



CRIMINAL OFFENDER RECORD INFORMATION POLICY



It is Rose International, Inc.'s (Rose International) policy to comply with Massachusetts' General Laws (MGL) and Criminal Offender Record Information (CORI) reform legislation if and when applicable (e.g., where criminal background information is requested and/or obtained from the iCORI database). This policy is applicable to the criminal history screening of prospective (i.e., applicants or candidates) and current employees, independent contractors, subcontractors and interns in the state of Massachusetts as applicable and defined in MGL c. 268, §1. Where CORI and other criminal history checks may be part of a general background check for employment and such information is requested and/or obtained from the iCORI database, the following practices and procedures will be followed.

I. CONDUCTING CORI SCREENING

CORI checks will only be conducted as authorized by the Department of Criminal Justice Information Services (DCJIS) and MGL c. 6, §172, and after a CORI Acknowledgment Form has been completed. A CORI Acknowledgment Form shall be completed on an annual basis for checks submitted for any other purpose, provided, however, that the requestor has adopted the language from the DCJIS CORI Acknowledgment Form that notifies individuals that their CORI may be requested at any time within the one (1) year that the acknowledgment is valid. If the requestor has not adopted the DCJIS CORI Acknowledgment Form language, then it must ensure that an acknowledgment form is completed for each and every subsequent CORI check (if applicable).

It is also Rose International's policy that background checks will be performed in conformity with the Federal Care Reporting Act (FCRA), the American with Disabilities Act (ADA), the Americans with Disabilities Act Amendments Act (ADAAA), state, local and federal privacy and anti-discrimination laws, including the California Fair Employment and Housing Act (FEHA), Fair Employment and Housing Council (FEHC) regulations, local Fair Chance Ordinances, the Stop Credit Discrimination in Employment Act (SCDEA), when applicable, and in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC).

II. ACCESS TO CORI

All CORI obtained from the DCJIS is confidential, and access to the information contained therein must be limited to those individuals who have a "need to know." This may include, but is not limited to, Rose International's VP of Finance, Directors, Hiring Managers, Resource Delivery Associates, Human Resources Department, legal staff, Staff Attorney, staff submitting and receiving CORI requests and staff charged with processing job applications. Rose International will maintain and keep a current list of those authorized to have access to, or view, CORI. This list will be updated every six (6) months and is subject to inspection upon request by the DCJIS at any time.

III. CORI TRAINING

An informed review of a criminal record requires training. Accordingly, all personnel authorized to review or access CORI at Rose International will review, and will be familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS.

Additionally, if Rose International is an agency required by MGL c. 6, §171A, to maintain a CORI Policy, all personnel authorized to conduct criminal history background checks and/or to review CORI information will review, and will be familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS.

IV. USE OF CRIMINAL HISTORY IN BACKGROUND SCREENING

CORI used for employment purposes shall only be accessed for applicants, candidates or employees who are otherwise qualified for the position for which they have applied.

Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant, candidate or employee. Rather, determinations of suitability based on background checks will be made consistent with this policy and any applicable federal, state and local law or regulations.

V. VERIFYING A SUBJECT'S IDENTITY

If a criminal record is received by the DCJIS, the information is to be closely compared with the information on the CORI Acknowledgment Form and any other identifying information provided by the applicant, candidate or employee to ensure the record belongs to the applicant, candidate or employee.

If the information in the CORI record provided does not exactly match the identification information provided by the applicant, candidate or employee, a determination is to be made by an individual authorized by Rose International to make such determinations based on a comparison of the CORI record and documents provided by the applicant, candidate or employee.

VI. INQUIRING ABOUT CRIMINAL HISTORY

Rose International will not ask for information about the following types of criminal history:

1. An arrest, detention, or disposition regarding any violation of law in which no conviction resulted;
2. A first offense for any of the following misdemeanors: drunkenness, simple assault, speeding, minor traffic violations, affray, or disturbance of the peace;
3. Any conviction of a misdemeanor where the date of conviction, or the completion of any period of incarceration resulting therefrom, occurred three or more years prior to the date of the application, unless such person has been convicted of any offense within the preceding three years; and,
4. Any criminal record that has been sealed or expunged.

In connection with any decision regarding employment, the applicant, candidate or employee shall be provided with a copy of his or her criminal history record, whether obtained from the DCJIS or from any other source, prior to questioning the applicant, candidate or employee about his or her criminal history. The source(s) of the criminal history record is also to be disclosed to the applicant, candidate or employee.

VII. DETERMINATING SUITABILITY

If a determination is made, based on the information as provided in section V of this Policy, that the criminal record belongs to the candidate, applicant or employee, and the candidate, applicant or employee does not dispute the record's accuracy, then the determination of suitability for the job position in question will be made. Unless otherwise provided by law, factors considered in determining suitability may include, but are not limited to, the following:

- (a) Relevance of the crime/record to the position sought;
- (b) The nature of the work to be performed;
- (c) Time since the conviction;
- (d) Age of the applicant, candidate or employee at the time of the offense;
- (e) Seriousness and specific circumstances of the offense;
- (f) The number of offenses;
- (g) Whether the applicant, candidate or employee has pending charges;
- (h) Any relevant evidence of rehabilitation or lack thereof; and,
- (i) Any other relevant information, including information submitted by the candidate, applicant or employee or requested by Rose International.

The applicant, candidate or employee will be notified of the decision and the basis for it in a timely manner.

VIII. ADVERSE DECISIONS BASED ON CORI

If Rose International is inclined to make an adverse decision based on the results of a criminal history background check, the applicant, candidate or employee will be notified in accordance with DCJIS regulations 803 CMR 2.18, 2.19, 5.14, 11.12 and any other applicable federal, state or local law. The applicant, candidate or employee will be provided with a copy of Rose International's CORI Policy and a copy of his or her criminal history (unless a copy was previously provided). The source(s) of the criminal history will also be revealed. The applicant, candidate or employee will then be provided with an opportunity to dispute the accuracy of the CORI record. Applicants, candidates or employees will also

be provided a copy of DCJIS' **Information Concerning the Process for Correcting a Criminal Record**.

IX. SECONDARY DISSEMINATION LOGS

All CORI obtained from the DCJIS is confidential and can only be disseminated as authorized by law and regulation. A central secondary dissemination log will be used to record any dissemination of CORI outside Rose International, including dissemination at the request of the applicant, candidate or employee.