

Cumberland County Library System

Employee Clearances

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Purpose

The Employee Clearances policy is intended to make clear that all existing employees, or prospective personnel of the Cumberland County Library System and its member libraries, and who will have direct contact with children in the form of care, supervision, guidance or control of children or routine interaction with children, are required to obtain a report of criminal history record (or statement that no criminal history record exists) from the Pennsylvania State Police, child abuse history clearance from the Department of Human Services, and the fingerprint based federal criminal history submitted through the Pennsylvania State Police or authorized agent in accordance with Pennsylvania's Child Protective Services Act (23 Pa. C.S. §6344 (a.5)).

The policy is also intended to provide clear direction on hiring or terminating library personnel whose background clearance reports indicate conviction of offenses outlined below. The policy is not intended to create any rights for any person, to obligate the library system or its member libraries to act at any time or in any manner in regard to hiring employees, or to establish any responsibility or liability of the library system or its member libraries.

In addition, the enumeration of certain offenses in the policy is not intended to limit the authority of the library to terminate for conviction of any other crimes or for any other reason whatsoever. All employment is considered at the will of the library system or member library.

Requirement for Background Checks

Upon the offer of employment, applicants for employment with the library system or its affiliated member libraries will be required to submit the following information:

- (i) A report of criminal history record information from the Pennsylvania State Police or a statement from the Pennsylvania State Police that the State Police central repository contains no such information relating to that person. The criminal history record information shall be limited to that which is disseminated pursuant to 18 Pa.C.S. § 9121(b)(2).
- (ii) A certification from the Department of Human Services as to whether the applicant is named in the statewide database as the alleged perpetrator in a pending child abuse investigation or as the perpetrator of a founded report or an indicated report.
- (iii) A Federal (FBI) criminal history record information check. The applicant shall submit a full set of fingerprints in a manner prescribed by the Pennsylvania Department of Human Services or Department of Education. The Pennsylvania

Department of Human Services and the Department of Education serves as an intermediary to obtain the FBI criminal history record information check.

Current clearances must be submitted prior to the commencement of employment or service that involves responsibility for a child's welfare or having direct contact and/or routine interaction with children.

The Disclosure Statement for New Employees affirms that the employee has not been disqualified from employment or service under section 6344(c) since the application date(s) of the clearances, and has not been convicted of an offense similar in nature to a crime listed in section 6344(c). The library system member employing the person will keep a copy of each of the clearances for the employees' personnel files.

For applicants who are 17 years of age or younger, the State Police may not maintain criminal information. However, Pennsylvania law requires that criminal history records checks be conducted on all prospective employees, including those 17 years of age or younger. Therefore, a criminal records check shall be requested on individuals 17 years of age or younger, and a report of "no information available" will be considered compliance.

Clearances obtained in order to serve as a volunteer may not be used for employment purposes.

Grounds for Denying Employment

- (1) In no case shall an applicant be hired where the Department of Human Services has verified that the applicant is named in the central register as the perpetrator of a founded report of child abuse committed within the five-year period immediately preceding verification or is named in the central register as the perpetrator of a founded report for a school employee committed within the five-year period immediately preceding verification pursuant to this section.
- (2) In no case shall an applicant be hired if the applicant's criminal history record information indicates the applicant has been convicted of one or more of the following offenses under Title 18 (relating to crimes and offenses) or an equivalent crime under Federal law or the law of another state:
 - 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 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 3125 (relating to aggravated indecent assault).
 - Section 3126 (relating to indecent assault).
 - Section 3127 (relating to indecent exposure).
 - 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 (relating to corruption of minors).
- Section 6312 (relating to sexual abuse of children).
- The attempt, solicitation or conspiracy to commit any of the offenses set forth in this paragraph.

(3) In no case shall an applicant be hired if the applicant's criminal history record information indicates the applicant has been convicted of a felony offense under the Act of April 14, 1972 (P.L. 233, No. 64), known as The Controlled Substance, Drug, Device and Cosmetic Act, committed within the five-year period immediately preceding verification under this section.

Renewal of Clearances

All three clearances must be renewed every 60 months.

Continued Employment

If an employee is arrested for or convicted of an offense that would constitute grounds for denying employment or participation in a program, activity or service, or is named as a perpetrator in a founded or indicated report, the employee must provide the administrator or their designee with written notice not later than 72 hours after the arrest, conviction or notification that the employee has been listed as a perpetrator in the statewide database.

If the library administrator has a reasonable belief that an employee was arrested or convicted for an offense that would constitute grounds for denying employment or was named as a perpetrator in a founded or indicated report, or the employee has provided notice as required hereinabove, the library administrator shall immediately require the employee to submit current clearances and the cost to obtain those clearances shall be borne by the employee.

An employee who willfully fails to disclose information as required above commits a misdemeanor of the third degree and shall be subject to discipline up to and including termination or denial of employment.