

**Policy No.** HR-414

## Criminal Background Check Policy

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**Applies to:**

Final Candidates for employment and/or volunteer engagement with Eastern Washington State Historical Society (**EWSHS**).

**References that apply to this policy:**

- [State law – Chapter 9.96A Restoration of Employment Rights;](#)
- [State law - Chapter 10.97 RCW Washington State Criminal Records Privacy Act;](#)
- [State law - RCW 43.43.815 Conviction record furnished to employer—Purposes—Notification to subject of record—Fees—Limitations—Injunctive relief, damages, attorneys' fees—Disclaimer of liability—Rules;](#)
- [Governor's Executive Order – EO 16-05 Building Safe and Strong Communities through Successful Reentry](#)

**Effective date:** July 10, 2024

**History:** This is a new policy.

**Approved by:** **EWSHS** Board of Trustees

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### Purpose

This policy establishes the criteria that **EWSHS** follows when conducting criminal history background checks on Final Candidates for both employment and volunteer positions.

The purpose is to:

- Ensure agency employees and volunteers do not have a criminal history that may interfere with the performance of duties for the position for which they have applied;
  - Mitigate the impacts of a conviction on the hiring or engagement decision.
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### Definitions

**Appointing Authority** refers to an individual lawfully authorized to appoint, transfer, layoff, reduce, dismiss, suspend, or demote employees. The definition aligns with [WAC 357-01-025](#), Appointing Authority.

**Conviction** refers to an adjudication of guilt pursuant to Title 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty. The definition is aligned with [RCW 9.94A.030 \(9\)](#), Conviction.

**Criminal Background Check** refers to submitting a request for a criminal history report through the Washington State Patrol [WATCH](#) database.

**Criminal History Report** refers to fingerprint-based records and disposition information submitted by law enforcement agencies and courts throughout Washington.

**Final Candidate** refers to either an individual applying for employment position in a permanent, non-permanent, on-call, exempt, project, or intern capacity to whom **EWSHS** intends to make an offer of employment. It also refers to an individual applying for a volunteer position to whom **EWSHS** intends to make an offer of engagement in a volunteer capacity. In addition: 1) the individual is not a former employee on the agency internal layoff list; or 2) **EWSHS** does not currently employ the individual.

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## Policy Statement

**EWSHS** conducts criminal background checks on Final Candidates to ensure they do not have any criminal history that may interfere with the performance of the duties for the position for which they have applied. **EWSHS** may deny employment or volunteer engagement to the Final Candidate:

- If there is a prior felony conviction; and
- The conviction directly relates to the position for which they are applying; and
- The conviction is less than ten years old.

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## Policy

- A. **EWSHS** notifies prospective employment or volunteer applicants of its criminal background check policy.
- B. Criminal Background Check information is limited to conviction records provided by the Washington State Patrol's WATCH system.
- C. **EWSHS** strictly limits access to criminal background check information within the agency to persons involved in the hiring, background investigation, or job assignment of the employment or volunteer applicant. This includes but may not be limited to the Security Officer, Human Resources representative, and Appointing Authority. This information

shall be used only as necessary when making the initial employment or volunteer engagement decision.

- D. If a conviction record may present a hiring or engagement barrier, when feasible EWSHS may consider mitigating evidence provided by the applicant.
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