

# TriMet's Criminal Background Check Policy: A year in review

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# REFRESHER

- In December 2015, the Board passed Resolution 15-12-71, updating our Criminal Background Check Policy.
- Among the changes included:
  - Broadening the group of employees subject to pre-employment background checks (union service workers and non-union employees with access to critical infrastructure/security sensitive facilities or information)
  - Modest refinement/update to list of offenses subject to disqualification under the policy
  - Removing the “box” on employment applications asking for criminal history
  - Modifying employment criminal history questionnaire so no longer asking for self-disclosure (distributed during conditional offer)
    - All criminal history information is now sought in the formal OSP/FBI background check reports

# REFRESHER

- Policy changes prompted by Oregon's ban-the-box legislation (employment applications)
- Also prompted by desire to do more background checks on employees with access to critical infrastructure/security sensitive facilities and information (primarily non-union)
- Board asked us to review the effects of the new policy in a year

# 2016 : A year in review

- For comparison, need to look at policy application prior to 2016:
  - Number of bus operator applicants:
    - 2015: 1,551
    - 2016: 2,245
  - Number of bus operator applicants who were disqualified based on criminal records:
    - 2015: 42
    - 2016: 9
  - Reason for disqualification:
    - 2015: drug charges, public order, crimes against persons, theft; also for failing to disclose (4 failed to disclose)
    - 2016: drug charges, crimes against persons
  - Number of appeals:
    - 2015: None
    - 2016: 2 (both unsuccessful); 1 in ATP was successful

# 2016: A year in review, cont'd

- Number of service worker applicants (included in new policy)
  - 2015: 649
  - 2016: 252
- Number of criminal background checks completed on service workers in 2016 (none in 2015): 33
- Number of service worker applicants who were disqualified: 1 (Class C Felony for unauthorized use of a vehicle)
- Number of non-union position hires subject to the criminal background check policy: 24
- Number of non-union position disqualifications based on criminal background check: 0



# 2016: Insights

- Overall, significantly lower number of applicants who were disqualified based on criminal records from 2015 to 2016.
- The removal of the “box” from the application aids applicants in moving forward early in the process more quickly and easily.
  - Before, when an applicant checked “yes” to a criminal history, recruiter would follow up with applicant, inform of guidelines, and ask more questions; some applicants chose not to go forward and were “dq’d” based on “criminal records.”
  - Now that the box is gone, applicants are moving through process and may be dq’d *for other reasons* (failing tests, etc.) prior to reaching the CR check, but the dq is not for criminal records reasons
  - So the “ban the box” allows people to go through more of the process
- The removal of the self-disclosure question also helped in lowering the disqualification rate.
  - Old form said failure to disclose a crime that showed up on the background check was a basis alone for disqualification.
  - In 2015, 4 applicants disqualified for failing to disclose. Of those 4, 2 would have passed the criminal backgrounds check if had been allowed to proceed.



## Updates to Criminal Records Policy

- Including in list of applicants subject to criminal records checks are those that are for business necessity (e.g., access to financial or other confidential information)
- Minor housekeeping edits