

Chapter:	Human Resource Management		
Title:	Employee Arrest or Conviction Policy		
Policy: <input checked="" type="checkbox"/> Procedure: <input type="checkbox"/>	Review Cycle: Triennial Author: HR Spec.	Adopted Date: 04.2024 Review Date: 04.2024	Related Policies: Complaint and Appeals Credentials Verification and Background Checks Progressive Discipline Standards of Conduct Supervision

Purpose:

The purpose of this policy is to establish a mandatory process by which all Hopeful Horizon (HH) employees must report any arrest or criminal conviction(s).

Scope:

This policy applies to:

- All HH Staff Selected HH Staff, as specified:
- HH Board Members HH Volunteers
- Other: Contractors providing direct service/treatment

Policy:

All employees who have been arrested or convicted of, plead guilty to, entered a plea of nolo contendere or no contest of any crime are required to report such arrest, conviction or plea to their immediate supervisor or to Human Resources (HR) within five (5) calendar days.

- A. **Administrative Action:** The HH Chief Executive Officer (CEO), in consultation with the immediate supervisor and HR shall consider the impact an employee’s eligibility for employment/continued employment with HH. Based on a variety of factors including but not limited to the nature and gravity of, and circumstances surrounding, the arrest or conviction, including the employee’s truthfulness and completeness in disclosing the information in a timely manner. Action taken shall be in accordance with HHs’ [Progressive Discipline Policy](#).
- B. **Failure to Report/Report Timely:** An employee who fails to disclose an arrest or conviction in accordance with of this policy is subject to discipline up to and including discharge. A supervisor who is made aware of an employee arrest or conviction and fails to disclose the information in accordance with this policy is subject to discipline in accordance with HHs’ [Progressive Discipline Policy](#).
- C. **Exclusion of Arrest and Criminal Record Use:** HH shall not use reports of arrest and/or conviction to discriminate against an employee/prospective employee because of race, national origin, or another protected basis through either disparate treatment discrimination or disparate impact discrimination.

Communication and Training:

The Board shall receive a copy of the policy at the time of periodic review and will have an opportunity to ask clarifying questions during the approval process. Employees and volunteers shall receive notice of the Board’s policy review and approval including notice of any substantive changes. The notice will provide a link to the policy located on the HH website.

Definitions:

1. Arrest: The taking or detaining in custody by authority of law.
2. Criminal Conviction or Plea: All criminal convictions and pleas of nolo contendere, or no contest of any crime that are acknowledgements of criminal responsibility for serious misdemeanor or felonies.
3. Disparate Treatment Discrimination: An employer outright treats an employee or a potential employee differently because of that person's race, religion, color, sex, national origin, etc. In the use of arrest conviction records applies a different standard to a protected group.
4. Disparate Impact Discrimination: An employer uses a screening process that disproportionately screens out a protected group. With respect to arrest and conviction records that screening standard used would disproportionately affect a protected group.

Other Related Materials:

NA

References/Legal Authority:

[Drug-Free Workplace Act of 1988, SAMHSA, 2024.](#)

[Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act, US EEOC, 2024.](#)

Change Log:

Date of Change	Description of Change	Responsible Party
04.2024	This is a new policy	R. Lucovich, HR Spec.