

GBLS Criminal Offender Record Information (CORI) Procedures

1. Prospective employees, including volunteers or students, being considered for positions within the Immigration Unit (CORI funded positions) which have the potential for unsupervised client contact and for any position in the Elderly Unit (Title III funds) must consent to a CORI screening as part of their application. These candidates must complete and sign a CORI Request Form, acknowledging that a CORI check will be conducted by the Criminal History Systems Board (CHSB), if GBLS has selected them for the position. (Form attached). Prospective employees for CORI funded positions who are clients of GBLS are exempt from the CORI requirements.
2. CORI screening will only be performed if GBLS has made a preliminary decision to hire or accept the services of the candidate or in the case of candidates interviewed by a GBLS hiring committee, if the candidate is a finalist.
3. If the CORI screening shows no record, that finding will be documented in the candidates CORI file and the ordinary hiring procedure will be followed.
4. If the CORI screening shows a criminal record, the Executive Director or Director of Human Resources will share the findings with the candidate. If the candidate believes the CORI is inaccurate, the candidate will be given the opportunity to have the record corrected and to submit any additional information for review. GBLS may continue its hiring process and make offers to other candidates while the candidate is seeking to have the record corrected or to submit additional information.
5. For positions within the Immigration Unit (CORI funded positions) GBLS shall apply for an exemption to the CORI requirements. Until an exemption is granted, where the CORI screening shows a criminal record the Executive Director will review the finding and follow the procedures below to comply with 121 CMR 4.00:
 1. All candidates shall complete an application form that requires the candidate to disclose whether or not the candidate has a criminal record and of what crimes, if any, the candidate has been convicted. The form shall state that the candidate is not required to disclose:
 1. an arrest, detention, or disposition regarding any violation of law in which no conviction resulted, or

2. a first conviction for any of the following misdemeanors: drunkenness, simple assault, speeding, minor traffic violations, or disturbance of the peace, or
 3. any convictions of a misdemeanor where the date of such conviction or the completion of any period of incarceration resulting therefrom, whichever date is later, occurred five or more years prior to the date of such application for employment or such request for information, unless such person has been convicted of any offense within five years immediately preceding the date of such application for employment or request for information.
2. If the CORI Screening shows a finding of a criminal record but the offenses are not among those listed as a life time presumptive disqualification and there no outstanding warrants related to any criminal offense then the candidate in the discretion of the Executive Director may be considered or disqualified for the position in accordance with section 6 below.
 3. If the findings reveal a life time presumptive disqualification@ under 121 CMR 4.00 then the candidate shall be disqualified unless:
 1. the candidates criminal justice official concludes in writing that the candidate, within the position sought in a Department funded or operated program, does not pose an unacceptable risk of harm to the persons served by the program; or (ii) if the candidates criminal justice official has been determined by the GBLS to be unavailable or has indicated to the GBLS that she or he has insufficient information to render an assessment, then the GBLS may seek an assessment of the candidates appropriateness and risk from a qualified mental health professional. Upon assessment, the qualified mental health professional concludes in writing that the candidate, within the position sought, does not pose an unacceptable risk of harm to the persons served by the program. The qualified mental health professional shall also refer to the criteria listed in section 5(d) below; and,
 2. the candidate has undergone the review in section 5(d) below.
 4. The Executive Director or the Director of Human Resources shall review candidates subject to this section to determine if the candidate poses an unacceptable risk of harm to the persons served by the program within the position sought. The Executive Director or the Director of Human Resources shall inform the candidate of the opportunity to submit relevant information for its review. In reviewing the candidates appropriateness for employment given the concern for client safety due weight shall be given the following factors:
 1. Age of the conviction;

2. Age of the candidate at the time of the offense;
3. Seriousness and specific circumstances of the offense;
4. Relationship of the criminal act to the nature of the work to be performed;
5. The number of offenses;
6. Any relevant evidence of rehabilitation or lack thereof
7. Any other relevant information, including information submitted by the candidate.

In reviewing the criminal record of candidate, the Executive Director or Director of Human Resources may request that the candidate submit additional information, including a letter from the candidates criminal justice official, or treating professional or other knowledgeable source. GBLS may also contact police, courts, or prosecuting attorneys for additional information but only upon receipt of written consent from the candidate. Nothing herein shall be construed as preventing GBLS from deciding not to hire the candidate for any other reason.

Following a review, the Executive Director shall determine whether:

- (a) To hire the candidate;
- (b) To not hire the candidate; or
- (c) To hire the candidate in either a different position or in the requested position with certain restrictions, including but not limited to close supervision or limited access to client care areas.

The Executive Director shall require clear and convincing evidence demonstrating the candidate's appropriateness for employment given the concern for client safety. The Executive Director shall document, in writing, the reasons for his or her approval of the candidate for the position and shall submit such documentation to CORI for approval. GBLS shall maintain a written record, including the rationale for the determination of appropriateness for the position for all candidates awarded a position hired pursuant to this section 4 (d) .Nothing herein shall be construed as preventing GBLS from deciding not to hire the candidate for any other reason.

5. Where not otherwise defined, terms in this section 5 shall have the meanings defined in 121 CMR 4.00.
6. Where the CORI record shows a criminal record, the Executive Director or the Director of Human Resources shall review any candidate subject to this section to determine if the candidate poses an unacceptable risk of harm to the persons served by the program within the position sought. The Executive Director or the Director of Human Resources shall inform the candidate of the opportunity to submit relevant information for its review. In reviewing the candidates appropriateness for employment given the concern for client safety due weight shall be given the following factors:

1. Age of the conviction;
2. Age of the candidate at the time of the offense;
3. Seriousness and specific circumstances of the offense;
4. Relationship of the criminal act to the nature of the work to be performed;
5. The number of offenses;
6. Any relevant evidence of rehabilitation or lack thereof
7. Any other relevant information, including information submitted by the candidate

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- (a) To hire the candidate;
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- (c) To hire the candidate in either a different position or in the requested position with certain restrictions, including but not limited to close supervision or limited access to client care areas.

If the decision is made to hire the candidate, the Executive Director shall document, in writing, the reasons why the candidate does not pose a danger to GBLS' clients taking into account the factors in the first paragraph of this section 6 shall submit such documentation to CORI for approval. GBLS shall maintain a written record, including the rationale for the determination of appropriateness for the position for all candidates awarded a position hired pursuant to this section 4 (d).

Nothing herein shall be construed as preventing GBLS from deciding not to hire the candidate for any other reason.

7. For positions within the Elderly Unit (Title III Funding) where the CORI record shows a criminal record, the Executive Director or the Director of Human Resources shall review candidates subject to this section to determine if the candidate poses an unacceptable risk of harm to the persons served by the program within the position sought. The Executive Director or the Director of Human Resources shall inform the candidate of the opportunity to submit relevant information for its review. In reviewing the candidates appropriateness for employment given the concern for client safety due weight shall be given the following factors:
 1. Age of the conviction;
 2. Age of the candidate at the time of the offense;
 3. Seriousness and specific circumstances of the offense;
 4. Relationship of the criminal act to the nature of the work to be performed;
 5. The number of offenses;
 6. Any relevant evidence of rehabilitation or lack thereof;

7. Any other relevant information, including information submitted by the candidate.

Following a review, the Executive Director shall determine whether:

- (a) To hire the candidate;
- (b) To not hire the candidate; or
- (c) To hire the candidate in either a different position or in the requested position with certain restrictions, including but not limited to close supervision or limited access to client care areas.

Nothing herein shall be construed as preventing GBLS from deciding not hire the candidate for any other reason.

8. Only authorized GBLS employees whose Agreement of Non-Disclosure has been approved and is on file with the CHSB shall have access to CORI. Authorized personnel within GBLS shall be limited to the Executive Director, Deputy Director and the Director of Human Resources.
9. CORI will not, under any circumstances be shared with other any other personnel or agencies, with the exception of the candidate to whom it pertains.
10. CORI reports will be kept for three years in a secured locked cabinet separate from other files.
11. These Procedures will not be used as a basis to discriminate against any candidate based upon race, religion, color, national or ethnic origin, ancestry, age, sex, handicap, sexual orientation, marital status, military status or receipt of public assistance.