

SSB CRIMINAL BACKGROUND CHECKS

State Services for the Blind (SSB) policy and process for conducting and evaluating criminal background checks on contract applicants and contractors providing services to SSB customers.

Contact: Brianna Holeman, Deputy Director, Administrative Services and Communication Center, 651.539.2292

Jon Benson, Deputy Director, Workforce Development Unit, 651.593.2332

INTRODUCTION

Acquiring adjustment to blindness and related rehabilitation services for SSB customers is critical to the operation of SSB. Verifying contract application information and conducting proper reference checks, including criminal background checks, enhances the quality of the contracting process, provides consistency, and ensures customer safety.

PURPOSE

In addition to verifying contract application information and conducting proper reference checks, criminal background checks will be done to reduce the potential for abuse of the customers that are served by SSB and the public trust.

POLICY

- A. For purposes of this Section, the term "Individual" has the following meaning:
 1. The Contractor's employees;
 2. The Contractor's subcontractors; and
 3. All other persons, including, but not limited to, the Contractor's interns, sole proprietors, limited partners, general partners, and shareholders who:
 - i. Contractor uses to provide direct services to SSB consumers or SSB staff; and/or
 - ii. Contractor has given access to data related to SSB, SSB customers, or SSB staff that is classified as not public under the Minnesota Government Data Practices, Minn. Stat. Ch. 13.
- B. To protect the health and safety of SSB customers and staff, Contractor is required to conduct criminal background checks as follows:
 1. On all Individuals no later than August 1 of each calendar year, beginning the year the Agreement is signed and continuing through the duration of the Agreement;
 2. Within 14 calendar days of any Individual beginning work for the Contractor; or
 3. Within 14 calendar days of any Individual assuming new job duties that:
 - i. Require the Individual to provide direct services to SSB customers or staff; and/or
 - ii. Provide the Individual access to data related to SSB, SSB consumers, or SSB staff that is classified as not public under the Minnesota Government Data Practices, Minn. Stat. Ch. 13.
- C. Criminal background checks shall be conducted at the Contractor's sole expense, unless the Contractor consists only of a sole proprietor and no other persons, in which case the Contractor shall submit to, and provide the necessary consents for, a background check arranged by SSB of the sole proprietor.
- D. Contractor shall submit the results of all criminal background checks within 3 business days of their receipt to SSB at ssbcontracts.deed@state.mn.us.

SSB PROCEDURES

1. Provide the "Criminal History and Release" form to contract applicants and contractors with no employees who provide adjustment to blindness and all related rehabilitation and employment related services for SSB customers.
2. Forward completed and notarized release forms for processing through the Minnesota Bureau of Criminal Apprehension with coversheet and Purchase Order.

3. SSB's Deputy Director of Administrative Services Unit (DD-ASU) or SSB's Deputy Director of Workforce Development Unit (DD-WDU) will evaluate the results of all criminal background checks using Minnesota Statute 364.03 as a framework for determining whether the contractor applicant or contractor will be considered for a master contract. This duty will not be delegated.
4. In evaluating the criminal background information, DD-ASU or DD-WDU will determine if the background check shows criminal activity.
5. If no criminal activity exists, the contracting process may continue.
6. If a background check contains the following information, it will be sent to the DEED's General Counsel's Office (GCO) to determine if it relates directly to the contract provisions and provide recommendation to SSB:
 - a. Felony
 - b. Misdemeanor conviction in past 7 years
 - c. Any violent crime
 - d. DUI/DWI (If the position requires driving)
 - e. Any other offense SSB is uncertain of
7. The GCO will review to determine if it relates directly to the contract provisions using the following criteria:
 - a. Nature and seriousness of the crime or crimes for which the individual was convicted;
 - b. Relationship of the crime or crimes to the responsibilities of the contract; and
 - c. Relationship of the crime to the ability, capacity, and fitness required to perform duties and discharge responsibilities of the contract.
8. If no direct relation exists, the contracting process may continue.
9. If a direct relation exists, before disqualifying the individual, the GCO may first evaluate the applicant or contractor's evidence of rehabilitation and fitness to perform the duties by contacting the applicant or contractor and requesting he or she provide the following:
 - a. A copy of the local, state, or federal release order; and
 - b. Evidence showing at least one (1) year has elapsed since release from any local, state, or federal correctional institution without subsequent conviction of a crime; and
 - c. Evidence showing compliance with all terms and conditions of parole or probation; or
 - d. A copy of relevant Department of Correction's discharge order or other documents showing completion of probation or parole supervision.
10. DD-ASU or DD-WDU shall consider the above information plus additional relevant information, including documentation presented by the applicant or contractor regarding the following:
 - a. The nature and seriousness of the crime or crimes for which convicted;
 - b. All circumstances relative to the crime or crimes including mitigating circumstances or social conditions surrounding commission of a crime or crimes;
 - c. The age of the applicant at the time the crime or crimes was/were committed;
 - d. The length of time elapsed since the crime or crimes were committed; and
 - e. All other competent evidence of rehabilitation and present fitness including, but not limited to, letters of reference by persons who have been in contact with the applicant since the applicants release from local, state, or federal correctional institutions.
11. If DD-ASU or DD-WDU determines the contract applicant or contractor should be denied a contract solely or in part based on the individual's prior criminal conviction, the SSB Director shall be consulted regarding the decision before it becomes final.
12. If a decision is reached to deny a contract solely or in part based on an applicant's or contractor's prior criminal conviction(s), DD-ASU or DD-WDU shall notify the contract applicant or contractor in writing of the following:
 - a. The grounds and reasons for the denial or disqualification;
 - b. The earliest date the contract applicant may reapply for a contract;

- c. That all competent evidence of rehabilitation presented will be considered upon re-application; and
 - d. A prominent statement with instructions for requesting an appeal if the applicant or contractor disagrees with the disqualification determination.
13. If an applicant or contractor appeals a disqualification determination:
- a. The request for appeal must be submitted to the SSB Director, or his/her designee, within 20 calendar days of the date the disqualification determination was mailed or electronically transmitted.
 - b. The SSB Director, or his/her designee, must set a time and place for a hearing of the appellant's appeal, and send notice to the involved applicant or contractor, by mail or electronic transmission.
 - c. The notice must set out the individual's rights and responsibilities regarding the hearing, the issue to be heard, and explain the hearing process.
 - d. Upon completion of the hearing, the applicant's or contractor's testimony and documents will be reviewed and evaluated; a decision will be made; and notice will be mailed or electronically transmitted to the applicant or contractor within 10 business days.
 - e. The decision will be final.
14. DD-ASU or DD-WDU will securely maintain the records of all criminal background checks and the records of any contract applicant or contractor denied a contract because of his/her criminal convictions.