
CRIMINAL RECORD

Section 1. PURPOSE

The purpose of this policy is to address the criminal records of applicants and employees of the Bedford Regional Water Authority (“Authority”) in order to maintain high standards of work performance and professional conduct.

Section 2. APPLICANTS

- A. As a condition of employment, criminal background checks will be made on all applicants being seriously considered for positions with the Authority, with sufficient personal descriptive information to be forwarded to the appropriate registry for the purpose of obtaining criminal history information regarding such applicant. Applicants shall provide such consent as may be required by the registry.
- B. Applicants may be disqualified for consideration for employment when they have demonstrated an unsatisfactory personal record as evidenced by the results of a background check.
- C. The Authority shall evaluate the offenses which are reported to the Authority as a result of criminal background checks against the requirements of the position and shall consider, among other things, the following aspects of the offence(s) and the position. The Authority shall use appropriate factors, in consultation with the Authority’s Executive Director, and will make the final decision on whether to hire an applicant on the basis of a criminal background check. The Authority shall be responsible for documenting the basis for the decision. In the event of an adverse determination, the applicant shall be given the results of the background check and be given three (3) working days to contest any misinformation contained therein. All information received by the Authority from criminal background checks shall be maintained in strictest confidence.
- D. In making the foregoing evaluation, the Authority shall consider the nature, severity, and intentionality of the offence(s) as well as:
 - 1. The statutory elements of the offense(s) (rather than the individual’s account of the facts).
 - 2. The individual’s age at the time of the offense(s).
 - 3. The number and type of offenses.
 - 4. The time elapsed since the last offense.
 - 5. The individual’s probation or parole status.
 - 6. Whether the circumstances of the offense(s) involved an employment situation.
 - 7. Whether there is a pattern of offense(s).
- E. The Authority shall also evaluate the duties, responsibilities, and circumstances of the position, including, but not limited to:
 - 1. The nature and scope of the position, including access to residential facilities, access to cash, or access to vulnerable populations.
 - 2. The nature and scope of the position’s contact with the public or other interpersonal contact.
 - 3. The autonomy and discretionary authority of the position.
 - 4. The amount and type of supervision received in the position, or provided to staff.

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5. The sensitive nature of data or records material maintained or to which the position provides access.
 6. The opportunity presented for the commission of additional offenses.
 7. The extent to which satisfactory job performance requires the trust and confidence of the Authority, the Authority employees, or the public.
- F. The Authority will monitor the application of this policy to insure that it does not have a disparate impact on any protected class of applicants.

Section 3. EMPLOYEES

- A. Employees must, as a condition of employment, abide by all of the terms of this policy. They must, within five (5) business days, report any offense(s) resulting in their arrest, charge, and/or conviction of a felony or misdemeanor. These offenses include actions involving moral turpitude or other actions that affect the employee's ability to perform their job, threatens the safety of the employees or the public, or could cause harm or increased risk to the Authority.
- B. In evaluating disciplinary action under this policy, the Authority shall evaluate reported or new offenses as outlined in this section.
- C. Discipline:
 1. Suspension with pay: The Authority may immediately suspend an employee from the workplace without providing advance notification when they are under investigation for alleged criminal conduct.
 - a. The suspension shall continue until either:
 - i. The employee is formally charged with a criminal offense by authorities or entities outside of the employer agency, such as by arrest or indictment; or
 - ii. The criminal investigation is concluded without any formal charges being made; or
 - iii. It is determined by the Authority that it is acceptable for the employee to return to work.
 - b. Employees suspended from work may or may not accrue or receive any paid benefits during the suspension, depending on the alleged crime.
 2. Suspension without pay: Any employee who is formally charged with a criminal offense by outside authorities may be immediately suspended without pay.
 - a. The suspension shall continue until either:
 - i. The appropriate corrective action has been determined; or
 - ii. The criminal investigation is concluded without any formal charges being made; or
 - iii. The charge is resolved without the employee being convicted.
 - b. Employees suspended without pay from work will not accrue or receive any paid benefits during the suspension.
 3. Termination: An employee that is convicted of a criminal offense and is unable to meet the working conditions of their employment may be terminated. If an employee is convicted of an offense taking place against the Authority, it involves using property owned or operated by the Authority, it takes place on Authority controlled property, or it occurs during hours of employment by the Authority, the employee may be terminated immediately.

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4. Regardless of the status of any criminal investigation or process, the Authority may determine at any time to institute corrective action, up to and including termination, based upon the facts or evidence of conduct that prompted the criminal investigation or process.
5. If the employee returns to work from a suspension after being found not guilty, any Paid Time Off (“PTO”) that would have accrued during the suspension period will be applied to the employee’s PTO balance.

Section 4. REFERENCES:

- A. The definition of suspension is documented in the Discipline policy.
- B. The terms of use for PTO can be found in the Leave policy.
- C. The Drug and Alcohol policy and the Vehicle and Equipment policy have additional information related to criminal offenses specific to those policies.

Section 5. REVISIONS

- A. This policy was approved and adopted by the Authority’s Executive Director on February 26, 2013, effective July 1, 2013.