

**WESTERN RESERVE JOINT FIRE DISTRICT
POLICY FOR
CRIMINAL RECORDS CHECK FOR NEW AND EXISTING EMPLOYEES**

1.0 Requirement for Criminal Records Check

- 1.1** The Fire Chief of the Western Reserve Joint Fire District shall request the Superintendent of BCII to conduct a criminal records check with respect to any person who is under consideration for appointment or employment as a permanent, full-time paid, part-time, or volunteer firefighter. This request by the Fire Chief from the Superintendent may include a specific request that the Superintendent obtain information from the Federal Bureau of Investigation (FBI) as part of the criminal records check.
- 1.2** The Fire Chief shall provide to each person for whom he intends to request a criminal records check a copy of the form prescribed by R. C. Section 109.578(C)(1) and a standard impression sheet to obtain fingerprint impressions, obtain a completed form and impression sheet from the person, and forward the completed form and impression sheet to the Superintendent of BCII at the time the criminal records check is requested.
- 1.3** A person under consideration for appointment or employment with the Fire District who receives a copy of the form and a copy of the impression sheet and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all information necessary to complete the form and shall provide the information sheet with the impressions of his/her fingerprints. If a person under consideration for appointment or employment with the Fire District fails to provide the information necessary to complete the form or fail to provide impressions of his/her fingerprints, the Fire District shall not appoint or employ the person as a firefighter.
- 1.4** In lieu of the requirements of Sections 1.2 and 1.3, and recognizing the current requirements of BCII, the Fire Chief may require each potential or current employee for whom he intends to request a criminal records check to report to the Mahoning County Education Service Center (100 DeBartolo Place, Suite 220, Second Floor, Youngstown, Ohio 44512; 330-965-7828) to complete the fingerprinting process. The Mahoning County Education Service Center shall provide the forms prescribed by R.C. Section 109.578(C)(1) and a standard impression sheet to obtain fingerprint impressions, and may obtain the

fingerprints of the prospective employee in order to directly forward the completed form and impression to the Superintendent of BCII. The person under consideration for appointment or employment with the Fire District shall complete the form and provide all information necessary to the independent agency to complete the form so as to be able to forward it to BCII. If a person under consideration for appointment or employment with the Fire District fails to provide the information necessary to complete the form, fails to provide impressions of his/her fingerprints, or fails to otherwise cooperate with the Mahoning County Education Service Center, the Fire District shall not appoint or employ the person as a firefighter.

1.5 When the Fire Chief requests a criminal records check, the Fire District shall appoint or employ the individual as a permanent, full-time paid, part-time, or volunteer firefighter conditionally until the criminal records check is completed and the Fire Chief receives the results. If the results of the criminal records check indicate that the person subject to the criminal records check does not qualify for appointment or employment, the Fire Chief shall release the person from appointment or employment, and shall advise the Fire District Board of Trustees accordingly.

2.0 Payment of Fees

2.1 The Fire District, through the Fire Chief, shall pay to the Bureau of Identification and Investigation (BCII) the fee prescribed by BCII (pursuant to Section 109.578(C)(3) of the Revised Code) for each criminal records check conducted in accordance with that section. The Fire Chief may charge the applicant who is subject to the criminal records check a fee for the cost the Fire Chief incurs in obtaining the criminal records check. A fee charged under this section shall not exceed the amount of fees the Fire Chief pays for the criminal records check. If a fee is charged under this division, the Fire Chief shall notify the applicant at the time of the applicant's initial application for appointment or employment of the amount of the fee and that, unless the fee is paid, the applicant will not be considered for appointment or employment.

3.0 Inability to Employ

3.1 The Fire District shall not appoint or employ a person as a permanent, full-time paid, part-time, or volunteer firefighter if the Fire Chief has requested a criminal records check and a criminal records check indicates that the person previously has been convicted of or pleaded guilty to any of the

following:

- A. A felony;
- B. A violation of Revised Code Section 2909.03 (Arson);
- C. A violation of an existing or former law of this State, any other State, or the United States that is substantially equivalent to a felony or violation of Section 2909.03 of the Revised Code.

4.0 Rehabilitation

4.1 Notwithstanding the prohibition on appointment or employment of a person with a felony conviction or a violation of Section 2909.03 of the Revised Code, the Fire District may appoint or employ a person as a permanent, full-time paid, part-time, or volunteer firefighter if all of the following apply:

- A. The Fire Chief has requested a criminal records check pursuant to this policy;
- B. The criminal records check indicates that the person has previously been convicted of or pleaded guilty to a felony or a violation of Section 2909.03 of the Revised Code; and
- C. The person meets the rehabilitation standards established by the Fire District.

4.2 The Fire District may employ an applicant who was convicted of or pleaded guilty to a felony if all of the following standards are met:

- A. The applicant is not a repeat theft related offender;
- B. The applicant is not a repeat violent offender;
- C. The offense is not a sexually oriented offense;
- D. The offense is not a violation of any one of the following sections of the Revised Code or violation of an existing or former law of this State, any other State, or United States if the offense is substantially equivalent to the offenses or violations described in the following sections of the Revised Code:

- 1. 2903.01 (Aggravated Murder);
- 2. 2903.02 (Murder);
- 3. 2903.03 (Voluntary Manslaughter);
- 4. 2903.34 (Patient Abuse or Neglect);

E. If the offense is not one of violence, and:

- 1. The applicant is either discharged from imprisonment, sentenced to probation, or is on parole, and has complied with all conditions

- specific to the discharge, probation, or parole; or
2. The applicant provides proof that all conditions regarding fulfillment of sentencing requirements are being met; and
- F. The Board of Trustees determines that the present character, fitness, and moral qualifications of an applicant qualify the applicant for employment with the District. In making this determination, the following factors shall be considered in assigning weight and significance to the applicant's prior conduct:
1. Failure to provide complete and accurate information concerning the applicant's past;
 2. The nature and seriousness of the conduct;
 3. The degree to which the applicant participated in the offense and degree to which the victim contributed to or provoked the offense;
 4. The applicant's age at the time of the conduct giving rise to the felony conviction;
 5. Regardless of whether the applicant knew the victim prior to committing of the offense, the age and mental capacity of the victim;
 6. The number of previous offenses or length of time since the most recent conviction or guilty plea
 7. The likelihood that the circumstances leading to the offense will reoccur;
 8. A pattern of disregard of the laws of this state, another state, or United States;
 9. Other acts of the perspective employee that involve dishonesty, fraud, deceit or misrepresentation;
 10. The extent to which the position applied for provides an opportunity for the commission of a similar offense;
 11. The applicant's employment record;
 12. The applicant's effort at rehabilitation and results of those efforts;
 13. Whether any criminal proceedings are pending;
 14. Evidence of an existing and untreated chemical (drug or alcohol) dependancy;
 15. Evidence of a mental, emotional, or psychological disorder that in any way affects or, if untreated, could affect the applicant's ability to serve the public in a competent and professional manner;
 16. Neglect of financial responsibilities;
 17. Neglect of professional obligations;

18. Violation of an order or a court or licensing authority;
19. Denial of certification or licensure in another jurisdiction on character and fitness grounds;
20. Disciplinary action taken by any other professional disciplinary agency of any jurisdiction; and
21. The reliability of information concerning the conduct;
22. Positive social contributions of the applicant since the conduct;
23. Candor of the applicant in the job application process;
24. Public confidence in the fire department if the applicant is so employed; and.
25. Any other factors relating to the position that the Fire Chief and/or Board of Trustees considers relevant to the performance of job duties.

- 4.3** In determining an applicant's character, fitness, and moral qualifications for employment with the Fire District, the Board shall not consider factors which do not directly bear a reasonable relationship to employment as a firefighter or EMT, including, but not limited to, the following impermissible factors:

Age, gender, color, national origin or religion of the applicant; or some form of disability of the applicant, provided that the applicant, though disabled, is able to fully satisfy the essential eligibility requirements for the position for which he/she applies. This provision does not release the candidate, however, from complying with the District's physical fitness standards.

- 4.4** If the applicant fails to provide proof that the personal character standards listed in this policy are met, or if the Board of Trustees and/or Fire Chief determine that the proof offered by the applicant is inconclusive, the applicant shall not be employed by the Fire District.
- 4.5** The applicant shall disclose a conviction that has been sealed because the information bears a direct and substantial relationship to any position for which the applicant is applying, and to his/her ability to obtain firefighter or EMT certification with the State of Ohio.

4.6 The Board shall not disqualify a candidate under any of the following circumstances:

1. The individual has been granted an unconditional pardon;
and
2. The conviction or guilty plea has been set aside pursuant to the law.

REFERENCE:

R.C. Section 505.381 (Townships/Fire Districts)

R.C. Section 737.081 (Cities)

R.C. Section 737.221 (Villages)

R.C. Section 109.578 (BCII)

Adopted: _____