

NORTHERN NEVADA ADULT MENTAL HEALTH
POLICY AND PROCEDURE

SUBJECT: CRIMINAL BACKGROUND CHECKS AND EMPLOYEE REPORTING OF
CONVICTIONS

NUMBER: NN-HR-38

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ORIGINAL DATE: 10/16/08

REVIEW/REVISE DATE: 10/21/10

APPROVAL: Rosalyn Reynolds {s}, Agency Director

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I. PURPOSE:

The purpose of this policy is to take measures available through Nevada law to ensure that NNAMHS is made aware of and take appropriate action in relation to any criminal history of current employees and persons being considered for employment. This policy will also delineate the appropriate processes for safekeeping, retention and dissemination of criminal history record information (CHRI).

II. POLICY:

It is the policy of Northern Nevada Adult Mental Health Services (NNAMHS) to require a criminal background check of any person appointed to a position in the classified or unclassified service, or engaging in an internship, post doctoral program or contract physician's position and to require the disclosure of certain criminal convictions, which occur during a person's employment with the Agency. NNAMHS will store, protect and disseminate all CHRI in accordance with all applicable regulations.

III. REFERENCES:

NRS 239 B.010 Request by Agency for information from FBI.

NRS 179 A.180 Definitions

NRS 179 A.190 Notice of Information may be disseminated to employers.

NRS 449.179 Initial and periodic investigations of criminal history of employees

NAC 284.317 Investigations of Applicants

NRS 193.105 Termination of employment upon conviction for sale of a controlled substance.

NRS 449.188 Additional Grounds for Denial, suspension, revocation of license to operate a certain home, facility, or agency.

NRS 239B.010; NRS 179A.180; NRS 179A.190; NRS 449.179; NAC 284.317MHDS  
Policy #5.030 Criminal Background Checks and Employee Reporting of  
Convictions

Identity Verification Program Guide prepared by the National Crime  
Prevention and Privacy Compact Council

Security and Management Control Outsourcing Standard or Non-Channelers

Security and Management Control Outsourcing Standard (OS)

Responsibilities

IV. DEFINITIONS:

A. CHRI-Criminal History Record Information

B. Authorized Recipient (AR)-Agency approved by the U.S. Attorney General to receive CHRI for noncriminal justice purposes. The Nevada Department of Public Safety (DPS) is the approved AR.

- C. Contractor-agency who has entered into a contract with an AR to perform non-criminal justice administrative functions requiring access to CHRI. NNAMHS is a contractor.
- D. Dissemination-the disclosure of Interstate Identification Index (III) CHRI.

#### V. PROCEDURES:

- A. A criminal background check consists of a check of a person's fingerprints against the criminal history records on file with the State of Nevada and the Federal Bureau of Investigation (FBI).
- B. A criminal background check is required as a condition of employment for any person appointed to a position in the Agency, to include appointment as a new hire, promotion, transfer, reinstatement, reemployment, reappointment, or demotion or as an intern, post doctoral candidate or contract worker. The applicant/employee must receive written notice (Attachment A) of the requirement for a criminal background check at his/her cost as a condition of employment.
- C. The agency director may require a criminal background check of a current employee when deemed necessary to confirm the existence or absence of a criminal history relevant to the person's employment.
- D. The Division Administrator or Deputy Administrator may waive the requirement for a criminal background check for temporary employees, those for whom such background checks are already on file with the agency, or may be obtained from another agency in the Division or another Division in the Department of Health and Human Services, or others at his/her discretion.
- E. Except as otherwise provided in this subsection, a current employee of NNAMHS must disclose any criminal conviction in writing to the agency director, within five calendar days following a finding of guilty or entry of

judgment. Convictions for driving under the influence of drugs or alcohol are reportable under this policy. Minor traffic violations are not reportable convictions except as required in conjunction with an application for employment. The agency personnel representative must maintain the written disclosure in a confidential manner separate from the employee's personnel file.

F. With regard to employment offers for an unclassified position, a completed application or resume and a statement signed by the applicant stating whether or not the applicant has ever been convicted of a misdemeanor, gross misdemeanor or felony (excluding juvenile adjudication) or convicted, within the last five years, of a moving violation must be received by the relevant personnel representative prior to extending an offer of employment.

G. Completion of Fingerprint Cards:

1. Any individual designated to obtain fingerprints from candidates for employment at NNAMHS must be duly trained to do so by the Department of Public Safety. Designated individuals must also be trained on the scope of the identity verification program and validating authorized identification forms.
2. A criminal background check requires submission of completed fingerprint cards by the personnel representative to the Department of Public Safety, Nevada Highway Patrol (NHP) Division, and Criminal History Records Repository. The personnel representative will provide the employee with two fingerprint cards.
3. The employer information and account number on the fingerprint cards will be completed by the agency personnel representative or his/her designee.

4. 4. The requestor, employer and address spaces must reflect the name and address of the Division or agency personnel representative.
5. The space for Reason Fingerprinted should read "Information from F.B.I. - NRS 239B.010."
6. The employee must complete all identifying information on the front of the card and sign the Authorization for Release of information and have his/her fingerprints rolled by designated staff members. Prior to fingerprinting, the designated staff person will verify the identity of the applicant and the forms of identification will be documented along with the Authorization for Release of Information The designated staff member will request a photo identification card This card will include either a state-issued driver's license or identification card. A secondary document will be presented which may include the following:
  - a. State Government Issued Certificate of Birth
  - b. Military Identification Card
  - c. US Passport
  - d. Federal Government Personal Identity Verification Card
  - e. Bureau of Indian Affairs Identification Card
  - f. Social Security Card
  - g. Court Order or Name Change/Gender Change/Adoption or Divorce
  - h. Marriage Certificate (Government Issued)

- i. US Government Issued Consular Report of Birth Abroad
  - j. Foreign Passport with Appropriate Immigration Documents
  - k. Certificate of Citizenship (N560)
  - l. Certificate of Naturalization (N550)
  - m. INS I-551 Resident Alien Card Issued since 1997
  - n. INS I-688 Temporary Resident Identification Card
  - o. INS I-688B, I-766 Employment Authorization Card
7. The designated staff member will physically examine the applicant's photograph, visually comparing the picture with the applicant in person. They will compare the physical descriptors of the applicant and request the applicant to verbally provide date of birth, address, etc and check this against the identification. Finally, they will check the applicant's signature with that of the identification. If the staff member suspects that the agency has a reason to believe fraudulent information has been presented, they should contact local law enforcement. No attempt should be made to detain or pursue the person.

H. Chain of Custody Procedures:

1. The agency will utilize an applicant log to maintain fingerprint information and identification utilized to verify the identity of the applicant.
2. Fingerprints will be sent to the Nevada Department of Public Safety in a sealed envelope via courier.
3. The agency personnel representative must ensure the employee is fingerprinted and the fully completed cards are delivered to the agency personnel representative within five working days of the

employee's appointment date or upon request if the fingerprints are requested for a reason other than a new appointment.

I. Cost of the Fingerprinting and Background Check:

1. The employee is responsible for the cost of the fingerprinting and background check as a condition of employment, unless this service is provided free to the agency by a local law enforcement agency, or the agency has provided for such costs in its budget. The cost of background checks required of current employees will be borne by the agency.

2. Fingerprinting may be done by any local law enforcement agency offering this service or by a duly trained and designated staff member. Sparks Police Department will provide this service free of charge to NNAMHS employees.

3. The cost of the background check must be paid by a money order or cashier's check in the required amount to the Nevada Highway Patrol.

4. The NHP Criminal History Repository will not charge a fee for the state search if a report was provided within the immediately preceding six (6) months in conjunction with the application of that person for professional licensure. The applicant/employee must disclose the date of the prior search, and the personnel representative must submit this information to the Records and Identification Services section at the time the fingerprint cards are submitted.

J. Results of Criminal Background Check:

1. Results of criminal background check will be transmitted by the Criminal History Repository to the agency personnel representative.

2. Results of background checks must be maintained in a confidential manner separate from employees' personnel files. As a contractor of the Nevada Department of Public Safety (DPS), NNAMHS shall provide for the secure storage and disposal of all hard copy and media associated with the CHRI security system.

a. CHRI shall be stored in a physically secure location.

b. The retention period of CHRI is no less than three years.

c. The applicant log will be maintained in a secure location with the criminal history record information files.

3. NRS 179A.110 precludes any person who receives information as the result of a criminal history search from further disclosure of the records of criminal history, or the absence of such records to a person without the express authority of law or in accordance with a court order. Designated staff members will not disseminate CHRI without the consent of the Authorized Recipient (DPS). Any dissemination must be statutorily required, with prior approval from DPS and appropriate logged in the dissemination log.
  4. The Criminal History Repository has agreed that Divisions within DHHS may exchange this information on employees moving between agencies or divisions under the conditions specified in Section XII.
  5. The Nevada DPS must be notified of all security breaches. Employees found to violate security practices for CHRI will be disciplined up to and including termination from employment and may be prosecuted to the full extent of the law.
- K. An employee must be notified by the Agency Director, or their designee, as to whether a record of criminal history was received as a result of the search, and advised whether the information resulted from the State search or the FBI search. The record must not be released to the employee. The employee must be directed instead to the NHP Records and Identification Services Bureau.

The Records and Identification Services Bureau will provide the employee with the forms and procedures to review information or to challenge the accuracy of the information. Correction of inaccurate information typically requires that the employee contact the arresting agency or the state where the arrest occurred.

Any challenge to the accuracy of the information must be submitted by the employee within three working days after receiving notice of the record of criminal history from the agency. A copy of the challenge must be provided by the employee to the agency personnel representative at the same time. The employee must demonstrate due diligence in providing corrected information to the agency personnel representative in the form provided by the Records and Identification Services section or an alternate form, such as an official court document accepted by the Division or agency.

- L. A criminal conviction and/or information relating to sexual offenses must be considered on its individual merit when determining whether dismissal or any other employment action should be taken with regard to the employee. The following factors will be considered: the offense; the intervening amount of time since the offense; the duties and responsibilities of the employee's position; and how the offense is related to the person's employment. Consideration is also to be given to relevant laws and regulations and whether or not the employee disclosed the criminal conviction on the application for employment as required by NAC 284.314 and/or by this policy. Pursuant to MHDS Policy #5.002, if results of the background check indicate a criminal history, approval for hiring must be obtained from the Division Administrator. If the conviction was not listed on the applicant's profile, the applicant will be immediately terminated for willful falsification of application for employment as provided in the DHHS Incompatible Activities-Prohibitions and Penalties, Section A Fraud in Securing Appointment, Subsection 1.
- M. If an employee of NNAMHS is appointed to a position in another division within the Department of Health and Human Services, or to another agency within MHDS, the results of the criminal background checks obtained by the first MHDS agency may be forwarded to the employee's new agency or

DHHS division, provided that the position to which the employee is being appointed requires a comparable type of criminal background check.

N. NNAMHS will comply with any laws, regulations or policies which require the disclosure of criminal convictions. Examples:

1. The State's Alcohol/Drug Free Workplace Policy requires a state employee to inform his/her employer in writing within five days after he or she is convicted for violation of any federal or state criminal drug statute when such violation occurred while on duty or on the employer's premises. Agencies receiving a federal contract or grant must in turn notify the federal agency which authorized the contract or grant within ten (10) days after receiving notice of the conviction.
2. NRS 193.105 requires an employer to terminate the employment of an employee if, during the course of his employment, the employee is convicted on or after October 1, 1989, of violating any federal or state law prohibiting the sale of any controlled substance.
3. NRS 449.188 allows the denial, suspension or revocation of a license to operate an intermediate care facility if the applicant or licensee is convicted of certain crimes as listed in NRS 449.188.

Attachment A: Criminal Background Check Employee Notification

Reporting of Convictions for Unclassified Employees  
Interns, Post Doctoral Candidates and Contract Employees

I, (Name) \_\_\_\_\_ do declare:

A. Have you ever been convicted of a misdemeanor, gross misdemeanor or felony?

Yes            No

If so explain:

B. Have you been convicted of a moving traffic violation within the last 5 years?

Yes            No

If so explain:

Printed Name

Date

Signature

## Agency Authorization for Background Check

NRS 239B.010 authorizes state agencies to request and receive information from the FBI on persons considered for employment, and on persons about whom it has a need for such information to protect the agency or its clients. Northern Nevada Adult Mental Health Services conducts criminal background checks upon entry for all positions, and may also conduct such checks of existing employees at its own expense.

I, (Name) \_\_\_\_\_, understand that I must undergo a criminal history background check, including a search of State and FBI criminal history records, as a condition of employment or continued employment with NNAMHS.

I understand that I may review and challenge the accuracy of any and all criminal history records or notices thereof which are returned to the employer as a result of this check, and the proper forms and procedures will be furnished by the Nevada Highway Patrol, Records and Identification Services section, for me to do so upon my request.

I understand that NNAMHS may use the information received as a result of the criminal background check in determining whether to continue my employment or to take other action in relation to my employment. I realize the penalty for not disclosing a conviction on my application will lead to immediate termination.

I agree to pay the charges associated with the background check including the fees, if any, for rolling of fingerprints and for conducting the search.

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Applicant or Employee's Signature

Date

The following identification was utilized to verify the applicant's identity:

Name of Document: \_\_\_\_\_

Issuing Authority: \_\_\_\_\_

Document Number: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

Name of Document: \_\_\_\_\_

Issuing Authority: \_\_\_\_\_

Document Number: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

I certify that the identification of this applicant was verified in accordance with all required policies and procedures.

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Employer Representative and Date

**STATE OF NEVADA**



**JIM GIBBONS**

Governor

**MICHAEL J. WILLDEN**

Director

Department of Health and Human Services

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**Division of  
Mental Health and Development Services**

Dr. Harold Cook, Ph.D., Administrator

Dee McLellen, Deputy Administrator

**Northern Nevada Adult Mental Health Services**

Rosalyn Reynolds, Agency Director  
480 Galletti Way

Sparks, NV 89431

Telephone No: (775) 688-2010

Fax No. (775) 688-2052

Mission Statement:

To provide psychiatric treatment and rehabilitation services in a least restrictive setting, to support personal recovery, and enhance quality of life.

**Criminal Background Check Employee Notification**

Date: \_\_\_\_\_

From: Employee \_\_\_\_\_

To: NNAMHS Personnel Department

Subject: Reporting of Convictions for Unclassified Employees  
Interns, Post Doctoral Candidates and Contract Employees

I, (Name) \_\_\_\_\_ do declare:

A. Have you ever been convicted of a misdemeanor, gross misdemeanor or felony?  Yes  
 No

If so explain:

B. Have you been convicted of a moving traffic violation within the last 5 years?

Yes       No

If so explain:

Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**STATE OF NEVADA**



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To provide psychiatric treatment and rehabilitation services in a least restrictive setting, to support personal recovery, and enhance quality of life.

**Agency Authorization for Background Check**

Date: \_\_\_\_\_

From: NNAMHS Personnel Department

To: Employee \_\_\_\_\_

Subject: Authorization for Background Checks

*NRS 239B.010 authorizes state agencies to request and receive information from the FBI on persons considered for employment, and on persons about whom it has a need for such information to protect the agency or its clients. Northern Nevada Adult Mental Health Services conducts criminal background checks upon entry for all positions, and may also conduct such checks of existing employees at its own expense. The Department of Health and Human Services-Prohibitions and Penalties, Section A, Subsection 1 provides for dismissal on the first offense for “willful falsification of application for employment or other personal record with respect to a material point which would have adversely affected selection for appointment.”*

I, (Name) \_\_\_\_\_, understand that I must undergo a criminal history background check, including a search of State and FBI criminal history records, as a condition of employment or continued employment with NNAMHS.

I understand that I may review and challenge the accuracy of any and all criminal history records or notices thereof which are returned to the employer as a result of this check, and the proper forms and procedures will be furnished by the Nevada Highway Patrol, Records and Identification Services section, for me to do so upon my request. Should the search result report valid criminal conviction information not reported at the time of application for employment, I agree to immediately vacate the position at the agency’s request.

Policy and Procedure NN-HR-38

I agree to pay the charges of \$51.25 associated with the background check including the fees, if any, for rolling of fingerprints and for conducting the search.

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Applicant or Employee's Signature Date

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Appointing Authority's Signature Date

The following identification was utilized to verify the applicant's identity:

Name of Document: \_\_\_\_\_

Issuing Authority: \_\_\_\_\_

Document Number: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

Name of Document: \_\_\_\_\_

Issuing Authority: \_\_\_\_\_

Document Number: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

I certify that the identification of this applicant was verified in accordance with all required policies and procedures.

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Employer Representative and Date

