



Policy Title:	Applies to:	Reference #
Criminal Record Check Policy	All Employees	131-HR-05
Approved by:	Dates:	Total # of Pages
Director, People and Organizational Culture	Effective:	01-May-2005
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Authority:		13
People and Organizational Culture		

1.0 Purpose

Criminal Record Checks (CRC) are integral to the City of Regina's employment process which assists with maintaining public confidence, ensures the safety and security of our employees, clients and the public and ensures that public funds, property and information are safeguarded.

2.0 Scope

This Policy applies to the selected candidate who applied for any Designated Position or a Position of Trust with the City of Regina.

3.0 Definitions

Criminal Record Check

A CRC consists of a criminal record name check performed by local police, the RCMP or the Commissionaires against the National Criminal Records Repository housed in the Canadian Police Information Centre (CPIC). The candidate's name and birthdate are compared against active criminal records in CPIC and provides any relevant details contained within the National Criminal Records Repository. In some cases, fingerprints may be required for submission to the RCMP National Repository of Criminal Records for confirmation. Once received by the police service, the results are communicated directly to the applicant.

Designated Position

A position determined by the City of Regina, through a legislative requirement or as a result of the nature of the position, in which the successful candidate is required to submit a satisfactory CRC prior to the commencement of employment or a new assignment. Designated positions must be staffed with individuals whose trustworthiness, integrity, character and identity would not place the City of Regina or its clients at risk.

External Hire

An external candidate hired to the organization and appointed to a vacant position with the City of Regina.

Internal Hire

An internal candidate promoted, demoted, transferred or appointed to a permanent, full-time, casual, term or secondment position with the City of Regina.

Position of Trust

A position considered highly sensitive requiring the incumbent to be in a position of trust or authority with vulnerable members of society such as children (under the age of eighteen), the elderly, and persons with disabilities.

Satisfactory Criminal Record Check/Vulnerable Sector Criminal Record Check

A response from the local police services or RCMP that there are no criminal conviction(s) or charge(s) or there are criminal conviction(s) or charge(s) that have been determined by People and Organizational Culture (P&OC) to be irrelevant to the position.

Vulnerable Persons

Vulnerable members of society are defined in the *Criminal Records Act* as persons who, because of age, disability or other circumstances, whether temporary or permanent are:

- In a position of dependence on others; or
- are otherwise at a greater risk than the general population of being harmed by a person in a position of trust or authority towards them

Vulnerable Sector Check

A Vulnerable Sector check is used to determine the possible existence of a criminal record and/or a sexual offense conviction for which an individual has received a pardon in addition to the standard CRC. In some cases, fingerprints may be required for submission to the RCMP National Repository of Criminal Records for confirmation. Once received by the police service, the results are communicated directly to the applicant.

4.0 Policy

All external candidates will be required to submit a satisfactory CRC prior to the commencement of employment, unless they were the successful candidate appointed into a role that is considered a Position of Trust. All Positions of Trust require the successful candidate to submit a satisfactory Vulnerable Sector CRC prior to the commencement of employment.

All internal candidates selected for employment in a Designated Position at the City of Regina shall submit a satisfactory CRC prior to the commencement of employment or a new assignment:

- If new job duties are assigned or an employee's position is reclassified, they will not be required to submit a satisfactory CRC.
- Employees performing in a superior duty capacity will not be required to submit a satisfactory CRC.

- All current employees will not be required to submit a satisfactory CRC if they were hired prior to this policy taking effect; however, employees who are being assigned or promoted into a Designated Position or a Position of Trust will be required to submit a satisfactory CRC or Vulnerable Sector CRC prior to being appointed to the position.

Positions that work directly with children or vulnerable persons will be considered a Position of Trust and will be required to submit a satisfactory Vulnerable Sector CRC prior to the commencement of employment or new assignment.

Any offer of employment for a Designated Position or Position of Trust is conditional upon submitting a satisfactory CRC or Vulnerable Sector CRC. Therefore, the candidate's first day of work in the position shall not commence before fulfilling the condition of employment. Candidates that fail to meet the condition of employment will have their offer of employment revoked.

The job duties of a position determine whether a CRC or Vulnerable Sector CRC is required. The Policy identifies the following positions that require CRCs:

Designated Position

A position determined by the City of Regina, through a legislative requirement or as a result of the nature of the position, in which the successful candidate is required to submit a satisfactory CRC prior to the commencement of employment or a new assignment. Designated positions must be staffed with individuals whose trustworthiness, integrity, character and identity would not place the City of Regina or its clients at risk. A Designated Position must meet at least one of the following criteria:

- A satisfactory CRC is mandated by legislation or by policy of a Provincial or Federal authority,
- A position that has access to other employees personal information,
- The position is one that involves security, or safety of assets or persons,
- A position that may be required to enter the private property of residents,
- The position has access to secure systems, facilities and/or assets,
- Decision making at the executive and management level,
- Duties involving the provision of support or advice directly to members of City Council including Executive Assistants and Administrative Assistants,
- Positions with responsibility, that may include but not exclusive to configure, install, troubleshoot, maintain, or modify computer software, hardware, communications equipment (i.e., wireless communication devices, telephones, voice messaging systems etc.), operating systems, and/or network servers,
- Duties that involve financial transactions which may include the handling, collecting or counting of cash, dispersal of cash or cheques, acceptance of and/or processing of payments, investment funds and/or any other transaction of a financial nature on behalf of the City of Regina, or
- A satisfactory CRC is required to fulfill some other requirement of the position.

Position of Trust

A position considered highly sensitive requiring the incumbent to be in a position of trust or authority with vulnerable members of society such as children (under the age of eighteen), the elderly, and persons with disabilities. Due to the nature of the work, positions of trust require a Vulnerable Sector CRC.

Periodically, the Client Services and Labour Relations (CS&LR) branch will assess positions not already identified as a Designated Position or Position of Trust to determine if those positions require a CRC or a Vulnerable Sector CRC. The assessment will include the following factors:

- Access to children and vulnerable persons which focuses on how often the position requires the employee to interact with clients and whether the interaction will be supervised,
- Access to financial assets which focuses on the financial assets (i.e., cash, cheques etc.) the position is responsible for that can be used for personal gain,
- Access to sensitive information which focuses on how much sensitive information (i.e., medical records, confidential information) and how often the position requires the employee to have access to the information,
- Access to physical assets which focuses on how often the position will have access to physical assets (i.e., laptop computer, vehicles and equipment) and whether the employee is held personally accountable for the assets, or
- Reputation assessment which focuses on the scope of any negative action by an employee becoming public knowledge and the impact on the public opinion of the City of Regina.

5.0 Policy Guidelines

Departments are responsible for determining if applicable legislation dictates where, and at what frequency, the employee's CRC must be renewed. The frequency of renewal must be identified in the job bulletin and any advertising for the position at the time of initial hire.

The CS&LR branch will determine which positions are deemed a Designated Position or a Position of Trust, unless such designation is legislatively mandated. The CS&LR branch will maintain an up to date list of positions that are considered a Designated Position and a Position of Trust.

When a CRC is required, the job bulletin and any advertisement regarding the position must clearly indicate that "In accordance with the City of Regina's *Criminal Record Check Policy*, the position requests that the successful candidate provide a satisfactory [Criminal Record Check or Vulnerable Sector Criminal Record Check] as a condition of employment."

CRCs and Vulnerable Sector CRCs must be conducted by Police Services in the jurisdiction where the candidate or employee resides. Individuals who reside in smaller jurisdictions that do not have their own Police Services will be required to obtain a CRC or Vulnerable Sector CRC from the local RCMP detachment or designated agency.

There may be instances that Police Services will deny a request for a Vulnerable Sector CRC if they feel that the position identified does not meet the criteria necessary for the screening. In this situation, the City of Regina has authority to proceed with a hire decision based on the level of search provided and deemed sufficient by Police Services.

If a candidate under the age of eighteen is placed in a position where they are working with vulnerable persons, a CRC is sufficient. The CRC queries all the same information banks as the Vulnerable Sector CRC with the exception of the RCMP's pardoned database.

Candidates applying for employment are responsible for applying for, paying the costs of, and submitting the results of the CRC or Vulnerable Sector CRC to P&OC. The original document provided will be returned to the candidate. Internal candidates will be eligible to have the cost of their CRCs reimbursed by the hiring branch upon submitting a receipt.

Employees occupying a position where a renewed CRC is legislatively required are responsible for consenting to the renewal CRC as a condition of employment or continued employment.

If the most recent CRC submitted is older than three (3) months from the day P&OC collects the document, or is not a Vulnerable Sector CRC (if applicable), candidates will be required to submit a current CRC or Vulnerable Sector CRC prior to being appointed to the position.

Exceptions

In exceptional circumstances when an employee is hired in a short-term position where the need to hire is urgent, making it unreasonable and impractical to request a CRC, the Manager, CS&LR, in consultation with the CS&LR branch may determine that the candidate is exempt from the requirement to submit a CRC for this appointment.

In these exceptional circumstances, P&OC must consider the job duties and make necessary accommodations to mitigate the risks to the City of Regina, its employees and the public.

Criminal Record Verification

A CRC consists of a criminal record name check performed by local police, the RCMP or the Commissionaires against the National Criminal Records Repository housed in the Canadian Police Information Centre (CPIC). The candidate's name and birthdate are compared against active criminal records in CPIC and provides any relevant details contained within the National Criminal Records Repository.

Vulnerable Sector CRCs consists of a query based on the candidate's name and birthdate compared to active criminal files including the existence of any pardoned sex offenses and provides any relevant details contained within the RCMP National Criminal Records Repository. Vulnerable Sector CRCs also includes a query of CPIC investigative and intelligence records and local police records where the candidate resides. Vulnerable Sector CRCs must be completed by the candidate's local police or RCMP detachment as they need to check local police records.

After the local police or the RCMP completes the CRC, the candidate will receive an original copy of the results. Candidates would then be required to submit the original to P&OC to be copied and the candidate will retain the original for their own files. Upon receipt and assessment of the CRC, P&OC will advise candidates who require fingerprint verification and provide the candidate with the Criminal Record Check Self-Declaration Form (Appendix A) to complete and submit to P&OC.

If the birthdate and name is a match in CPIC, the CRC will indicate that a criminal record “may or may not exist”. The individual will then be required to submit fingerprints to the local police service or RCMP detachment to verify their identity.

The two types of fingerprinting that are currently available are the traditional ink and roll process or digital. Local police or the RCMP may offer to take fingerprints entirely electronically or with ink and scan to the RCMP CPIC electronically. Once fingerprinting is complete, the candidate is required to provide P&OC with the paid receipt or proof that fingerprinting has been initiated.

If the CRC indicates a criminal record “may or may not exist” and a criminal record does not exist, digital fingerprint results may be returned within one (1) to three (3) weeks. If there is a criminal record, digital results can be expected within three (3) to four (4) months. The ink and roll fingerprinting process will take from four (4) to seven (7) months regardless of whether there is a criminal record or not.

For all CRCs and fingerprint verification (if required) candidates are required to forward the information to P&OC in a sealed envelope marked private and confidential. When the determination has been made that the CRC is satisfactory, P&OC will notify the hiring manager to proceed with appointment to the position.

If the CRC or the fingerprint verification is unavailable in a timely fashion, the appointment may proceed, only after consultation with the Manager, CS&LR and is conditional on submission of a satisfactory CRC. The candidate will then be required to meet that condition as soon as possible thereafter.

Assessing Relevance of an Offense

In assessing the relevance of criminal convictions or charges identified on the CRC prior to appointment, the Manager, CS&LR, in consultation with the CS&LR branch, the applicable branch manager and/or department director, will consider the following factors:

- The nature of the offense and its relevance to the position applied for,
- The number and nature of the charges/conviction(s),
- When the offense(s) occurred, and
- The effort at rehabilitation by the individual.

The City of Regina will not change the employment status or refuse to employ a current employee or candidate because he or she has been charged with or convicted of an offense which does not pose a risk to the organization, considering the duties of the position the employee occupies or the candidate is seeking.

P&OC will provide a recommendation to the operating area whether or not to rescind an offer of employment. If the hiring manager is not in concurrence with the recommendation, it will be escalated to the Executive Director of the hiring area for a final decision. If the decision is made to rescind an offer of employment, the candidate will be notified in writing noting the reason.

Convictions or Charges during Employment

As soon as an employee becomes aware that they have been charged with an offense under:

- *The Criminal Code of Canada*
- *The Controlled Drugs and Substances Act*
- Provincial statutes governing the City and/or the Province

The employee shall immediately report such charge, as soon as reasonably possible, to P&OC. For positions requiring a CRC, changes to a criminal record would include convictions and charges. Positions that require a Vulnerable Sector CRC, changes to a criminal record would include convictions, outstanding warrants, and charges.

In assessing the relevance of the conviction(s) and/or charge(s), the City of Regina is responsible for prompt investigation of the circumstances of the misconduct by an employee to determine the appropriate response that balances the interests of the employee and the interests of the City. This investigation will be done by P&OC and in consultation with the applicable branch manager and/or the department director, and others as required.

Failure to report the charge or conviction as soon as reasonably possible may result in disciplinary action up to, and including termination of employment as per the City of Regina's *Corrective Discipline Policy*.

When there is a reasonable basis to believe that there may be changes to an employee's criminal record, the City of Regina reserves the right to request an updated CRC at any time during the course of employment.

Payment for Criminal Record Checks

The cost of the CRC/Vulnerable Sector CRC, and/or fingerprint verification (if required) is the responsibility of the external candidate. Internal candidates will be eligible for reimbursement for the cost of the CRC and/or fingerprint verification (if applicable) upon submitting a receipt. The branch doing the hiring will be responsible for reimbursing the internal candidate.

Storage of Criminal Record Checks

After reviewing and assessing the CRC/Vulnerable Sector CRC, and fingerprint verification (if required), copies of the CRC/Vulnerable Sector CRC and fingerprint verification documentation will be stored in a secure filing room in P&OC. Access to the CRC/Vulnerable Sector CRC and fingerprint verification documentation will be restricted to those that require the information to perform the duties of their position.

Privacy

CRCs, Vulnerable Sector CRCs, and fingerprint verification information will be collected, disclosed or used by P&OC only when a determination is required on whether the candidate may pose a risk to the City of Regina. The amount of information shall be limited to that which is reasonably required to determine if the candidate poses a risk to the City of Regina. Individuals who have been given access to the information are responsible to:

- Treat the information as confidential and shall not further disclose the information to any other party,
- Use the information only for purposes of making a decision, and
- Safeguard the information from further access (whether intentional or unintentional).

6.0 Roles & Responsibilities**People and Organizational Culture**

- Review and revise the policy as required.
- Ensure that the intent and guidelines of this policy are communicated and adhered to.
- Assess positions not deemed a Designated Position or Position of Trust to determine if the position requires a CRC or Vulnerable Sector CRC.
- Ensure that the job posting reflects that a satisfactory CRC for Designated Positions and a satisfactory Vulnerable Sector CRC for Positions of Trust is required.
- Inform the prospective candidate that a satisfactory CRC or Vulnerable Sector CRC is required at the time of the interview.
- Contact the prospective candidate if they are required to complete the fingerprint verification process and provide the Criminal Record Check Self-Declaration Form (Appendix A) for the candidate to complete.
- In consultation with the branch manager and/or department director, determine the relevance of any charge(s) or conviction(s) that are identified to the position applied for.
- Provide a recommendation to the branch manager and/or department director on a candidate's appointment based on the candidate's charge(s) or conviction(s).
- Provide guidance to the branch manager and/or department director on an appropriate response if elect to rescind an offer of employment.
- Ensure that a satisfactory CRC or Vulnerable Sector CRC requirement is outlined on the candidate's offer of employment for identified positions.
- Ensure that a satisfactory CRC or Vulnerable Sector CRC is received prior to employment start date unless agreed to.
- Maintain candidate privacy and safeguard their personal information.
- Ensure employees CRCs/Vulnerable Sector CRCs and fingerprint verification documentation are stored in a secured location.

Hiring Manager/Management

- Review and adhere with the policy for all recruitment strategies.
- Seek guidance from P&OC regarding application of the policy before making offers of employment to eligible hires.

- Inform the prospective candidate that a satisfactory CRC or Vulnerable Sector CRC is required at the time of the interview in the absence of a P&OC representative.
- Inform the successful candidate that a satisfactory CRC or Vulnerable Sector CRC is required for identified positions when a verbal employment offer is extended.
- Verify that a satisfactory CRC or Vulnerable Sector CRC requirement is outlined on the candidate's offer of employment for identified positions.
- Consult with P&OC to determine the relevance of any charge(s) or conviction(s) that are identified to the position applied for.
- Consult with P&OC prior to providing a written response if an offer of employment is rescinded.
- Verify that a satisfactory CRC or Vulnerable Sector CRC is received to P&OC prior to employment start date unless agreed to.
- Maintain candidate privacy and safeguard their personal information.
- Inform P&OC when an employee has disclosed a conviction or criminal charge in a timely fashion.
- Inform P&OC if applicable legislation or policy of a Provincial or Federal authority dictates a position requires a CRC, and if renewal is required.
- Reimburse internal candidates for the cost of the CRC or Vulnerable Sector CRC, and fingerprint verification (if applicable) once a receipt has been received.

Prospective Candidate/Employee

- Once verbally offered a Designated Position or Position of Trust with the City of Regina, obtain a current CRC or Vulnerable Sector CRC from the local police or the RCMP.
- Submit the CRC or Vulnerable Sector CRC to P&OC prior to commencing employment and retain the original for own files.
- Complete fingerprinting verification with the local police or the RCMP (if required) and submit proof of submission or payment receipt to P&OC.
- Complete the Criminal Record Check Self-Declaration Form (Appendix A) disclosing all charge(s), conviction(s) and any pertinent information to P&OC when required to complete the fingerprint verification process.
- Submit the fingerprint verification results to P&OC and retain the original for own files.
- Inform P&OC, branch manager and/or department director when you become aware that you are being charged with an offense.
- External candidates will be responsible for the cost of the CRC or Vulnerable Sector CRC, and the fingerprint verification.
- Internal candidates will be eligible for reimbursement for the cost of the CRC or Vulnerable Sector CRC, and the fingerprint verification upon receipt.

7.0 Procedures

CRC and Vulnerable Sector CRC Process

1. When a Designated Position or Position of Trust vacancy occurs, P&OC will identify on all job descriptions and job bulletins related to the vacancy that the

position requires a satisfactory CRC or Vulnerable Sector CRC prior to posting the vacancy.

2. P&OC will inform the candidate that a satisfactory CRC or Vulnerable Sector CRC is required at the time of the interview. In the absence of a P&OC representative, the hiring manager will inform the candidate that a satisfactory CRC or Vulnerable Sector CRC is required at the time of the interview.
3. The hiring manager will inform the successful candidate that a satisfactory CRC or Vulnerable Sector CRC is required when a verbal offer of employment is extended. If the candidate has additional concerns or questions regarding obtaining a CRC or Vulnerable Sector CRC, the hiring manager will direct them to P&OC.
4. P&OC will direct the candidate to the Regina Police Service website regarding CRCs at <http://www.reginapolice.ca/resources/criminal-record-check> for more information and address any concerns or questions that the candidate has regarding obtaining a CRC or Vulnerable Sector CRC.
5. P&OC will outline in the successful candidate's offer of employment that a satisfactory CRC or Vulnerable Sector CRC is required for Designated Positions or Positions of Trust.
6. The candidate obtains a CRC or Vulnerable Sector CRC from their local police service or the RCMP, and pays the applicable fee.
7. The candidate submits the CRC or Vulnerable Sector CRC to P&OC prior to their scheduled start date and ensure they retain the original copy for their own records.
8. P&OC, in consultation, with the applicable branch manager and/or department director, will review and assess the CRC or Vulnerable Sector CRC, determine the relevance of criminal convictions or charges to the offered position, and if those convictions and/or charges pose a risk to the City of Regina.
9. After reviewing the candidate's CRC or Vulnerable Sector CRC, P&OC will provide a recommendation to the hiring manager to either proceed with the appointment or to rescind the offer of employment.
10. P&OC will take a copy of the candidate's CRC or Vulnerable Sector CRC and ensure it is stored in a secure location.

Fingerprint Verification Process

1. P&OC will inform the candidate if the results of the CRC or Vulnerable Sector CRC is inconclusive and that the candidate needs to supply fingerprints to the local police or RCMP detachment to verify their identity. P&OC will also address any concerns or questions that the candidate has regarding the fingerprint verification process.
2. Candidate completes the Criminal Record Check Self-Declaration Form (Appendix A) disclosing all charge(s), conviction(s) and any pertinent information to P&OC.
3. P&OC will inform the hiring manager that the selected candidate is required to complete the fingerprint verification process and discuss anticipated timelines when P&OC will receive the candidate's fingerprint verification results.
4. The candidate submits fingerprints to their local police service or RCMP detachment, pays the applicable fee and provides the payment receipt or proof to P&OC that the fingerprint verification process has been initiated.

5. The candidate submits the fingerprint verification results to P&OC and ensures they retain the original copy for their own records.
6. P&OC, in consultation with the applicable branch manager and/or department director, will review and assess the fingerprint verification results, determine the relevance of criminal convictions or charges to the offered position, and if those convictions and/or charges pose a risk to the City of Regina.
7. P&OC will advise the hiring manager that the fingerprint verification process results have been received and provide a recommendation whether or not to rescind an offer of employment.
8. If proceeding with the appointment, P&OC will amend the start date of the offer of employment and the hiring manager will present to the successful candidate. If the decision is to rescind the offer of employment, P&OC will provide guidance on an appropriate response, and the hiring manager will advise the candidate in writing.
9. P&OC will take a copy of the candidate's fingerprint verification documentation and ensure it is stored in a secure location.

8.0 Reference Material

Appendix A: Criminal Record Check Self-Declaration Form
 City of Regina's *Corrective Discipline Policy*
Controlled Drugs and Substances Act
Criminal Code of Canada
Criminal Records Act

9.0 Revision History

Date	Description of Change	(Re)-Approval Required (y/n)
31-January-2018	Policy Update	ELT Approved
14-June-2018	Changed Policy Number 127-HR-15 to 131-HR-05	N

CRIMINAL RECORD CHECK SELF-DECLARATION FORM

Name: _____ Date: _____

All questions must be answered. A false declaration or omission may be grounds for the City of Regina to rescind an offer of employment.

1. Have you ever been convicted or been pardoned under the *Criminal Records Act* of a criminal offense under any statute whether in Canada or in another country?

YES NO

If you have more than one offense, include on a separate sheet

If yes, Offense(s): _____

Date: _____

Details: _____

If pardoned, please provide date: _____

2. Have you ever been given a conditional discharge in respect to the above noted criminal offense(s)?

YES NO

If yes, please provide documentation that provides evidence of the date of discharge and confirms whether the conditions of the discharge have been met.

Nature of Discharge: _____ Date of Discharge: _____

Note: The presence of a record of charges or convictions does not necessarily exclude you from obtaining employment with the City of Regina. Each case will be reviewed to determine its relevance to the requirements to the offered position on an individual basis.

3. Are you currently under investigation or charged with any offense under any statute, whether in Canada or in another country?

YES NO

If yes, Place(s): _____

Date: _____

Details: _____

Undertaking

I understand that depending on the nature of my offense(s), I will be required to provide an official criminal record search document by fingerprint comparison. I understand that I am responsible for all costs involved in providing such documentation to the City of Regina. I hereby undertake to provide, upon request, official police records when and as required.

Authorization

I authorize and consent to the release of such details of convictions and outstanding charges by any law enforcement agency or authority to the City of Regina. I also consent to the release of confirmation of relevant convictions and outstanding charges to the City of Regina authorities requesting such information.

Declaration

I declare that the particulars that have been furnished on this form are true and complete in all respects and that no relevant information has been withheld. I declare that all documentation that may be submitted by me has not been changed or altered in any way. I understand that a false declaration or willful omission, or submission of altered, tampered or forged documentation may result in the City of Regina rescinding an offer of employment.

Applicant's Signature

Date

Applicant's Printed Name