



City of Round Rock Criminal Background Procedure

Change Control

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Effective Date			
Approval	Date	2/1/2013	
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	Title	City Manager	
	Signature		

I. SCOPE

To establish standards for reviewing and making hiring decisions based on information obtained from criminal background checks.

II. POLICY

Conditional offers of employment and continued employment are contingent upon receipt and review of the applicant, volunteer or employee's criminal history record. An applicant or volunteer may be disqualified, or an employee may be transferred, demoted, or terminated, if it is found that the applicant, volunteer or employee has a criminal history record that is inappropriate for the position.

A. In the interest of public safety and welfare, the City may consider all aspects of criminal history, whether it resulted in a fine, imprisonment, deferred adjudication, probation, community supervision, parole or other disposition. The following factors will be considered in determining whether the criminal offense is inappropriate for the position being considered:

1. The nature of the position applied (e.g. does it involve children, handling money, access to private information which may easily be converted into fraudulent use, going into homes and businesses, operating heavy machinery);

2. The nature of the offense (e.g. did it involve children, theft, fraud, DWI, etc.);
 3. Opportunity the job will give for repetition of a similar crime documented in the applicant's history;
 4. Remoteness of the criminal activity (e.g. recently or 15 years ago);
 5. Significance of the criminal activity (e.g. grade: felony vs. misdemeanor; type: property crime vs. persons crime; number: few vs. many);
 6. Age at the time of the criminal activity;
 7. Evidence of lifestyle before and after the criminal activity.
 8. Whether the employee or applicant acknowledged the offense in a timely manner.
- B. Employees must immediately report to their Department Director any arrest, charge, or indictment, whether related to on-duty or off-duty events. The Department Director will, in turn, notify the Director of Human Resources no later than the next business day regarding all related incidences.
- C. During the pendency of any charges, the above criteria in II. A. will be used to determine whether the employee will remain in their current position, be transferred, demoted, given time off work in a paid or unpaid status or terminated. An employee who fails to timely report the event under this section may be disciplined up to and including termination. The burden to provide proof to change a determination under this policy is placed on the employee.
- The employee should keep the supervisor informed and updated of the status, where charges or an indictment is pending on the disposition of the charges. Court documents, attorney letters, or any legal documents should be provided to their supervisor as to the final disposition of the charges. The supervisor should provide the Department Director, if applicable, with information regarding the final disposition of the charges, at which time the Department Director should consult with HR prior to making a final determination. The Department Director will provide the supervisor with a decision regarding the impact of current employment status.
- D. Applicants or volunteers who are non-complaint with this procedure will not be eligible for hire with the City of Round Rock.
- E. Applicants or volunteers with the Fire Department and Police Department may be subjected to a more extensive criminal background check than outlined in this procedure and must pass in order to be eligible for hire.