a closed session. The confidentiality of all matters discussed in a closed session is governed by the Municipal Act, 2001, Section 253 (1)(c). The Clerk and Deputy-Clerk are also bound by the confidentiality requirements of the Municipal Act and the Municipal Freedom of Information and Protection of Privacy Act.

All information gathered under the authority of the criminal record search shall be used for the sole purpose of determining the individual's qualifications for employment with the Township of Conmee. No information contained in such a record shall be released to the public for any reason. If an employee must be terminated based on information gathered from a record search, the public shall only be informed that the employee was terminated as unsuitable.

An employee who will have sustained, unsupervised contact with vulnerable persons (as defined by the Governments of Ontario and Canada), shall also be required to submit their names for a search of the sexual offender database. No

person with a past or present conviction as a sexual offender shall be hired for a position which would present them with sustained, unsupervised contact with vulnerable persons. Any member of Council who will have sustained, unsupervised contact with vulnerable persons shall also have a criminal record search and sexual offender database search completed.

The Clerk shall also be required to submit a criminal record search. The Clerk shall submit his or her record to the Head of Council. If, in the opinion of the Head of Council, there is information contained in the record that may impair the ability of the Clerk to complete his or her employment, or may cause liability to the Township, the Head of Council shall submit the record to the full Council in a closed session for review. All confidentiality requirements shall apply to the Clerk's personal information in the same manner as applies to other employees.

Any person who volunteers with the Township and is appointed by Council to any position within the Township, and who may have sustained, unsupervised access to vulnerable persons while at their positions with the Township, shall also submit a criminal record search and sexual offender database search. Volunteers shall be given a maximum of 6 months to complete the requirements of this Policy.

After submitting a criminal record search, employees of the Township of Conmee shall be required yearly to swear an oath and affix their signatures to a document stating that no change has occurred in their criminal record status over the past year. If an employee is unable or refuses to sign such a document in good faith, the employee shall be required to obtain a full criminal record search for the Clerk's review. All other provisions shall apply to the handling of the new record search as applies to the first record.

Any employee who does not comply with the requirements of this Policy shall be disciplined by Council. The type of discipline shall be established by Council upon review of the circumstances, and may include termination of employment.

New employees shall be required to sign a statement confirming that they have been advised of this Policy and the requirements for criminal record searches, and that they are aware that Council may terminate their employment for not submitting a criminal record search, or upon the discovery of an issue contained in the criminal record which would affect their ability to complete their job, or which would place the Township of Conmee in a liability position. This statement is required as there is usually an urgent need for an employee to begin their duties before a criminal record search is obtained.

Employees shall be given the right to appeal a decision of Council to terminate their employment. Such an appeal shall be submitted in writing to the Clerk, within 15 days of notice of termination. If the employee wishes he or she may appear before Council in person, in a closed session, to submit their arguments against dismissal.

Nothing in this Policy shall prevent the access to information as required by a police officer duly appointed by the Provincial and/or Federal Governments, or by any authorized representative of the judicial system as established by those bodies.

Schedule A to Policy #16

Confirmation of Receipt of Policy No. 16
Regarding Employee and Volunteer Criminal Record Searches

I, _____ hereby confirm by my signature below, that I have read and understood Policy No. 16 regarding my responsibility to obtain a criminal record search, and submit it to the Clerk of the Township of Conmee before the end of my employment probationary period or, in the case of a volunteer appointed by Council, within 6 months of being so appointed. I also understand that if, in the opinion of Council, there is information contained in such a record that may adversely affect my ability to complete my job duties, or that may cause a liability to the Township of Conmee, my employment or volunteer position with the Township of Conmee can be terminated by Council. I also understand that I may appeal any such termination, in writing to the Clerk of the Township of Conmee, within 15 days of receiving notice of termination. I also understand that failure to submit a criminal record search within the probationary period, or within 6 months for a volunteer appointed by Council, may also result in termination of my employment or appointment.

Signature of Employee/Volunteer

Signature of Witness

Date

Schedule B to Policy No. 16

Regarding Subsequent Employee and Volunteer Criminal Record Searches

I, _____ hereby declare that there has been no change to any information supplied by my last criminal record search. I acknowledge that my employment or volunteer position with the Township of Conmee may be terminated if it is found that I have supplied false information in this document, and/or if there has been a change to my criminal record which may affect my ability to complete my duties, or which would put the Township of Conmee in a liability position.

Signature of Employee/Volunteer

Signature of Witness

Date