

## **CHELSEA HOUSING AUTHORITY**

### **EMPLOYEE CORI POLICY**

**Adopted June 25, 2014**

#### I. Policy

The Chelsea Housing Authority provides housing and related services to numerous residents throughout the City of Chelsea. The CHA takes seriously its obligation to provide safe and habitable homes to its many residents, as required by state and federal law. Many employees of the Chelsea Housing Authority have access to residents and their property and/or CHA property. It is this class of employees to which this Policy applies (i.e., those with access to resident's living quarters). The Authority shall therefore screen potential employee applicants for behavior which could endanger the safety or security of tenants, household members, or guests, as well as the security of their property or CHA property.

In addition to those who are new applicants, the CHA shall also screen those who have left the agency and are re-applying to return to a new or different position, if such position is one which shall include the actual or potential access to residents' living quarters.

The Chelsea Housing Authority will perform a search of Criminal Record Offender information (CORI) and for sexual offender records of those subject to a lifetime registration requirement under a State Sex Offender Registration Program as posted on the Department of Justice Sex Offender NSOW (the Dru Sjodin National Sex Offender Public web-site) or any State Sex Offender internet search engine prior to the employment of each new employee who is likely to have direct access to tenants or their property, and will perform a review of all criminal and sexual offender charges (as permitted by law) which resulted in conviction. The CHA, as part of this review, may request CORI from states other than Massachusetts.

CHA Administration will ensure that any applicant given a conditional offer of employment has signed a consent to a CORI investigation. Any final applicant who refuses to sign a consent form shall be disqualified from consideration for employment with the CHA. CORI investigations will only be conducted where the applicant is otherwise qualified for employment in all respects. The CHA reserves the right to deny employment to any individual with a positive CORI finding. This policy shall not supersede any other pre-qualification requirement of the CHA for employment.

## II. Applicant Inquiries

Applicants for positions with the Authority will be advised that passing the CORI screen is a part of the employment process. If requested, the applicant will be provided with a copy of the CORI policy. Once an applicant is given a conditional offer of a position with the Authority, he or she must submit to a CORI screen as a further condition of employment. In the event that the applicant does not successfully pass the CORI screen, the offer of employment will be revoked. The applicant will be provided with a copy of his/her CORI used to rescind the offer of employment. This requirement will be noted on the Authority's job application, on all job postings, and will be shared with the applicant at the time of the interview. In addition, all offer letters will contain a statement that employment is conditional upon passing a CORI screen. If the applicant should have any questions concerning the CORI screen, he or she should contact the CHA Deputy Director.

## III. Criteria for Review of Criminal Records

In order for the CHA to approve employment of an applicant, it must determine that the applicant's CORI and search of sexual offender registries discloses no disposition of any criminal matter reflecting the potential employee's dishonesty, untrustworthiness, unreliability or unsuitability to perform the duties of the position, which if repeated by an employee, would endanger the safety or security of tenants, household members, employees, or guests or the security of the property or the property of the Chelsea Housing Authority.

### STATEMENT OF THOSE MATTERS EXCEPTED FROM CONSIDERATION AS REQUIRED BYLAW:

In accordance with M.G.L. c. 151B, § 4(9), the Authority will not ask an applicant to identify, or refuse to hire an applicant, because of the following specific CORI information:

- (1) An arrest, detention, or disposition regarding any violation of law in which no conviction resulted;
- (2) A first conviction for any of the following misdemeanors: drunkenness, simple assault, speeding, minor traffic violations, affray, or disturbance of the peace;
- (3) Any conviction of a misdemeanor where the date of the conviction or the completion of any period of incarceration resulting therefrom, whichever date is later, occurred five or more years prior to the date of such application for employment or request for CORI information, unless such person has been convicted of any other offense within five years immediately preceding the date

of such application for employment or such request for CORI information.

Except as specifically stated above, the CHA may reject an applicant for employment based on consideration of CORI which reveals a history of criminal activity that would reasonably impede the CHA's statutory mission of providing safe and decent housing for its residents, as set forth in Mass.Gen.L., Ch. 121B, § 32. Included among that activity are the following non-exhaustive types of criminal activity:

- (1) Crimes which reflect a tendency toward violence. Examples of such crimes include, but are not limited to, Murder, Armed Robbery, Rape, Assault with a Dangerous Weapon, Violation of a Restraining Order, and Carrying a Dangerous Weapon.
- (2) Crimes which reflect aggression toward property. Examples of such crimes include, but are not limited to, Breaking & Entering, Arson, Malicious Destruction of Property, and Larceny.
- (3) Crimes which reflect dishonesty, untrustworthiness, and/or unreliability. Examples of such crimes include, but are not limited to, Forgery, Fraud, Larceny, and True Name Violation.
- (4) Crimes which reflect involvement in drug-related criminal activity, including but not limited to, the possession, distribution, and/or manufacturing of an illegal controlled substance.
- (5) Other crimes which reflect activity which if committed by an employee, would endanger the safety or security of tenants, household members, employees, or guests or the security of their property or the property of the CHA.

A criminal record will not automatically disqualify an applicant from employment with the Authority. In evaluating criminal activity, consideration may be given to a number of relevant factors including: the nature and date of the crime(s), the frequency of convictions, age at the time of conviction(s), the length and history of criminal activity, the date of release of sentence or incarceration, the applicant's record of compliance with sentences imposed, as well as the individual's work and educational history. In addition, consideration will be given to the likelihood of the individual to repeat the criminal behavior in question. The Authority will give consideration to the relationship between a conviction and the applicant's fitness for a particular job.

#### IV. Review Process

The CORI check form will be sent to the Massachusetts Department of Criminal Justice Information Services (DCJIS) for processing and returned to the Deputy Director, or a person duly designated by the Executive Director, for review. If the DCJIS communicates a

finding of "No Record" for an applicant, the Deputy Director will communicate this information to the Department Head that has recommended the hiring of the applicant

If the DCJIS communicates a positive finding, the Deputy Director will review the CORI record in accordance with the criteria set forth in Section II of this policy and make a determination as to the applicant's eligibility for employment with the CHA. An informed review of a criminal record requires such certification as required by the Commonwealth, and the reviewing party shall be so certified. If the Deputy Director (or designee) determines that the applicant is disqualified from employment with the CHA, this determination will be communicated by the Deputy Director to the Department Head that has recommended hiring of the applicant, CHA legal counsel, and the applicant in a timely manner.

If the CHA is inclined to make an adverse decision based on the results of the CORI check, the applicant will be notified immediately. The applicant shall be provided with a copy of the criminal record and the CHA's CORI policy, advised of the part(s) of the record that make him/her unsuitable for the position, and be given an opportunity to dispute the accuracy and relevance of the CORI record. Any person deemed unqualified shall have *72 hours* from notification by the CHA to file any dispute. Notification shall be deemed complete upon posting in the mail or via hand-delivery. An applicant challenging the accuracy of the CORI record shall be provided within 24 hours with a copy of the DCJIS's *Information Concerning the Process in Correcting a Criminal Record*. If the CORI record provided does not exactly match the identification information provided by the applicant, the CHA will make a determination based on a comparison of the CORI record and documents provided by the applicant. The CHA may contact DCJIS and request a detailed search consistent with DCJIS policy.

#### V. Confidentiality

All information regarding an applicant's CORI will be kept strictly confidential. This information will be kept separately in an applicant's confidential file. The CORI record shall be destroyed immediately upon final action, which shall be deemed to include hiring, rejection of the application and/or the completion of any appeal process (including any administrative or judicial proceedings).

The results of the applicant's CORI shall not be discussed with anyone except in consultation with the Deputy Director, the Department Head that has recommended the hiring of the applicant, legal counsel, and/or the Executive Director.