

ADMINISTRATIVE PROCEDURE – College of Agriculture and Natural Resources

Sub-unit: University of Maryland Extension

Subject: Criminal History Record Check for Prospective Employees

Effective Date: Updated August 2017 // Reapproved August 2019

**I. Purpose and Applicability:**

The purpose of this policy is to implement the Family Law Article, § 5-560-568, Annotate Code of Maryland, regarding criminal history record checks for employees and employers of facilities that care for or supervise children. A “Criminal History Record Check” is required for one time only per employee. There are two checks that must be completed: 1) A Maryland State background check and 2) a federal criminal history (FBI) check. This policy applies to all eligible applicants and/or employees of the College of Agriculture & Natural Resources.

*This policy and procedure covers current and future employees whose job duties require a “Criminal History Record Check.”*

All recruitment information, announcements and position descriptions must contain the following statement: **“This position is subject to a Criminal History Record Check. Employment is contingent upon successful completion and clearance of the Criminal History Record Check.”**

Actions taken based on this procedure shall be consistent with the College of Agriculture and Natural Resources commitment, not to discriminate in any matter against an employee or applicant for employment based on race, age, sex, color, sexual orientation, physical or mental disability, religion, ancestry or national origin, marital status, genetic information, political affiliation, and gender identity or expression.

\*A “Criminal History Record Check” is required under the [Maryland Family Law Annotated Code §§5-561](#) and under the [University System of Maryland Policy VII-1.15](#) (Approved April 15, 2016)

**II. Procedural Steps:**

- 1. Disclosure and Authorization:** The hiring/employing department must inform the successful applicant or the employee that a “Criminal History Record Check” is required. Once the applicant accepts or the employee is informed, he or she must complete a Maryland State Police application for a “Criminal History Record Check” and disclosure statement within thirty days of the notification.

2. **Identify Applicants:** The hiring/employing department must provide the AGNR, Office of Human Resources with the names of the applicant(s) or employee(s) who require a “Criminal History Record Check.” Any job offer or continued employment is conditional upon the applicant or employee clearing a “Criminal History Record Check”.
3. **Providing Forms:** The Office of Human Resources will supply the hiring/employing Department with the State and FBI Criminal History Record Check forms. The forms are to be completed with the College of Agriculture and Natural Resources, Human Resources Offices’ authorization number along with the Director Human Resources name and address.

*The cost of the criminal history records check is the financial responsibility of the perspective employee.*

4. **Timeline of Checks:** The State of Maryland background checks take approximately up to 2 weeks for processing, while the FBI background checks may take up to 3 weeks. A copy of the results of the background checks will automatically be sent to the individual who is being checked.
5. **Notification:** The Office of Human Resources will notify the hiring/employing department that the “Criminal History Record Check” has been received and cleared.
6. **Condition of Employment:** Employees of the University of Maryland College of Agriculture & Natural Resources must clear the “Criminal History Record Check” to be employed or to continue his/her employment when working with children/youth.
7. **Miscellaneous Option:** The employer may also review the State of Maryland’s Department of Public Safety and Correctional services at <http://www.dpscs.state.md.us/> to examine whether the individual is listed on the on-line sex offender registry.

### **III. Acknowledgement and Certification:**

Certification will be completed by the Criminal Records Central Repository.

**Note:** “An employer who in good faith relies upon the criminal background investigation to deny or terminate the individual’s employment or participation in the facility is not civilly or criminally liable for using the information to deny or terminate the employment or participation.”

Department of Public Safety and Correctional Services Instruction Sheet

### **IV. Review and Decisions:**

The Human Resource Director will review the outcome of the “Criminal History Record Check” and in coordination with the University of Maryland’s Legal Department, will make the final decision whether the individual will be or continue to be employed. If the individual’s employment is denied, a letter of explanation must be sent to explain why the adverse action was taken.

Note: Except in the case where a person who is the subject of an outstanding arrest warrant or criminal summons has been identified, all information obtained by the department regarding any criminal charges and their disposition will not be transmitted outside of the department.

***When a “Criminal History Record Check” is required, please contact the AGNR Office Human Resources Management & Compliance Programs by phone at (301) 405-8778 to request the Livescan Pre-registration application form, and the web address for statewide facilities where fingerprints scanned and submitted to CJIS can be processed. Fees are approximately \$55.00 and may vary by location.***