



**Convergent
Care**

Exhibit B

Criminal Background and Reference Checks

To ensure that individuals who join Convergent Care are well qualified and to ensure that Convergent Care maintains a safe and productive work environment, it is our policy to conduct pre-employment background checks on all applicants who accept an offer of employment. Background checks may include verification of any information on the applicant’s resume or application form.

All offers of employment are conditioned on receipt of a background check report that is acceptable to Convergent Care. All background checks are conducted in conformity with the Federal Fair Credit Reporting Act, the Americans with Disabilities Act, and state and federal privacy and antidiscrimination laws. Reports are kept confidential and are only viewed by individuals involved in the hiring process.

If information obtained in a background check would lead Convergent Care to deny employment, a copy of the report will be provided to the applicant, and the applicant will have the opportunity to dispute the report’s accuracy. Background checks may include a criminal record check, although a criminal conviction does not automatically bar an applicant from employment.

Additional checks such as a driving record or credit report may be made on applicants for particular job categories if appropriate and job related.

Convergent Care also reserves the right to conduct a background check for current employees to determine eligibility for promotion or reassignment in the same manner as described above.

I, _____, give consent for Convergent Care Home Care Agency to complete a criminal background check prior to hire.

I, _____, understand and agree that I may not begin work until my clearance has returned and meets the company criminal background record requirements.

Employee Signature: _____ Date: _____

Administrator Signature: _____ Date: _____



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Policy:

§ 611.52. Criminal background checks

- (a) *General rule.* The home care agency or home care registry shall require each applicant for employment or referral as a direct care worker to submit a criminal history report obtained at the time of application or within 1 year immediately preceding the date of application. An applicant for employment as a member of the office staff for the home care agency or home care registry and the owner or owners of the home care agency or home care registry also are required to obtain a criminal history report in accordance with requirements contained in this section.
- (b) *State Police criminal history record.* If the individual required to submit or obtain a criminal history report has been a resident of this Commonwealth for 2 years preceding the date of the request for a criminal history report, the individual shall request a State Police criminal history record.
- (c) *Federal criminal history record.* If the individual required to submit or obtain a criminal history report has not been a resident of this Commonwealth for the 2 years immediately preceding the date of the the request for a criminal history report, the individual shall obtain a Federal criminal history record and a letter of determination from the Department of Aging, based on the individual's Federal criminal history record, in accordance with 6 Pa. Code § 15.144(b) (relating to procedure).
- (d) *Proof of residency.* The home care agency or home care registry may request an individual required to submit or obtain a criminal history record to furnish proof of residency through submission of any one of the following documents:
 - (1) Motor vehicle records, such as a valid driver's license or a State-issued identification.
 - (2) Housing records, such as mortgage records or rent receipts.
 - (3) Public utility records and receipts, such as electric bills.
 - (4) Local tax records.
 - (5) A completed and signed, Federal, State or local income tax return with the applicant's name and address preprinted on it.
 - (6) Employment records, including records of unemployment compensation.
- (e) *Prohibition.* The home care agency or home care registry may not hire, roster or retain an individual if the State Police criminal history record reveals a prohibited conviction listed in 6 Pa. Code § 15.143 (relating to facility responsibilities), or if the Department of Aging letter of determination states that the individual is not eligible for hire or roster.
- (f) *Records maintained.* The home care agency or home care registry shall maintain files for direct care workers and members of the office staff which include copies of State Police criminal history records or Department of Aging letters of determination regarding Federal criminal history records. The files shall be available for Department inspection. The agency or registry shall maintain copies of the criminal history report for the agency or registry owners, which shall be available for Department inspection.
- (g) *Confidentiality.* The home care agency or home care registry shall keep the information obtained from State Police criminal history records and Department of Aging letters of



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determination regarding Federal criminal history records confidential and use it solely to determine an applicant's eligibility to be hired, rostered or retained.

- (h) *Opportunity to appeal.* If the decision not to hire, roster or retain an individual is based in whole or in part on State Police criminal history records, Department of Aging letters of determination regarding Federal criminal history records, or both, the home care agency or home care registry shall provide an affected individual with information on how to appeal to the sources of criminal history records if the individual believes the records are in error.
- (i) *Exceptions.* A direct care worker who has complied with this section and who transfers to another agency or registry owned and operated by same entity is not required to obtain another criminal history report. A direct care worker employed or rostered by an entity that undergoes a change of ownership is not required to obtain another criminal history report to submit to the new owner.
- (j) *Individuals currently employed or rostered.* A direct care worker and each member of the agency or registry office staff who is employed by or rostered by a home care agency or home care registry as of December 12, 2009, shall obtain and submit a State Police criminal history record or Department of Aging letter of determination, as applicable, to the home care agency or home care registry by April 12, 2010. This subsection does not apply if the home care agency or home care registry obtained a criminal history report meeting the requirements of this subsection when the direct care worker or office staff member was hired or rostered and a copy of the report is included in the individual's file.