

**HACKETTSTOWN REGIONAL MEDICAL CENTER  
ADMINISTRATIVE POLICIES**

**BACKGROUND INVESTIGATIONS**

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**Effective Date: 4/2004**  
**Cross Referenced:**  
**Reviewed Date: 9/2013**  
**Revised Date:**

**Policy No: HR003**  
**Origin: Human Resources**  
**Authority: HR Director**  
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**SCOPE**

All Hackettstown Regional Medical Center Employees

**PURPOSE**

The purpose of this policy is to outline appropriate guidelines and procedure for employee background screening.

**DEFINITIONS**

I. N/A

**POLICY**

I. It is the policy of Hackettstown Regional Medical Center to ensure that candidates for employment are eligible and qualified for employment within the Hospital. The Hospital will comply with all Federal and State laws regarding eligibility for employment in the United States.

**PROCEDURE**

- I. All employees, citizens and non-citizens, are required to complete Section 1 of the Department of Immigration Form I-9 prior to or, on the first day of employment. Employees unable to present the necessary documents required for certification to work in the United States by their fourth (4<sup>th</sup>) working day will not be eligible to continue working.
- II. A designated representative from Human Resources must examine documents evidencing identity and employment eligibility and complete Section 2 of Form I-9.
- III. The Human Resources Department maintains a file of completed I-9 Forms and a copy of the documents verifying eligibility of employment.

**EMPLOYMENT REFERENCES:**

- I. Employment references are requested for all candidates prior to making an offer of employment. References should be from former employers. In the absence of two (2) recent employer references, personal references may be accepted. Personal references should be from a teacher, clergy member, or business professional. References from relatives of the applicant are not acceptable.
- II. Reference check authorization forms are completed and signed by the candidate at the time of application.

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- III. When telephone references are obtained, the human resources representative performing the reference check notes the following on the form: the name of the individual providing the reference; the relationship to the candidate (supervisor, manager); verification of employment dates; the length of time the individual has known the applicant, and information obtained about the applicant's work performance. The form is signed and dated by the human resource representative.
- IV. Any applicant, who misrepresents information, omits facts on the application or whose references are not satisfactory shall not be considered for employment.
- V. After employment, if misrepresentations or material omission of facts, or unsatisfactory references are discovered, employment may be terminated.

**BACKGROUND SCREENING:**

- I. In performing criminal background screening, the hospital conforms to all State and Federal requirements, including those of the Fair Credit Reporting Act.
- II. Criminal background investigations are not performed until after a conditional offer of employment is made.
- III. Prior to the background investigation, the applicant or employee must sign a consent form. Failure to consent to the background investigation will result in the applicant's not being considered further for employment, or in termination of current employees. A certification, signed by an appropriate human resources representative, must be provided to the Hospital's consumer reporting agency along with the applicant's or employee's consent form, certifying that the hospital is in compliance with the requirements of the Fair Credit Reporting Act.
- IV. A designated human resources representative is responsible for filing and maintaining copies of the forms. The completed authorization form and background screening information are maintained in a confidential file separate from other applicant documents and/or the personnel file. Information obtained in background investigations is considered confidential, proprietary and is not disclosed unless there is a business need to know.

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V. If the results of the background investigation indicate adverse history, the hospital will determine whether an adverse action, such as denial of an application for employment, denial of a promotion, reassignment or termination from employment is warranted. The decision of whether to take adverse action based on a previous conviction, guilty plea or other conduct indicating that the individual is unsuitable for employment, will be made on a case-by-case basis, using the following criteria, as well as any mitigating information provided by the applicant or employee.

- i. The nature and gravity of the offense;
- ii. The time that has passed since the offense and/or completion of the sentence; and
- iii. The nature of the job at issue.

VI. Individuals convicted of serious crimes, or who have been convicted of certain criminal or abusive behavior, may not be eligible for employment. Examples of convictions that may disqualify a person for employment include, but are not limited to, offenses related to:

Abuse, neglect or exploitation of the Aged or disabled

Arson

Assault

Child abuse

Child Molestation

Embezzlement

Incest

Kidnapping

Manslaughter

Murder

Rape

Sale of a controlled substance

Vehicular homicide

VII. If the results of the background investigation are relied upon for an adverse action, a Notice of Intent to Take Adverse Action must be issued to the applicant or employee prior to taking the adverse action. The applicant must also be provided with a copy of the background investigation report upon which the decision to take adverse action is based, and written descriptions of the rights of the applicant or employee under the federal Fair Credit Reporting Act and the New Jersey Fair Credit Reporting Act.

VIII. The applicant or employee must be allowed a reasonable opportunity (at least five (5) business days) to discuss the report with the Hospital. Individuals wishing to do so should be referred to the Director of Human Resources.

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- IX. If, after allowing the applicant or employee a reasonable opportunity to discuss the report, the hospital does, in fact, take an adverse action, a Notification of Action must be issued to the individual advising him or her of the action taken.

Attachments: Summary of Rights (Federal)  
Summary of Rights (New Jersey)  
Notice of Adverse Action  
Background Screening Disclosure & Consent

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## A Summary of Your Rights Under the Federal Fair Credit Reporting Act

*[Note: To be distributed to employees and applicants along with the Notice of Intent to Take Adverse Action.]*

The federal Fair Credit Reporting Act (FCRA) is designed to promote accuracy, fairness, and privacy of information in the files of every "consumer reporting agency" (CRA). Most CRAs are credit bureaus that gather and sell information about you -- such as if you pay your bills on time or have filed bankruptcy -- to creditors, employers, landlords, and other businesses. You can find the complete text of the FCRA, 15 U.S.C. 1681-1681u, at the Federal Trade Commission's web site (<http://www.ftc.gov>). The FCRA gives you specific rights, as outlined below. You may have additional rights under state law. You may contact a state or local consumer protection agency or a state attorney general to learn those rights.

- **You must be told if information in your file has been used against you.** Anyone who uses information from a CRA to take action against you -- such as denying an application for credit, insurance, or employment -- must tell you, and give you the name, address, and phone number of the CRA that provided the consumer report.
- **You can find out what is in your file.** At your request, a CRA must give you the information in your file, and a list of everyone who has requested it recently. There is no charge for the report if a person has taken action against you because of information supplied by the CRA, if you request the report within 60 days of receiving notice of the action. You also are entitled to one free report every twelve months upon request if you certify that (1) you are unemployed and plan to seek employment within 60 days, (2) you are on welfare, or (3) your report is inaccurate due to fraud. Otherwise, a CRA may charge you up to eight dollars.
- **You can dispute inaccurate information with the CRA.** If you tell a CRA that your file contains inaccurate information, the CRA must investigate the items (usually within 30 days) by presenting to its information source all relevant evidence you submit, unless your dispute is frivolous. The source must review your evidence and report its findings to the CRA. (The source also must advise national CRAs -- to which it has provided the data -- of any error.) The CRA must give you a written report of the investigation, and a copy of your report if the investigation results in any change. If the CRA's investigation does not resolve the dispute, you may add a brief statement to your file. The CRA must normally include a summary of your statement in future reports. If an item is deleted or a dispute statement is filed, you may ask that anyone who has recently received your report be notified of the change.

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- **Inaccurate information must be corrected or deleted.** A CRA must remove or correct inaccurate or unverified information from its files, usually within 30 days after you dispute it. **However, the CRA is not required to remove accurate data from your file unless it is outdated (as described below) or cannot be verified.** If your dispute results in any change to your report, the CRA cannot reinsert into your file a disputed item unless the information source verifies its accuracy and completeness. In addition, the CRA must give you a written notice telling you it has reinserted the item. The notice must include the name, address and phone number of the information source.
- **You can dispute inaccurate items with the source of the information.** If you tell anyone -- such as a creditor who reports to a CRA -- that you dispute an item, they may not then report the information to a CRA without including a notice of your dispute. In addition, once you've notified the source of the error in writing, it may not continue to report the information if it is, in fact, an error.
- **Outdated information may not be reported.** In most cases, a CRA may not report negative information that is more than seven years old; ten years for bankruptcies.
- **Access to your file is limited.** A CRA may provide information about you only to people with a need recognized by the FCRA -- usually to consider an application with a creditor, insurer, employer, landlord, or other business.
- **Your consent is required for reports that are provided to employers, or reports that contain medical information.** A CRA may not give out information about you to your employer, or prospective employer, without your written consent. A CRA may not report medical information about you to creditors, insurers, or employers without your permission.
- **You may choose to exclude your name from CRA lists for unsolicited credit and insurance offers.** Creditors and insurers may use file information as the basis for sending you unsolicited offers of credit or insurance. Such offers must include a toll-free phone number for you to call if you want your name and address removed from future lists. If you call, you must be kept off the lists for two years. If you request, complete, and return the CRA form provided for this purpose, you must be taken off the lists indefinitely.
- **You may seek damages from violators.** If a CRA, a user or (in some cases) a provider of CRA data, violates the FCRA, you may sue them in state or federal court.

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The FCRA gives several different federal agencies authority to enforce the FCRA:

<b>FOR QUESTIONS OR CONCERNS REGARDING:</b>	<b>PLEASE CONTACT:</b>
CRAs, creditors and others not listed below	Federal Trade Commission Consumer Response Center - FCRA Washington, DC 20580 202-326-3761
National banks, federal branches/agencies of foreign banks (word "National" or initials "N.A." appear in or after bank's name)	Office of the Comptroller of the Currency Compliance Management, Mail Stop 6-6 Washington, DC 20219 800-613-6743
Federal Reserve System member banks (except national banks, and federal branches/agencies of foreign banks)	Federal Reserve Board Division of Consumer & Community Affairs Washington, DC 20551 202-452-3693
Savings associations and federally chartered savings banks (word "Federal" or initials "F.S.B." appear in federal institution's name)	Office of Thrift Supervision Consumer Programs Washington, DC 20552 800-842-6929
Federal credit unions (words "Federal Credit Union" appear in institution's name)	National Credit Union Administration 1775 Duke Street Alexandria, VA 22314 703-518-6360
State-chartered banks that are not members of the Federal Reserve System	Federal Deposit Insurance Corporation Division of Compliance & Consumer Affairs Washington, DC 20429 800-934-FDIC
Air, surface, or rail common carriers regulated by former Civil Aeronautics Board or Interstate Commerce Commission	Department of Transportation Office of Financial Management Washington, DC 20590 202-366-1306
Activities subject to the Packers and Stockyards Act, 1921	Department of Agriculture Office of Deputy Administrator – GIPSA Washington, DC 20250 202-720-7051

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## A Summary of Your Rights Under the New Jersey Fair Credit Reporting Act

*[Note: To be distributed to employees and applicants along with the Notice of Intent to Take Adverse Action.]*

The purpose of the New Jersey Fair Credit Reporting Act is to provide New Jersey consumers with greater protection with respect to their consumer credit reports and greater confidence that the state will be active in informing consumers of their rights and aggressive in protecting consumers under the federal Fair Credit Reporting Act. The New Jersey Fair Credit Reporting Act gives you specific rights, as outlined below.

- **You can find out what is in your file.** At your request, a consumer reporting agency (“CRA”) must give you the information in your file, and a list of everyone who has requested it recently. A CRA may charge an amount not to exceed \$8 for disclosing to a consumer the content of the consumer’s credit file, except that (i) one disclosure shall be free of charge during each 12 month period; (ii) there is no charge if the request is made within 60 days of an adverse action taken with respect to the consumer; (iii) if an item that was disputed by a consumer is deleted from the consumer’s file, no charge is to be imposed for sending notification of that deletion, upon request of the consumer, to certain persons who had previously received the consumer’s report, and (iv) no charge will apply if the person making the request certifies that at the time of making the request, that person is a consumer who is unemployed and intends to apply for employment in the 60-day period beginning on the date on which certification is made, is a recipient of assistance under the “Work First New Jersey Program,” or has reason to believe that the file on the consumer at the agency contains inaccurate information due to fraud.
- **You can dispute inaccurate information with the CRA.** If you tell a CRA that your file contains inaccurate information, the CRA must reinvestigate the information being challenged. The reinvestigation must take place within 30 days of receiving the notification and the CRA must, within 5 days of receiving the notification, inform the provider of the challenged information that there is a dispute. If a dispute is not resolved and the consumer files notice of dispute and requests that the notice or a summary of that notice be sent to persons designated by the consumer who had previously received that consumer’s report, the credit reporting agency is permitted to assess a reasonable charge.
- **Inaccurate information must be corrected or deleted.** If the information is, indeed, incorrect the reporting agency must correct the information and may notify all other reporting agencies so that they, too, can correct the misinformation. If an item is deleted or a dispute statement is filed, you may ask that anyone who has recently received your report be notified of the change. The CRA must give you a written report of the



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investigation, and a copy of your report if the investigation results in any change. If your dispute results in any change to your report, the CRA cannot reinsert into your file a disputed item unless the information source verifies its accuracy and completeness. In addition, the CRA must give you a written notice telling you it has reinserted the item. The notice must include the name, address and phone number of the information source.

- **Access to your file is limited.** A CRA may provide information about you only to people with a need recognized by the New Jersey Fair Credit Reporting Act -- usually to consider an application with a creditor, insurer, employer, landlord, or other business.
- **Your consent is required for reports that are provided to employers, or reports that contain medical information.** A CRA may not give out information about you to your employer, or prospective employer, without your written consent. A CRA may not report medical information about you to creditors, insurers, or employers without your permission.
- **You may seek damages from violators.** If CRAs, a users or (in some cases) a providers of CRA data, violate the New Jersey Fair Credit Reporting Act you may sue them.
- **It is a crime to obtain a consumer report under false pretenses.** The New Jersey Fair Credit Reporting Act provides that any person who knowingly and willfully obtains information on a consumer from a consumer-reporting agency under false pretenses shall be guilty of a crime of the fourth degree.

The New Jersey Act designates the Division of Consumer Affairs (“Consumer Affairs”) as the agency responsible under the federal Fair Credit Reporting Act (“FCRA”) for enforcing provisions of the FCRA and the New Jersey Fair Credit Reporting Act. The New Jersey Fair Credit Reporting Act requires Consumer Affairs to make every effort to keep consumers in New Jersey informed of their rights and protections under FCRA and the New Jersey Fair Credit Reporting Act, including public notices of toll-free telephone numbers established by credit reporting agencies, as required under the amendments to FC.

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[NOTICE OF ADVERSE ACTION]

RE: Notice of Adverse Action

Dear \_\_\_\_\_:

Pursuant to your authorization, in connection with your [application for] employment, a consumer report [or, an investigative consumer report] was obtained by Adventist HealthCare. We previously provided you with a copy of your consumer report and a summary of your rights under the federal Fair Credit Reporting Act and the New Jersey Fair Credit Reporting Act.

This is to advise you that your application for employment is being denied [or, your employment is being terminated]. In evaluating your [application for] employment, the consumer reporting agency listed below provided us with information that, in whole or in part, influenced our employment decision. This consumer-reporting agency played no part in our decision other than providing the information about you, and that agency will not be able to provide you with specific reasons for our denial. You have the right, however, to dispute the completeness or accuracy of the report.

You may obtain a copy of your consumer report, which you already received from us, from the consumer reporting agency listed below by contacting that agency directly, within sixty (60) days of this letter. If you request the report after the sixty (60)-day period, the consumer reporting agency may charge you \$8.50 for your request.

Sincerely,

**Name of Consumer Reporting Agency:**

LABORCHEX  
2506 Lakeland Drive, Suite 200  
Jackson, MS 39232

Phone: 800-880-0366  
601-664-6760

Fax: 800-844-2722  
601-664-6530