



<b>Policy #:</b> 07.29.000
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<b>Revised:</b> 8/2011, 8/2012, 11/2018
<b>Section:</b> Human Resources

## **Criminal Offender Record Information (CORI)**

### **Purpose:**

To ensure that the Boston Medical Center (BMC) employs the most-qualified individuals and complies with its legal obligations relative to Criminal Offender Record Information (“CORI”).

### **Policy Statement:**

BMC, to assure that all employees are fully competent to perform their job duties, will conduct a CORI check on all individuals who have accepted an employment offer with BMC. In addition, all third party contractors, clinical interns and externs, and volunteers providing patient care or services will be subject to a CORI check.

### **Application:**

All individuals (who have accepted an employment offer), interns, externs, third-party contractors, and volunteers who will be providing patient care or services.

### **Exceptions:**

Consultants who work in an out-sourced service arrangement (for example, auditors, trainers, etc.) as part of a discrete project and who will not have access to Protected Health Information, employee Personal Information, or BMC’s financial information. **All** exceptions must be approved by Human Resources.

### **Definitions:**

*Background Check:* Verification of employment (past two employers) and the highest level of education completed

*BMC CORI Check:* CORI information obtained for Massachusetts only, unless a candidate has lived in another state within the last ten (10) years, in which case a nationwide search is conducted. If being considered, any out of state finding will be reviewed with the same standards as if the crime occurred in Massachusetts.

*Candidate:* An individual who: (1) has been offered employment, (2) will be providing services as a third party contractor, (3) will volunteer in a patient care area, or (4) is accepted to participate in an internship or externship.

*CORI:* Criminal Offender Record Information. A record of all criminal court appearances for a particular individual, including arrests, convictions, dismissals, and serious violations.

*Non-patient care or services:* services provided in the following, but not limited, situations: volunteering, by delivering mail or flowers, staffing the information desk, gift shop or providing library services; performing patient errands (for example, writing and mailing letters or obtaining magazines and toiletries from the gift shop); conducting marketing or fund raising activities; or providing simple wheelchair transport services (for example, non-BMC employees discharging patients).

*Patient care or services:* services provided in the following, but not limited, areas: nursing, ambulatory, emergency department, therapy, dietary, pharmacy, environmental services and transport.

### **Procedure:**

#### **1. BMC CORI Check Guiding Principles**

- 1.1. BMC will conduct its CORI Check strictly according to the Massachusetts Department of Criminal Justice Information Services guidelines.
- 1.2. BMC shall authorize only certain individuals in Human Resources (“HR”) to have access to, or view, CORI
  - 1.2.1. These individuals shall be familiar with the educational and relevant materials made available by DCJIS.
- 1.3. All CORI information is confidential and access to the information will be limited to those who have a need to know.
- 1.4. BMC shall store CORI findings in separate and locked secure locations.

#### **2. HR Process**

- 2.1. BMC Human Resources shall ask the individual to execute a CORI Acknowledgement Form (and provide supporting government-issued identification) in order to authorize the CORI, prior to any final job offer being made.
- 2.2. The CORI check procedure consists, at a minimum, of obtaining criminal court conviction information from DCJIS, either directly, or through a third-party vendor.
- 2.3. BMC will not accept CORI results directly from a candidate.
- 2.4. No candidate shall be allowed to commence employment or provide services until after HR clears the candidate by finalizing the BMC CORI Check.

### **3. CORI Considerations**

- 3.1. BMC may consider a candidate's certain felony convictions that have occurred within a ten (10) year period.
- 3.2. BMC may consider a candidate's certain misdemeanor convictions within the past five (5) years (that is not a first time conviction for drunkenness, simple assault, speeding, a minor traffic violation, affray or disturbing the peace).
- 3.3. Any conviction that BMC considers shall not per se disqualify a candidate from employment; evaluation of the situation will be conducted on an individual basis with BMC maintaining the ultimate discretion to determine a candidate's suitability for the position.
- 3.4. BMC will consider the following factors:
  - 3.4.1. Relevance of the crime to position sought
  - 3.4.2. Nature of the work to be performed
  - 3.4.3. Time since conviction
  - 3.4.4. Age of the candidate at the time of the offense
  - 3.4.5. Seriousness and the specific circumstances of the offense
  - 3.4.6. Number of offenses
  - 3.4.7. Any pending charges (considered only in conjunction with an actual conviction)
  - 3.4.8. Any evidence of rehabilitation or lack thereof
  - 3.4.9. Any other relevant information, including that provided by the candidate or requested by BMC.
- 3.5. In some instances, BMC may consider a felony or misdemeanor conviction if there are subsequent convictions, or pending cases, of any kind.
- 3.6. Warrant: If CORI reveals an outstanding warrant for any offense, HR will inform the candidate that he/she is ineligible for employment unless the warrant is removed.
  - 3.6.1. The HR representative shall refer any candidate outstanding warrant issues to Labor & Employment counsel
- 3.7. BMC shall not consider any CORI information that is sealed.

### **4. CORI Notification**

- 4.1. If BMC is inclined to consider CORI information, it will:

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BMC Policies and their language are not intended to create or constitute a contract between BMC and any of its employees. BMC reserves the right to unilaterally modify, revoke, suspend, terminate or change any and all policies, procedures and benefits it may have with or without notice, at any time. BMC reserves the right to decide not to apply any particular policy in a given situation if, in its sole discretion, it determines that to do so should better serve its interest.

- 4.1.1. Notify the candidate to the potential adverse action, by sending an adverse finding letter directly or through its vendor
  - 4.1.2. Identify the information contained in the CORI that is the basis for the potential adverse action;
  - 4.1.3. Provide the candidate with:
    - 4.1.3.1. A copy of the CORI,
    - 4.1.3.2. A copy of this Policy, AND
    - 4.1.3.3. A copy of DCJIS's Information Concerning the Process for Correcting a Criminal Record.
  - 4.1.4. Provide the candidate with five (5) business days to dispute the accuracy of the information contained in the CORI.
- 4.2. BMC will notify the candidate of the decision in a timely manner.

## **5. Confidentiality Obligations**

- 5.1. All CORI information is confidential and access to the information will be limited to those with a need to know.
- 5.2. All hard copies of CORI (including those with a finding of "no record") and written determinations of non-hire, must be stored in a separate and locked secure location.
- 5.3. CORI results may not be retained for longer than 7 years from the date of employment or service.
- 5.4. No CORI information will be maintained in a Workday personnel file.
- 5.5. CORI findings, and specific details of those findings, should not be reduced to writing to ensure positive CORI findings are not disseminated.
- 5.6. Dissemination Log: BMC HR will maintain a secondary dissemination log used to record any dissemination of CORI outside of the organization (even if at the request of the candidate).
  - 5.6.1. The dissemination log shall contain the subject's name and date of birth, date and time of the dissemination, and the specific reason for the dissemination.

### **Responsibility:** Human Resources

# **Boston Medical Center Policy and Procedure Manual**

## **Forms:**

CORI Acknowledgement Form

## **Other Related Policies:**

07.00.000 Anti-Discrimination and Harassment

07.00.00a Affirmative Action Statement

**Initiated by:** Human Resources

**Contributing Departments:**

None