

Derry Fire Department – Administrative Regulations

Effective Date: March 1, 2008

Regulation No: 028

Revision Date: October 28, 2015

Approved By: Michael J. Gagnon

Signature: 

<p>Subject: Policy for Conducting Background Reviews on Candidates for Employment</p>
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SCOPE: Applies to the Chief of the Department, those designated by the Chief to conduct background reviews, and the Town of Derry Human Resources Department.

PURPOSE: The intent of the Town of Derry is to determine that any person who works for the Derry Fire Department is of a suitable background to ensure public safety and trust, shares the Department's high ethical standards, and has a history of acting responsibly.

Furthermore, Chapter Fire 700, Part 701.01, of the New Hampshire rules and regulations requires that all career fire departments shall conduct, or cause to be conducted, a background investigation before the candidate is employed.

Therefore the Fire Department shall conduct, or cause to be conducted, a background investigation before the candidate is employed and shall comply with the State's Fire Fighter Entrance Requirement.

POLICY:

1. The Town of Derry is an equal opportunity employer. Information regarding age, sex, transgender status, race, color, creed, marital status, physical or mental disability, national origin, sexual orientation, religious belief, genetic information or any other legally protected classification that was obtained during the background review shall not be used to deny a candidate employment with the Town of Derry. Furthermore, information obtained through a background investigation is to be job related and treated as strictly confidential.
2. The Chief of the Department shall appoint a department member(s) to conduct the background investigations.

Members appointed to conduct background investigations shall have been trained in how to conduct a background investigation. For information and reference on how to conduct a background investigation, the investigator should refer to the current version of the Background Investigation Manual published by the New Hampshire Police Standards and Training Council.

3. Candidates shall be provided with the following documents. It is the responsibility of the candidate to fully complete all forms and have them notarized as required.
 - a. The appropriate job description.
 - b. A copy of this administrative regulation.
 - c. Authorization of Disclosure and Release of Liability
 - d. Authorization of Disclosure / Waiver and Release of all Claims / Waiver of Right to Inspect Background Investigation
 - e. Disclosure and Authorization to Release Consumer Credit Reports
 - f. Authorization of Release of Medical Records
 - i. NOTE: Medical Records Release is to be returned to Fire Administration and filed separately with medical information collected.
 - g. Personal Data and Background Information Questionnaire
 - h. Employee/Volunteer Candidate Background Checks NH RSA 41:9-b:
 - i. Background investigator confirms that Town's account number is typed clearly on the top right hand corner of the form and that the LIVESCAN Box is checked.
 - ii. Section II – Background investigator completes the first and second lines indicating that Fire Administration will receive records (add background investigator's name to first line).
 - iii. Section II – Background investigator signs and dates the last line then provides the form to the candidate with the Fingerprinting Instructions (attached).
 - iv. Section I – Candidate completes.
 - v. Section II – Candidate signs and dates in the presence of a Notary who in turn notarizes the form.
 - vi. Candidate schedules an appointment for applicant fingerprinting at a convenient location.
 - i. Release of Motor Vehicle Records Form (DSMV 505):
 - i. Section I – Background investigator checks Box B.
 - ii. Section II – Background investigator completes indicating that Fire Administration will receive records.
 - iii. Section III – Background investigator checks box for Driver Record (Certified copy).

- iv. Section VI – Background investigator signs and dates Certification section and provides the form to the candidate.
 - v. Section V – Candidate completes.
 - vi. Section VI – Candidate signs and dates in the presence of a Notary who in turn notarizes the form.
 - vii. Candidate keeps a copy of the form and check then mails the originals to the NH Dept of Safety – DMV, 23 Hazen Drive, Concord, NH 03305. (If the candidate is going to a DMV location for fingerprinting, this form can be dropped off at the same time.)
 - viii. If the candidate is hired, he may submit a copy of the check to Fire Administration for reimbursement.
 - ix. Fire Administration prepares an Expense Reimbursement form for the candidate to sign on the first day of employment and submits same with weekly payroll. Candidate should receive reimbursement no later than the first paycheck.
 - x. Record Checks received by Fire Administration should be kept with other background information and submitted as a complete packet to Human Resources at the conclusion of the background investigation.
 - xi. Motor Vehicle History for states and territories other than NH:

Candidate to execute release of Motor Vehicle Records for any State or territory they have lived or worked in. If they did not hold a license in other states they lived and worked in, they must show proof of this by requesting their record from said state and providing the written response to the background investigator.
4. In addition to the requirements of Fire 701.01, the following shall automatically disqualify a candidate from employment with the Town of Derry:
- a. Any conviction involving the abuse or exploitation of children.
 - b. Conviction of any crime against a person entrusted to their care or protection, in which the victim is a patient or a resident of a health care facility, group or foster home.
 - c. Three convictions of any of the following (or a combination of): DUI/DWI; refusal to submit to a chemical test; reckless driving; driving with a suspended, revoked, or cancelled license.
 - d. Within ten years of date of conditional offer of employment, two convictions of any of the following (or a combination of): DUI/DWI; refusal to submit to a chemical test; reckless driving; driving with a suspended, revoked, or cancelled license.

- e. Within three years of date of conditional offer of employment, a single conviction of any of the following: DUI/DWI; refusal to submit to a chemical test; driving with a suspended, revoked, or cancelled license.
5. The background investigator, using the candidate's application for employment and the completed copy of the Background Information Questionnaire, shall conduct telephone and personal interviews as well as follow-up interviews with the candidate as they deem appropriate.
6. The background investigator shall request that the candidate provide a voluntary photograph to assist the background investigator in identifying the candidate to potential references.
 - a. The photograph is voluntary.
 - b. The photo shall be treated as confidential information and only used as a last resort to identify candidates to potential references.
 - c. The photo shall not depict any disabling condition that the candidate may have.
 - d. The photo shall be destroyed when the background is complete and the investigator shall note the date and method of destruction in the final report.
7. The background investigator shall conduct an internet investigation that may include social media platforms, internet search engines or other internet resources available to the investigator.
 - a. The resources considered will be used to assist in determining the candidate's ability to make judgments on character and moral turpitude.
 - b. Candidates should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public forum may be accessed by the department as a component of the background investigation.
 - c. The background investigator shall consider the importance of validating on-line information.
 - d. Information pertaining to a protected class shall be filtered out prior to sharing information with those responsible for making a final decision on employment.
8. The background investigator shall write a report to the Chief of the Department. The report shall include all listed forms and a summary of objective findings.
9. At no time shall the candidate or employee have permission to access their background check as per the *Release of all Claims and Waiver of Right to Inspect*.
10. The completed background investigation report and information packet shall be maintained by the Town of Derry's Human Resources Department. The Human Resources Department will assume responsibility for records retention and destruction.
11. The final determination of a candidate's eligibility for employment is the responsibility of the Fire Chief and the Town Administrator.