

<p style="text-align: center;"><b>COUNTY OF WASHINGTON</b></p> <p style="text-align: center;"><b>Pennsylvania</b></p>	<p style="text-align: center;"><b>PA Commonwealth Child Protective Services Policy</b></p>	<p style="text-align: center;"><b>PAGE: 1 of 5</b></p> <p>Supersedes Policy dated: June 2, 2016</p>
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**PURPOSE/SCOPE**

The purpose of this policy is to ensure that Washington County, hereinafter referred to as the "County", is continually and consistently in compliance with the Commonwealth Child Protective Services Law (CPSL), codified at 23 Pa.C.S.A. §63 or PA House Bill 435. This policy applies to all prospective and current County employees, although varied depending on the position, upon hire once a conditional offer of employment has been extended in the departments listed below:

- Adult Probation
- Aging
- Behavioral Health & Developmental Services
- Booking Center
- Children and Youth
- Community Services/FITS
- District Attorney
- District Attorney – Sex Crimes
- Housekeeping
- Human Resources
- Human Services
- Juvenile Probation
- Maintenance
- Parks
- Public Defender
- Public Safety
- Veterans Affairs

**POLICY**

The County requires background clearances for all affected employees in the departments/agencies listed above, 14 years of age or older applying for or holding a paid position as an employee responsible for the welfare of a child or having direct contact with children, once a conditional offer of employment has been extended. However, the employee's first day of work in the position must not be prior to the satisfactory completion of the Pennsylvania (PA) State Police Criminal History clearance. In accordance with federal and state laws, periodic clearances are also required for current employees, depending on the position, as a condition of continued employment. Although disqualification is possible, in accordance with federal and state laws, a previous record or conviction(s) does not automatically disqualify an applicant from consideration for employment. Depending on a variety of factors, including, but not limited to, the nature of the position and the nature of the conviction, the candidate may still be eligible for employment. However, if an applicant or employee attempts to withhold information or falsify information pertaining to a previous record or conviction(s), they will be disqualified. The penalty for false swearing is a misdemeanor of

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the third degree to Section 4903 (b) of the Criminal Code Section 6344 (c) (2) and (3) (related to grounds for denying employment) of the CPSL and Act 169 of 1996 as amended by Act 13 of 1997, if the applicant's criminal history background information indicates they had been convicted of one or more of the crimes, would prohibit hiring. Any equivalent crime under Federal Law or the law of another state would also prohibit hiring. This provision relates to all affected employees in the above listed departments.

## **PROCEDURES**

### **Prospective Employees**

As a condition of employment with the County all affected employees who have been identified as a successful candidate must complete and provide proof of registration of the following before their designated start date:

1. Washington County Employment Application
2. Washington County Authorization – Background Clearance form
3. Washington County – Application for Provisional Employment Under the Child Protective Services Law (CPSL) form
4. Pennsylvania (PA) State Police Criminal History Clearance (Act 34)
5. Federal Bureau of Investigation (FBI) Criminal Background Clearance (Act 73)
6. Pennsylvania (PA) Child Abuse History Clearance (Act 33)

Prospective employees **are not** responsible for the associated cost of the Pennsylvania (PA) State Police Criminal History Clearance (Act 34). They **are**, however, responsible for the associated cost of the Federal Bureau of Investigation (FBI) Criminal Background Clearance (Act 73) and the Pennsylvania (PA) Child Abuse History Clearance (Act 33). Prospective employees must provide proof of registration prior to employment to the Human Resources Department for the required background clearances. Prospective employees must also provide the original results of the clearances to Human Resources for recordkeeping within 90 days of employment. If the required registration receipts are not received before the applicant's designated start date, there will be a delay in the applicant's start date until the required registration receipts are received.

For the purposes of seeking prospective employment, the original background clearances, including the Pennsylvania Child Abuse Clearance, Pennsylvania State Police Criminal History Clearance and Federal Bureau of Investigation (FBI) Criminal Background Clearance are valid for 90 days following verification. If an applicant's background clearances, upon hire, are older than 90 days, updated clearances must be obtained.

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**Provisional Employees**

The County may employ applicants on a provisional basis for a single period not to exceed 90 days provided all of the following conditions are met:

- a) The applicant has applied for the Pennsylvania Child Abuse Clearance and the Federal Bureau of Investigation (FBI) Criminal Background Clearance and provided copies of the registration receipts to the Human Resources Department.
- b) The Human Resources Department certifies in writing he/she has no knowledge of any information that would disqualify the applicant from employment.
- c) The applicant swears or affirms in writing he/she is not disqualified from employment pursuant to 23 Pa.C.S.A. §6344(c) and has not been convicted of an offense similar in nature to those crimes listed in subsection (c) under the laws or former laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of this Commonwealth; and
- d) The requesting official does not permit the applicant to work alone with children and that the applicant will work in the immediate vicinity of a permanent employee.

If an employee does not provide the above listed original clearances during the provisional employment period, said employee may be disciplined up to and including termination.

**Current Employees**

Current employees must provide the following background clearances, periodically, as a condition of continued employment with the County:

1. Pennsylvania (PA) State Police Criminal History Clearance (Act 34).
2. Federal Bureau of Investigation (FBI) Criminal Background Clearance (Act 73).
3. Pennsylvania (PA) Child Abuse History Clearance (Act 33)

Although current employees **are not** responsible for the associated cost of the Pennsylvania (PA) State Police Criminal History Clearance (Act 34), they may initially be responsible for the associated costs of the Federal Bureau of Investigation (FBI) Criminal Background Clearance (Act 73) and the Pennsylvania (PA) Child Abuse History Clearance (Act 33). Current employees must provide proof of registration to Human Resources for the required background clearances. Reimbursement will be made **only** when both the proof of registration for the required background clearances and the original results of the clearances are received by Human Resources.

If a current employee of one of the above listed departments is charged with, arrested for or convicted of any misdemeanor or felony, or is named as a perpetrator in a founded or indicated report of child abuse, the employee shall provide written notice within 72 hours to the respective Department Head/Director of the arrest or conviction, or of being named as a perpetrator in a founded or indicated child abuse report.

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At any time, Human Resources may require an employee to provide updated criminal history reports or child abuse certification if there are reasonable grounds to believe the employee has been charged with, arrested for or convicted of any misdemeanor or felony or was named as a perpetrator in a founded or indicated child abuse report. Said employee may be disciplined up to and including termination.

Additionally, if a current employee does not provide the above listed original clearances before the expiration of their current background clearances, said employee may be disciplined up to and including termination.

**Renewal requirement**

Clearances for all affected employees in the above listed departments must be obtained every 60 months. **\*\*EXCEPTION** – Clearances for employees in Children and Youth must be obtained every 12 months.

Timeframes for renewed clearances are based upon the date of each individual clearance. Human Resources will contact above listed departments when required clearances must be renewed.

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**INTERPRETATION and CONTROL**

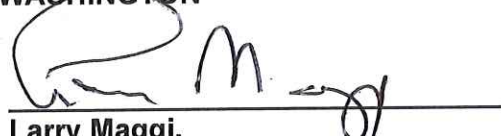
Human Resources will be responsible for enforcement of this policy and will maintain all original documents submitted by applicants or current employees. Changes to the policy will be made in accordance with amendments made by Federal or State legislation. Violations of this policy, including attempts to withhold information or falsify information pertaining to a previous record conviction(s), may be disqualified, and if employed, may be disciplined up to and including termination.

The Washington County Board of Commissioners along with the County Solicitor shall be responsible for the overall interpretation and administration of this policy.

ADOPTED this 16<sup>th</sup> day of February, 2023. Minute # 1166.

**COUNTY OF WASHINGTON**

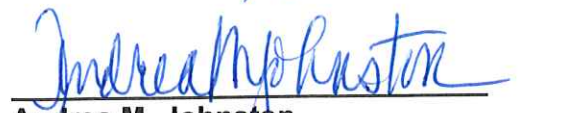
  
 Diana Irey Vaughan,  
 Commissioner, Chair

  
 Larry Maggi,  
 Commissioner, Vice-Chair

  
 Nick Sherman, Commissioner

**ATTEST:**

  
 Cynthia Griffin,  
 Chief Clerk

  
 Andrea M. Johnston,  
 Assistant Director of Human Resources

**Approved as to Form and Legality:**

  
 Jana Phillis Grimm,  
 County Solicitor