

# Pre-employment Screening

# Trust But Verify

The first step toward  
fulfilling your mission

By  
M. Rosella Gonzales  
MSW, MPH

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Developmental Disabilities Services  
3824 W. Princeton Cir.  
Denver, CO 80236

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## Dedication

This manual is dedicated to the memory of John Stephen Rasser, a loving and trusting individual with developmental disabilities who was murdered by his care giver in December, 1996



## FORWARD

It is a sad commentary of our times that everyday there are news reports of individuals who are neglected, exploited or hurt by the very people who have been hired to care for them. Children in day care centers, elders in nursing homes, and individuals with developmental disabilities in publicly funded programs have been victims of abuse or neglect by caregivers

Every employer faces the challenges inherent in hiring honest, competent and hard working employees. Employers in the field of human services face an additional obligation and challenge, that of hiring workers who will not put this vulnerable clientele at risk.

This manual was commissioned with all such vulnerable people in mind. It is our sincere hope that this manual will assist all service providers in minimizing the potential for hiring people with a propensity towards abuse, or mistreatment.

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# INTRODUCTION - WHAT IS THIS ABOUT?

As human service providers, our obligation to protect the people we serve cannot be compromised. Colorado State Statute 27-1-110, which relates to employment of persons within the Developmental Disabilities and Mental Health systems, clearly articulates this responsibility. Following is an excerpt from that law:

*27-1-110. Employment of personnel. (1) The general assembly hereby recognizes that many of the individuals receiving services pursuant to this title are unable to defend themselves and are therefore vulnerable to abuse or assault. It is the intent of the general assembly to minimize the potential for hiring persons with a propensity toward abuse, assault or similar offense against others for positions which would provide them with unsupervised access to individuals receiving services pursuant to this title.*

As employers faced with hiring decisions, the employment related laws intended to protect prospective employees can seem to be at odds with our obligation to protect the people we serve. While these seemingly conflicting laws can be confusing, remember that all these laws were designed to protect people - the people you serve, your staff and yourself. These laws are not inherently contradictory. They can and will work in concert provided you work to make that happen.

This paper is an effort to increase understanding of the laws impacting pre-employment screening practices and employee selection. The idea is to be able to strike a balance between our mission as providers of services to persons with developmental disabilities and genuine attempts to protect the civil liberties of our prospective and actual employees. To carry out our mission this balance must be achieved. We cannot and should not put the people we serve in harms way due to a failure to understand available methods for selecting people suited to work with persons who are developmentally disabled and, conversely, selecting out people who are not suited to work with this population.

The following pages contain information about what pre-employment screening practices are and how to select employees without running afoul of employment laws. To keep us on target we should refer to the DDS Mission Statement and definitions taken from the Colorado Department of Human Services, Developmental Disabilities Services, Rules and Regulations. As you read the remainder of this paper, keep this information in the forefront of your mind. This lays the ground work for your hiring practices and decisions. You must have sufficient information about an individual to arrive at informed judgments

## **DDS MISSION STATEMENT**

The mission of the Developmental Disabilities Services is to **join with others** to offer the necessary supports with which all people with developmental disabilities have their rightful chance to:

- o **Be included in Colorado community life.**
- o **Make increasingly responsible choices.**
- o **Exert greater control over their life circumstances.**
- o **Establish and maintain relationships and a sense of belonging.**
- o **Develop and exercise their competencies and talents**
- o **Experience personal security and self-respect.**
- o **Exercise competencies and talents**

about whether an applicant poses a risk to the people you serve. If you do not believe or have doubts about an applicant's ability to safely work with the people you serve, then you should not hire the person or delay hiring until your doubts are resolved.

**ABUSE INCLUDES, BUT IS NOT LIMITED TO:**

**PHYSICAL ABUSE, WHICH MEANS THE INFLECTION OF PHYSICAL PAIN, INJURY, OR THE IMPOSITION OF UNREASONABLE CONFINEMENT OR RESTRAINT ON A PERSON. THIS INCLUDES DIRECTING A PERSON TO PHYSICALLY ABUSE ANOTHER PERSON RECEIVING SERVICES.**

**SEXUAL ABUSE, WHICH MEANS SUBJECTING A PERSON TO NONCONSENSUAL SEXUAL CONDUCT OR CONTACT CLASSIFIED AS A CRIME UNDER THE "COLORADO CRIMINAL CODE", TITLE 18, C.R.S. THIS MAY INCLUDE, BUT IS NOT LIMITED TO, SUCH ACTIONS AS SEXUAL ASSAULT, RAPE, FONDLING, OR SEXUAL EXPLOITATION. ADDITIONALLY, ANY SEXUAL INTERACTION BETWEEN STAFF AND PERSONS RECEIVING SERVICES SHALL CONSTITUTE SEXUAL ABUSE.**

**MENTAL OR PSYCHOLOGICAL ABUSE, WHICH MEANS ANY VERBAL OR NONVERBAL ACT WHICH CREATES, IS INTENDED TO CREATE, OR REASONABLY COULD BE EXPECTED TO CREATE MENTAL ANGUISH FOR A PERSON. THIS INCLUDES, BUT IS NOT LIMITED TO, SUCH ACTIONS AS DISCRIMINATORY REMARKS, BELITTLEMENT, DEROGATORY NAME CALLING, TEASING, AND UNREASONABLE EXCLUSION FROM CONVERSATIONS OR ACTIVITIES.**

**EXPLOITATION MEANS AN ILLEGAL OR IMPROPER ACTION AFFECTING A PERSON OR USE OF THE PERSON'S RESOURCES FOR ANOTHER PERSON'S PROFIT OR ADVANTAGE.**

**MISTREATMENT MEANS AN ACT OR OMISSION WHICH THREATENS THE HEALTH, SAFETY, OR WELFARE OF A PERSON.**

**NEGLECT MEANS AN ACT OR FAILURE TO ACT BY A PERSON WHO IS RESPONSIBLE FOR ANOTHER'S WELL BEING SO THAT INADEQUATE FOOD, CLOTHING, SHELTER, PSYCHOLOGICAL CARE, PHYSICAL CARE, MEDICAL CARE, OR SUPERVISION IS PROVIDED. THIS MAY INCLUDE, BUT IS NOT LIMITED TO, DENIAL OF MEALS, MEDICATION, HABILITATION, OR OTHER TREATMENT NECESSITIES AND WHICH IS NOT OTHERWISE WITHIN THE SCOPE OF 27-10.5, C.R.S., AS AMENDED, OR THESE RULES AND REGULATIONS.<sup>1</sup>**

The first part of your hiring mission is to employ people who have or can develop the skills, talents and attributes to foster the values described in the above goals statement. The second part of this mission is to select out people whom by objective and subjective screening methods demonstrate a risk for abusing, exploiting, mistreating, neglecting or otherwise harming the people you serve. Together, these two parts lay the foundation for your employee selection processes.

**Accomplishing your hiring mission is not necessarily easy given that the complexity of human resource**

management continues to grow. The result is ever evolving attempts to improve strategies for recruiting and maintaining a competent, stable and satisfied workforce. This paper addresses one aspect of human resource management - pre-employment screening practices. Specifically, it addresses the following two areas.

- Use of pre-employment screening practices as a strategy for increasing your already existing efforts to protect the people you serve and your employees from harm or injury caused by an employee.
- Managing simultaneous compliance with various employment laws.

Pre-employment screening entails the activities undertaken to evaluate an applicant against, at minimum, the following factors.

1. The applicant's knowledge and skills to perform the position's responsibilities.
2. The applicant's potential for learning how to apply his or her knowledge and skills to the particular setting in question.
3. For entry level or training positions where the employer is willing to train the applicant, his or her potential for on-the-job training.
4. An applicant's fit with the Organization. Can the applicant work within the formal and informal rules, norms and expectations of the Organization - the *Organizational Culture*?
5. Non-suitability for employment, e.g., a history of demonstrated poor work ethics or demonstrated moral characteristics that support that the applicant poses a threat to your Organization's mission and goals. This is the tough area where judgment regarding an individual's moral or character attributes is required.

The remainder of this paper addresses the pre-employment screening practices available to accomplish these objectives. To keep the length of this paper manageable, attention is on practical issues - the *what*, *why*, *when* and *how* issues. There is an enormous amount of literature on this subject. For those of you who want to explore the legal specifics and human resource literature in greater depth, the Source page toward the end of this document contains select references.

Now, some necessary qualifiers.

- ◇ First, the number of State and Federal laws governing employee hiring, retention and firing makes it impossible to ensure that all applicable laws have been considered in the development of this paper. When you are faced with unique or complicated situations, confer with your employment legal counsel.
- ◇ Second, there is sufficient litigation in this area that change in legal precedent is rapid. New lawsuits will have been filed and pending lawsuits ruled on before this paper makes it to you. To the best of your ability, keep abreast of these changes.



- ◇ Third, litigation rulings coupled with our very active legislative practices result in many bills being introduced at the State and Federal level every year. Some of these bills become law but many don't. It is easy to lose track of this activity. Again, try to keep current with these changes.
  
- ◇ Last, the agencies charged with monitoring compliance with the various laws issue considerable guidance on how to interpret these laws. Some of this guidance is easy to read and understand while some is not. Nonetheless, you are encouraged to avail yourself of these resources.<sup>2</sup>

# PRE-EMPLOYMENT SCREENING PRACTICES - WHAT ARE THEY?

Pre-employment screening includes all the activities you undertake to verify that an applicant for employment presents accurate information about him or herself and truthfully answers all job related questions. The starting point for screening applicants is generally a review of their completed job application. The end point depends on the nature and type of position, your interest in the applicant, his or her interest in working for your Organization, and your Organization's policies governing screening. The following pages contain a listing of screening practices and the information each provides. This list is divided as follows:

- ◇ **Standard Practices** - this means that almost all hiring authorities use these practices. Your Agency probably requires these practices. If your Agency does not already use these screening practices, you are strongly urged to do so. These practices consist of a combination of subjective and objective interviews, testing and observation methods, and reference checks.
- ◇ **Frequently Used Practices** - this means that hiring authorities are increasingly using these practices. The increase in use of these practices is a result of litigation, legislation, persistent social problems that interfere with job performance, and efforts to manage the increasing costs of being an employer. These practices are objective measures of documented prior actions of a prospective employee.
- ◇ **Specialized Practices** - these are generally used only for select positions or in industries that handle highly sensitive information or whose business mission requires specialized assessments for personnel selection.

Following is a table of the practices generally accepted as belonging in each category.<sup>3</sup>

| Standard   | Frequently Used  | Specialized  |
|--|--|--|
| Initial Application and/or Resume Review                 | Department of Motor Vehicles/Driving Records                     | Financial Integrity                                |
| Phone or Face-to-Face Screening                          | Social Security Number Verification                              | Single Psychological Test or Psychological Battery |
| Selection Interviews and Other Evaluation Methods        | Criminal History - Local, State and Federal                      | Endurance or Fitness                               |
| Reference Checks - Employment, Professional and Personal | Drug Testing (for Illicit/Illegal Drugs)                         |  |
| Educational Verification                                 | Worker's Comp Claims   |  |
| Professional License Verification                        | For Non U.S. Citizens - Verification of Valid Work Documentation |  |

## WHAT IS THE PURPOSE OF EACH PRACTICE AND WHERE DO I GET THE INFORMATION?

What follows is a brief presentation of the purpose of each pre-employment screening practice and sources and costs for obtaining the information. "Typical Practices" are generally conducted in-house, thus sources and costs are provided only for the area of professional license verification. If your Organization elects, reference checks and employment and education verification services can be purchased from companies that provide background search services. A limited list of both local and national background search companies is provided in **Appendix A**. The provision of this list does not imply an endorsement of these companies. Your Organization needs to evaluate any such service and decide whether the service can provide the level and quality of work desired.

### Typical Practices

#### I. Application and/or Resume Review

This first screen is generally a review of a completed job application form and is undertaken to determine if the applicant meets the minimum qualifications for the position as advertised. Application forms should be comprehensive and should include such information as a detailed employment history, educational history, persons to contact for references, previous address(s), basic arrest and conviction information, etc. (There are sample applications in **Appendix J**.) If the applicant does not meet the minimum qualifications, the screening task is complete. If more information is needed to screen for minimum qualifications, that can be determined in either a phone or short face-to-face screen.

This is the time to note "red flags" such as inconsistencies or gaps in dates of employment; periods of unemployment; overlapping employment; and, frequency of job or employer changes. Also, this is the time to attend to convictions and pending arrest(s) information for type, severity and frequency of altercations with the law. (Be advised that the Equal Employment Opportunity Commission [EEOC] does permit the consideration of arrests in employment decisions. You can exclude someone from employment based on an arrest record if the conduct resulting in the arrest(s) indicates unsuitability for the specific position in question. **Appendix B** contains a copy of guidelines issued by the EEOC regarding this topic.)

**Note:** It is recommended that completion of an application be required of all applicants even if the applicant presents a resume or curriculum vita and portfolio of previous work products. The reasons for this follow.

- o Your Organization's application should contain information stating the background checks routinely conducted, an accuracy of information certification statement, statement of consequences if it is later determined that information was falsified or inaccurately presented, and other information that the applicant needs to be made aware of up front. (Informing job applicants that criminal and/or other

checks will be performed will often cause an applicant to screen themselves out, thus saving the agency time and money.)

- o If the applicant's resume or curriculum vita is functionally versus chronologically written, the application will provide the chronological date information needed for screening purposes.

## **II. Phone or Face-to-Face Screen**

This second screen serves the following purposes.

- o To clarify application information. Questions regarding whether an applicant meets the minimum qualifications for the position should be clarified at this time.
- o If it is determined that position qualifying information was omitted from the application, the application needs to be amended. Depending on your Organization's practices, the interviewer can make the amending notations or the applicant can be requested to do that.
- o To determine the applicant's continued interest in the position.
- o To screen for factors of general fit with the position and Organization such as salary, work hours, supervisory or reporting expectations and unacceptable presentation of self such as rudeness, placing excessive demands on the interviewer, etc.
- o If there are a large number of applicants for a position, to reduce the candidate list to a manageable size. This requires the interviewer to make decisions needed to reduce the size of the applicant pool, or to make recommendations to the individual or individuals responsible for narrowing the applicant pool.

Whether this preliminary screening task is performed face-to-face or by phone depends on:

- o the application completion process used by your Organization (completed on site or mailed in);
- o organizational requirements or preferences for face-to-face versus phone screening; and,
- o at times, simple logistics such as availability of interviewing staff when an applicant completes the application.

## **III. Screening to Reduce Applicant Pool**

If the pool of qualified applicants is too large, your Organization may elect to use a second screening round to further reduce the number of applicants. This may consist of interviews by a single person, multiple persons or by a group, or a written or observation exercise (e.g., role play scenario). At this point, a structured interview format is recommended to ensure that all applicants are asked the same questions or are evaluated on the same observation exercise. To do otherwise will result in difficulty in consistently

sorting out the relative strengths of one candidate from another and may leave you open to discrimination claims.

The information resulting from this screening should again be reviewed for "red flags". For example, are the applicant's responses to questions regarding gaps in employment or overlapping employment consistent with previously provided information; and, does the person claim to be trained in a certain field but needs terms commonly used in that field explained or cannot answer basic questions regarding that field.

#### **IV. Selection Interviews and Other Evaluation Methods**

By this time the candidate pool has been reduced to a manageable number (generally 10 or fewer) and the goal is to reduce the number to five or fewer for reference checking. Depending on the procedures followed by your Organization, a final round of interviews may be held following reference checks.

As with the above screening exercise, structured interviews and other assessment exercises are recommended. Again, it is important to look for inconsistent responses to those given at prior screening steps and responses which lead you to question reported facts or qualifications. Samples of possible interview for direct care type positions are included in **Appendix J**.

#### **V. Employment and/or Business References**

In human services these terms are often used interchangeably thus the reason for grouping them here. This involves writing to or phoning an individual's prior employers and querying them about that person's work performance. In most cases, **this will be the most valuable background check activity you will undertake**. Be prepared to get the most from the person providing the information. To assist you and the reference giver, the following are recommended.

- o Provide the reference giver with a solid frame from which to base his or her reference. A position title alone is generally insufficient because you may have different understandings of what a job with the same title entails. List the responsibilities and explain the performance expectations.
  - o Use a structured reference check tool to ensure that you cover all important dimensions of the position. For example: timely submission of assignments; attitude about attending and participating in meetings; work ethics; ability to get along with co-workers; problems that interfered with his or her job performance; dates of employment and salary at the time of termination (to verify against the applicant's reported information); and, most importantly, the reason for separation from employment and rehire status. (Samples of forms used to document references are included in **Appendix J**.)
  - o To get the best information about a person's work performance, try to get past the human resource office and to someone who supervised or worked with the person or both.
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- o Always document the information received from a reference.

While employment or business references are perhaps the most important pieces of background information you can get, many Organizations are reticent to give out anything other than employment verification, dates of employment, salary at the time of separation from employment and rehire status. This reticence appears to stem from litigation where employers have been found liable for depriving someone of liberty (i.e., played a role in keeping them from earning a livelihood) as a result of negative reference information. While these lawsuits have received much attention, please be aware that there is legal protection in the Colorado DD service system when giving references provided that the references are accurate and in good faith. Following is a copy of C.R.S. 27-1-110. This statute is designed to protect you and the previous employer of the applicant when giving employee references provided that the conditions of honesty and thoughtfulness when providing reference information are met. Also, please note that the statute was written to assist you with your mission of ensuring that the people you serve are protected from harm by persons providing services.

**Colorado State Statute 27-1-110.**

27-1-110. Employment of personnel. (1) The general assembly hereby recognizes that many of the individuals receiving services pursuant to this title are unable to defend themselves and are therefore vulnerable to abuse or assault. It is the intent of the general assembly to minimize the potential for hiring persons with a propensity toward abuse, assault, or similar offenses against others for positions which would provide them with unsupervised access to individuals receiving services pursuant to this title.

(2) Prior to the department's employment of any person in a state facility operated by the department and in a position which would require that person to have direct and unsupervised contact with any individual receiving services pursuant to this title, the executive director or any division head of the department of human services may require said person to submit fingerprints to the department which shall be released to the Colorado bureau of investigation for the purpose of fingerprint processing utilizing the files and records of the Colorado bureau of investigation and the federal bureau of investigation.

(3) The executive director or any division head may contact previous employers of any person applying for a position which would require that person to have direct and unsupervised contact with any individual receiving services pursuant to this title, for the purpose of obtaining information and recommendations which may be relevant to such person's fitness for employment. Any previous employer of an applicant for employment who provides information to the executive director or a division head or who makes a recommendation concerning such person shall be immune from civil liability unless the information is false and the previous employer knows such information is false or acts with reckless disregard concerning the veracity of such information.

(4) Any local agency or provider of services pursuant to this title may investigate applicants for

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employment as set forth in this section.

(5) The executive director, any division head, or any local agency or provider who relies on information obtained pursuant to this section in making an employment decision or who concludes that the nature of any information disqualifies the person from employment shall be immune from civil liability for said decision or conclusion unless the information relied upon is false and the executive director, division head, or local agency or provider knows such information is false or acts with reckless disregard concerning the veracity of such information.

(6) The executive director may promulgate such rules and regulations as are necessary to implement the provisions of this section.

## **VI. Professional References**

Professional references consist of references received from an applicant's colleagues who have the same or similar training. These reference sources need not have supervised the applicant in a prior work setting. These references are generally used to verify an applicant's skills and knowledge in a specific area but can also be used to assess other job performance factors such as work ethics, ability to get along with co-workers, etc. Again, be prepared with a structured reference check form and prepare the reference provider by giving him or her specific information regarding the position in question.

## **VII. Personal References**

These reference sources are generally provided by the applicant and consist of people who know the applicant from a personal perspective but have not necessarily worked with the applicant in any formal or informal capacity. These references are generally used to assess an applicant's character as regards dependability, honesty, friendliness, etc. While these references are important if employment or professional references are not available, they are generally not given as much weight as other screening activities. Applicants will typically not list personal references unless they are relatively certain of the reference outcome.

## **VIII. Educational Verification**

This involves verifying that the applicant has achieved the educational training he or she reports. This is especially important if the position qualifications call for specific educational training or degree. In the past, this verification was satisfied by the applicant submitting copies of transcripts or providing a diploma copy. It is now recommended that this information be received directly from the granting institution. The recent proliferation of desk top publishing software has resulted in an increase in fraudulent documents attesting to expertise, training and licensing credentials.

Most educational institutions will not release information without a signed authorization from the applicant. If you submit a request for information without a signed authorization, it will probably be rejected.

## IX. Professional License Verification

The purpose of this is to verify that the applicant is licensed to practice in whatever field he or she reports. This is a must if the position qualifications call for a person licensed to practice that area of knowledge or if State law requires licensure in that field. As with transcripts and diplomas, check directly with the granting institutions.

### Information Source: *Colorado Department of Regulatory Agencies*

This Department oversees the licensing of a variety of professional and trade groups required to be licensed in the State of Colorado. In addition, the Department hears and investigates complaints of professional conduct that is contrary to law and issues disciplinary action.

Provided that you have a license number or a name and a numerical identifier (date of birth or social security number), you can verify licensure status and determine if disciplinary action has been taken against that person. Information is not released regarding complaints under investigation.

The disciplines licensed by the Department of Regulatory Agencies and that may be of interest to employers in the Developmental Disabilities field include:

- o Accountancy Board
- o Audiologists/Hearing Aid Dealers
- o Chiropractic Board
- o Dental Board
- o Mental Health Occupations Registration
  - Clinical Social Work
  - Marriage & Family Therapists
  - Professional Counselors
  - Psychologists
- o Psychiatric Technicians
- o Pharmacy Board
- o Medical Examiners
  - M.D.s
  - D.O.s
  - Physicians' Assistants
- o Nursing Board
  - RNs
  - LPNs
  - CNAs
- o Optometric Examiners
- o Physical Therapy Registration
- o Podiatry

**How to Access Information:** Call the Department of Regulatory Agencies. The main number is (303) 894-7855. You will be directed to the specific Board or Division that oversees the occupational group of interest. The Department is attempting to automate its license verification process. To date, the Nursing Board is automated. The system is called Automated License Information System (ALIC) and can be reached by calling (303) 894-7888. If you experience problems, call the Board of Nursing directly.

**Cost:** Information is free.



## Frequently Used Practices

### I. Department of Motor Vehicles/Driving Record

- Purpose:**
- (1) To assess whether an individual's driving history supports that he or she is a safe risk for operating a Company owned vehicle. This is recommended for anyone whose job responsibilities require operation of a company vehicle. This is strongly recommended for anyone whose job responsibilities require transporting persons who receive services.
  - (2) Driving records provide a secondary source for name, address, social security number and physical description verification. Discrepancies between what the DMV report states and information provided by the applicant or your observations of his or her physical appearance should serve as a "red flag". These discrepancies need to be satisfactorily resolved before a final offer of employment is extended. This assures that the drivers license is legally issued and assists in determining that the applicant is who he or she claims to be.
  - (3) Many insurance carriers require a DMV report on any employee who operates a Company vehicle. Also, if you have positions that require Department of Transportation (DOT) certification, a DMV check is the first step in that certification process.

**Information Source:** *Colorado Department of Revenue, Motor Vehicle Division (MVD)*

In Colorado, MVD information provides moving and other vehicle operation citations issued to that driver's license number during the past seven years. **Red Flag** - be alert to too many violations for operating a defective vehicle. These may be plea bargained offenses and may indicate more serious problems with the safe operation of a vehicle. See **Appendix C** for a copy of a sample MVD report and the information it contains.

**How to Access Information:** Any Colorado MVD Office that handles driving records. Not all offices provide driving record information, so call to make sure you have the right office.

**Red Flag** - If you require the employee to obtain and submit his or her own driving record, be aware that reports vary in length depending on the number of citations issued. Make sure that all pages indicated on the report are submitted. If there are omitted pages, chances are the report contains more information than the applicant wants known.

**Cost:** Each driving record check is \$2.20. A check goes back as far as when the license was issued. If you want the MVD to delve further into a person's history, an additional \$2.20 is charged for each check.

## II. Social Security Number Verification

- Purpose:**
- (1) To determine if more than one person is using the same social security number.
  - (2) To verify that the name and social security number provided by the applicant match the information maintained by the Social Security Administration.

Social security number verification is not yet widely used as a background check because similar information is supplied by more commonly used sources. The Social Security Administration generally limits the information provided to employers to confirming or denying that a person's name matches his or her reported social security number. While some sources report that you can get an individual's previous address history from the Social Security Administration, the Social Security Administration representative contacted for purposes of this paper refuted that. He reported that the data system in use automatically deletes old addresses when new addresses are entered.

**Information Source:** *Social Security Administration*

**How to Access Information:** Call 1-800-772-1213 and explain that you are an employer and want to verify a social security number. Be prepared to provide your Organization's employer identification number (EIN).

**Cost:** Information is free.

## III. Criminal History

**Purpose:** To determine if an applicant's criminal history renders him or her not suitable for employment with your Organization in the position for which he or she has applied. Generally, non-suitability for employment is defined as a history of behavior that supports that the person, in that particular position, would pose a threat to individuals served or to the operation of the Organization.

Recent litigation cases involving negligent hiring and retention issues have resulted in extensive use of this background check practice. In theory, this information should provide you with an applicant's history of convictions and any arrests pending trial. The exceptions to this are if a record has been sealed by the Court or the applicant was able to get the record expunged. In Colorado, there are problems with delays in reporting and entering arrest dispositions. As such, the arrest information you receive may be old and some of the cases may have been heard by a court. If this is the case, the arresting law enforcement agency or court that heard the case can be contacted to determine the outcome of the case.

Criminal history checks can be requested based on a name and date of birth or other numerical identifier, or based on that same information plus fingerprints. If requesting only a name check, it is recommended that more than one numerical identifier be used and that all known aliases used by the applicant be provided. This will help increase the quality of the search if the applicant has a common name or has gone by

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other names. The advantage of using fingerprints is that this is one of three accepted unique identifiers and the one which is commonly used. (The other two are DNA and retina scanning.) A check based on fingerprints is more likely to identify people who use or have used aliases or have engaged in social security number fraud. It is the most reliable method of ensuring that a true and complete criminal history is captured. A listing of private agencies that conduct criminal background searches is included in **Appendix A**.

## **Information Sources**

### **◇ Colorado Bureau of Investigations (CBI)**

The CBI is the State repository for crime information. Every arrest in the State is supposed to be reported to the CBI. The information submitted to the CBI includes name, date of birth, address, charge or reason for arrest and the arrestee's fingerprints.

The CBI maintains two criminal history data bases. The first can be accessed only by criminal justice personnel. It is called the Colorado Crime Information Center (CCIC). The second, called the Electronic Clearance System (ECS), is available to anyone.

For purposes of pre-employment screening, the two data bases offer essentially the same information. The CCIC contains more case disposition information and notes things like sealed record status. The ECS is only 20% complete as regards case dispositions. That is, at this time, only 20% of the cases dispositioned by a Court are entered in the ECS data system. The remaining 80% of dispositioned cases continue to be reflected as arrests.

Colorado law establishes a 72 hour turnaround time for requested criminal histories. Generally, this can be accomplished within 24 hours.

As the State central repository, the CBI is the point of contact for all FBI criminal history requests. Since an FBI request is fingerprint based, the individual must first go to a local police or sheriff's department for fingerprinting. The CBI does not provide fingerprinting services for pre-employment screening purposes.

**How to Access Information:** Anyone can access information using the ECS data base. Following is the contact information for establishing an account with the CBI.

CBI  
ATTN: Sue Bailey  
690 Kipling  
Lakewood, Co  
239-4300

Once an account is established, all history checks have to be mailed, hand delivered or requested on-line. Faxes are not accepted.

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**Cost:**

**\$7.00** for a name check

**\$13.00** for a fingerprint check

**\$14.00** for a fingerprint check of teachers or child care workers (The extra \$1.00 over and above the regular fingerprint based check is for a "red flag" service. That service alerts the employer of arrests of the individual subsequent to the date of the initial check).

**\$24.00** additional for an FBI check

**\$200** (approximate) for the software to be on-line (If interested in the on-line option and curious about the software, contact Russ Arch, CBI Programmer.)

**Using the Information:** Appendix D contains a sample CBI report. CBI reports or rap sheets are fairly self-explanatory. In some instances, the reports may contain abbreviations that are not commonly used or easily deciphered. If you experience difficulty understanding an entry on a report, call the CBI and ask for an explanation of what you are having difficulty with.

Following are important points to keep in mind when reviewing a CBI report.

- o The reports do not provide statute numbers for the criminal charge(s) listed. Rather, the reports contain a description of the charge(s). If the description is not adequate for your pre-screening purposes, you can contact the arresting police department for a statute number (citation) for the charge or to request a police report of the incident resulting in the arrest. The statute number will allow you to reference the law for a definition of the descriptive terms used on the CBI report.

For Colorado based arrests, a second option is to do a word search of the Colorado statutes. You can access Colorado statutes on the Internet at <http://www.ppld.org/CoStatutes/statutes.html>.

For arrests based on county or municipal codes, contact the arresting police department. Some county and municipal codes are also available online. Contact the appropriate county or municipal offices for Internet availability of codes.

- o The reports identify the arresting law enforcement agency and provide arrest numbers. The arresting law enforcement agency is the contact point if you need a copy of the arrest report. The location of the arrest also helps in locating the court that heard the case. The arrest number helps expedite the record search by the arresting law enforcement agency.
- o The last entry ("Item #001-\_\_\_") under the "Charge/Disposition" column denotes the number of arrests for that person the CBI has in its data base. For example, an entry of "Item #001/004" indicates four charges or arrests. This helps you track whether the report you received is complete.

## ◇ *Federal Bureau of Investigation (FBI)*

The FBI provides the same information as a State check except that the FBI data base captures arrests and convictions in all 50 States and arrests by Federal Officers for federal crimes. As stated earlier, you can only access FBI information through the CBI.

The FBI will not provide criminal history information as part of pre-employment background checks unless such is mandated by State statute. A search of the Colorado Statutes identified only select references requiring FBI criminal information as part of pre-employment background checks. These include criminal justice agencies, private correctional facilities, certain employees of child care agencies and certain school personnel. In the Developmental Disabilities System, this limits access to FBI criminal history information to agencies that operate schools or licensed child care facilities.

**Cost:** \$24.00 for a fingerprint based check.

## ◇ *Police and Sheriff's Departments*

### *Criminal History Information*

Local police and sheriff's departments maintain data on the arrests made by each respective department. While they may have information on an individual from other police departments, CBI or FBI, the law restricts them to releasing information only when they have made the arrest. For this reason, it is recommended that the CBI data base be the primary source of criminal history background information.

Due the number of arrests in Colorado in any given year and the multiple law enforcement agencies supplying information, some arrests do not get reported to the CBI. If you have reason to believe that a CBI report is incomplete, or if you want to be especially thorough in your criminal background check, you can query the appropriate law enforcement agencies. To make your search manageable, it is recommended that you query the law enforcement agency(ies) where the person currently resides or has resided within the time frame of your search (e.g., the past 10 years).

**How to Access Information and Costs:** Each law enforcement agency has its own fee schedule and procedures for arrest records and histories. Contact the law enforcement agency you will most frequently use for its requirements. **Appendix H** contains a sample record request form used by the Denver Police Department.

## ◊ *Sex Offender Registry*

Effective July 1, 1994 any person convicted of a sex offense (includes sexual assault on an adult and sexual crimes involving children ) and placed on probation, or upon parole, must register with the local law enforcement office where he or she temporarily or permanently resides. The law requires the person to register with the local law enforcement authority within seven (7) days of becoming a temporary or permanent resident of that locality and annually thereafter.

**How to Access Information:** The law appears to give each law enforcement agency discretionary authority over when to release information from the list. The person requesting the information must convince the law enforcement agency that obtaining such information is "necessary for public protection". Contact your local law enforcement agencies to determine what information they will provide.

**Cost:** May vary from locality to locality. Contact your local law enforcement agencies for specifics.

## IV. Court Records

**Purpose:** Through the course of pre-employment screening of applicants you may find it necessary to request court records. Possible reasons for this include:

- to better understand the nature and/or severity of an arrest irrespective of whether the arrest resulted in a conviction;
- to verify an applicant's report of the outcome of an arrest;
- to help resolve questions you or other employment interview team members may have about the suitability of the person for the position in question; and/or
- to secure documentation that supports your decision to hire or not to hire.

The Colorado Court system is divided into seven (7) types of courts that hear various types of cases. (Reference **Appendix E** for a copy of "*Colorado Courts At A Glance*".) These courts are:

|              |         |
|--------------|---------|
| Municipal    | Water   |
| County       | Appeals |
| Small Claims | Supreme |
| District     |         |

This categorization of courts holds throughout the State except for Denver. Reference the "*Colorado Courts At A Glance*" for how the Denver Court system differs from the rest of the State.

In most instances, a District Court is the one you will relate to regarding criminal background information. However, be aware that both County and Municipal Courts hear traffic and criminal cases that may be of interest for pre-screening purposes. Generally, County and Municipal Courts are assigned criminal cases when the violation is against a municipal code/law versus a State law.

**How to Access Information and Costs:** Each court is obligated to release information to the public under the Colorado Open Records Act. As with law enforcement agencies, the fees charged and procedures for requesting records vary across courts. For example, The District Criminal Court that serves Denver (2nd District) allows both written and phone requests and provides direct, on-site terminal access for court disposition information. It also allows access to court files at no charge provided that the file is reviewed on-site. On the other end of the continuum, some courts will respond only to written requests submitted in a prescribed format.

To determine the records access requirements of the court of interest to you, contact the clerk's office for that court. Following are points to keep in mind when requesting or attempting to locate court documents.

1. To locate the court that heard a case, ask the applicant. If he or she does not know, ask the arresting law enforcement agency.
2. The court system can be both intimidating and confusing. Be persistent in your search. Remember, you are not the expert on the inner workings of a court. Feel free to ask questions and request assistance from the court clerk's office.
3. Depending on the volume of cases heard by a court, the court may be organized into distinct units. For example, the Second District Court is divided into separate but related units. One unit deals with criminal matters and the other with civil and domestic matters. They do, however, share some record keeping functions.
4. To avoid spending too much time searching for court records, you can place responsibility on the applicant to request the records and have them sent directly to your Organization. To avoid differential handling of applicants, your Organization's policy or procedures that address criminal history information should stipulate how this is to be handled and who is responsible for the associated fees.
5. Courts require a longer response time for certain requests. Generally, more time is required for cases involving children or where the identity of the victim(s) needs to be protected. The extra time required is to delete victim identifying information.

#### V. Drug Testing (for Illicit/Illegal Drugs)

**Purpose:** To screen out persons who are using illicit/illegal substances.

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Given the continued and increasing problems with drug use and abuse in the United States, some companies require applicants to pass drug tests as a condition of employment. This background check practice has not gained common use primarily because of the costs involved. It is more commonly used in the medical, law enforcement and corrections fields and industries with significant concerns regarding sensitive information.

Please note that the use of alcohol and illegal drugs is not covered by the Americans with Disabilities Act (ADA).

"Tests for illegal drugs are not subject to the ADA's restrictions on medical examinations. Employers may hold illegal users of drugs and alcoholics to the same performance and conduct standards as other employees."<sup>4</sup>

**Information Source:** Many hospitals and health clinics will perform this service. If your Organization is interested in this screening practice, contact your local health care providers to learn about the drug screen services offered, including limitations on the type of screen they will provide.

**Cost:** Contact your local health care providers for this information.

## VI. Worker's Compensation Claims

**Purpose:** (1) To assess if someone has accepted a position for which they are not able to carry out the responsibilities due to physical or mental health limitations. If this is the case, then the conditional offer of employment has to be reviewed against the standards of the Americans with Disabilities Act (ADA). These are as follows.

The prohibition of pre-employment inquiries about disability does not prevent an employer from obtaining necessary information regarding an applicant's qualifications including medical information necessary to assess qualifications and assure health and safety on the job. The ADA requires only that such inquiries be made in two separate stages of the hiring process.

1. Before making a job offer: At this stage, an employer:
    - may ask questions about an applicant's ability to perform specific job functions;
    - may not make an inquiry about a disability;
    - may make a job offer that is conditioned on satisfactory results of a post-offer medical examination or inquiry.
  2. After making a conditional job offer and before an individual starts work: At this stage, an employer may conduct a medical examination or ask health-related questions, providing that all candidates who receive a conditional job offer in the same job category are required to take the same examination and/or respond to the same inquiries."<sup>5</sup>
-



(2) Knowledge of the fact that an applicant has filed a claim or has a pattern of filing claims provides the opportunity to implement individualized training and prevention measures with the individual.

**Information Source:** *Colorado Department of Labor and Employment, Division of Worker's Compensation or Similar Agency from Another State*

**How to Access Information:** In Colorado, this information is available to any business or entity provided that an account is established with the Division of Worker's Compensation and the person on whom the check is being performed has signed a release. The release must be notarized and must be dated within 90 days of the date the Division of Worker's Compensation receives the request. The release must be specific to worker's compensation information. A multiple source release form will be rejected. See **Appendix F** for a copy of the Colorado Department of Labor and Employment, Division of Workers Compensation policy regarding release of workers' compensation information and sample release authorization.

**Cost:** \$1.00 per request.

#### **VII. For Non U.S. Citizens - Verification of Valid Work Documentation**

**Purpose:** To verify that the work permit documentation presented by the applicant has been lawfully issued.

The Immigration and Naturalization Service (INS) does not conduct status verifications (i.e., verify that someone is in this Country legally and has proper work documentation) for private Organizations. Per contact with INS, private employers are expected to follow the guidelines established in the *I-9 Handbook*.

The employer must take the information at face value. If an employee presents fraudulent documentation, the employer will not be penalized provided that the established guidelines were followed and a completed I-9 form is on file. Copies of the I-9 Handbook and forms are available through the INS. The forms request telephone number is 1-800-870-3676.

## **Specialized Practices**

### **I. Financial Integrity Checks**

**Purpose:** This information lets you know an applicant's ability to responsibly handle his or her own financial and tax obligation matters. These background checks are generally conducted only for positions that:

- involve handling of significant amounts of money;
- have responsibility over the financial or business operations of a Company; and/or
- other mid or upper level management positions having access to the Company checking or investment accounts.

## Information Sources

### *o Internal Revenue Service (IRS)*

The IRS will release tax return information provided the taxpayer authorizes it. If the taxpayer files a joint return, both parties must authorize the release of information.

The IRS will release only that information specified on the release authorization. It is recommended that desired tax form numbers and tax years be included on the request.

It is not expected that employers in the developmental disabilities field will make extensive use of the IRS for background screening purposes. Positions like Business Manager or Comptroller might warrant this type of check.

While it is expected that IRS information will rarely be used as a background screen practice, be aware that the U.S. Tax Code does contain provisions to levy someone's paycheck if tax payments are delinquent and other efforts to collect have proven unsuccessful. The employer's failure to comply with the IRS wage levy results in the employer violating the law and becoming subject to allowable penalties.

When the IRS issues a wage levy both the employer and employee are notified. The employee's notification stipulates that he or she cannot be terminated or otherwise adversely impacted because of the wage levy. This may complicate matters if the affected employee conducts him or herself in a manner warranting disciplinary action or termination near the time the wage levy notice is issued.

**How to Access Information:** Submit specific, written signed authorization to your regional IRS office.

**Cost:** Information is free.

### *o Colorado Department of Revenue or Similar Revenue Collection Agency from Another State*

The procedures used by the Colorado Department of Revenue parallel those of the IRS. All requests must be sent to the Colorado Department of Revenue, 1375 Sherman St., Denver, CO 80261. Appendix G contain a copy of a "Request for Copy" form used by the Colorado Department of Revenue. The back of the form contains form completion instructions.

## II. Single Psychological Test, Psychological Test Battery, Endurance and Fitness

**Purpose:** To assess whether an applicant possesses the physical and/or personality attributes required to perform under the conditions posed by the position. Also, in some cases, specialized mental health or medical tests may be required if the applicant has a disability that places the situation under the auspices of the ADA.

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Few industries routinely use specialized psychological tests for candidates. Examples include some law enforcement and national intelligence positions. The same holds true for endurance and fitness tests. Examples include law enforcement and fire fighting agencies.

**How to Access Information:** For the Developmental Disabilities System, arrangements for specialized tests will likely be made on a case by case basis. Release authorizations will be required to access information from health providers that have previously diagnosed or treated an applicant for the condition or disability requiring review.

**Cost:** This depends on whether the employer requires an independent expert evaluation. Costs incurred from employer required evaluations are the responsibility of the employer.

### Limited or Restricted Information Sources

This section is provided to let you know of some commonly talked about background information data sources that are not available to the Developmental Disabilities System across the board, or are not available for pre-employment screening purposes.

- ◆ **FBI Criminal History Records.** Refer to early discussion in this paper for the limitations on access to this data source.
- ◆ **Colorado Central Registry of Child Protection.** For pre-employment screening purposes, information from this data base is available only to Organizations that operate facilities licensed by the Department of Human Services, Division of Child Care. Otherwise, the data base is available to:
  - police departments, court officials and attorneys as needed to carry out their respective responsibilities, and
  - any person who wants to determine if his or her name appears on the registry.

Originally established in the late 1960s, the purpose of the Child Protection Registry was to track victims of abuse to ensure their safety. Its purpose was later expanded to assist with criminal justice processes. It was again expanded to serve the purpose of pre-employment screening of individuals applying to work in licensed child care facilities.

Colorado House Bill 1109, passed in 1997, phases out the Child Protection Registry effective July 1, 2000. This bill eliminates the employment screening duties of the Director of the Registry and calls for the development of a plan for meeting other essential needs fulfilled by the registry. That plan is due to the General Assembly no later than March 1, 1999.

◆ **Unemployment Insurance Claims.** Colorado does not allow the release of information pertaining to unemployment insurance claims except to interested parties. Interested parties are defined as the person about whom the data record pertains or the employer only if it pertains to an active claim. According to the Colorado Department of Labor and Employment, these information restrictions are mandated by the Privacy Act of 1974.

Other states may not be as restrictive in releasing unemployment insurance claim information. Each state would need to be contacted to determine what information they release.

# HOW DO I TRAVERSE THIS LEGAL MAZE AND STAY IN COMPLIANCE WITH ALL EMPLOYMENT LAWS?

The laws which impact pre-employment screening practices address two broad areas.

- Protection of certain groups against discrimination
- The public's right to know and an individual's right to privacy

Following is a list of employment laws that you need to be familiar with. This is not an exhaustive list. Rather, it developed from a review of what various authors most commonly report as "need to know" laws.

No two people are likely to agree on what should be included in this type of list. Therefore, it is recommended that you make note of other laws that are brought to your attention and add them to this list.

- ◆ *The Civil Rights Act of 1964, as amended (P.L. 88-352)*. This prohibits discrimination in employment based on race, color, sex, religion or national origin. Title VII of this Act covers employment matters.
- ◆ *The Civil Rights Act of 1991 (P.L. 102-166)*. This amends the Civil Rights Act of 1964. It provides broader remedies and strengthens civil rights protections.
- ◆ *Colorado Anti-Discrimination Act (C.R.S. 24-34-401)*. This is very similar to the federal Civil Rights Act. It does, however, prohibit hiring and firing decisions based on two employees or an employee and applicant planning to marry; and, it prohibits firing decisions based on an employee's off-duty, lawful activities<sup>7</sup>
- ◆ *The Age Discrimination in Employment Act of 1967 (P.L. 90-202)*. This prohibits discrimination in employment based on age (40 years of age or older).
- ◆ *The Rehabilitation Act of 1973, Sections 501, 503 and 504 (P.L. 93-112)*. Section 504 served as the building block for the ADA. It prohibits discrimination against qualified persons with disabilities in federally funded programs and activities. Sections 501 and 503 require affirmative action plans for persons with disabilities by federal contractors with contracts larger than \$2,500, the federal government and the postal service.
- ◆ *The Americans with Disability Act of 1990 (P.L. 101-336)*. This prohibits discrimination in employment against people who have a physical or mental disability. Title I of this Act covers employment matters. (For additional information see the paper titled "The ADA and Pre-employment Screening" in Appendix I.)
- ◆ *Pregnancy Discrimination Act (an amendment to the Civil Rights Act of 1964)*. This provides for equal treatment for pregnant women and new mothers for all employment related purposes.
- ◆ *Vietnam-Era Veterans' Readjustment Assistance Act of 1974 (P.L. 93-508)*. This provides for affirmative action protections for certain disabled veterans.
- ◆ *Uniformed Services Employment and Reemployment Rights Act of 1994 (P.L. 103-353)*. Protects against discrimination on account of military service and provides for reemployment after periods of military service of up to five years and certain benefits during absence.

- ◆ *Colorado Open Records Act (C.R.S. 24-72-201)*. Provides for access to the public of all public records with some exceptions.
- ◆ *The Privacy Act of 1974 (P.L. 93-579)*. Provides protections to individuals' rights to privacy by placing certain limitations on what information collected by or for the Federal government can be released without an individual's authorization and gives individuals rights to access information about themselves.
- ◆ *The Freedom of Information Act of 1966, as amended*. Obliges the release of certain public information based on the public's right to know and if needed to ensure protection of the public and for policy development purposes.
- ◆ *The Immigration Reform and Control Act of 1986 (P.L. 99-603)*. This law amends the Immigration and Nationality Act. It specifies the conditions which must be met for someone from another Country to enter and/or reside in the United States.

**Note:** There are a host of other employment laws but they focus on post-employment concerns. Some of these are: The Family Medical Leave Act; The Fair Labor Standards Act (includes The Equal Pay Act of 1963); The Occupational Safety and Health Act of 1970; laws governing employee rights and benefits (worker's comp, unemployment insurance, employee benefit plans); and, a number of laws governing the revenue collection responsibilities of employers (federal and state tax withholding, social security withholding, occupational privilege tax).

**To protect your Organization from discrimination charges, attention to the following is critical.**

1. What questions are asked an applicant - both on the application and in interviews.
2. The specificity and accuracy of position specific functional job requirements.
3. Letting the applicant know up front what screening methods apply to the position and preparing the necessary release authorizations.
4. When you request certain information.

#### **Dos and Don'ts of Questions**

Following is a list of inquiries you can and cannot make of an applicant.<sup>8</sup> Consider this a partial list. There may be areas that have been overlooked.

**Age and Birthdate**      During the pre-employment screening phase you can ask if the applicant is younger than 18 years of age.

Unless the person states that he or she is younger than 18, do not ask for his or her age or date of birth.

After a person is hired, the date of birth can be obtained as required for various employment documents.

|  |  |
|--|--|
| <b>Identity</b>                                    | <p>You can ask for an applicant's full, legal name and any and all names used in the past which are necessary to conduct a check of his or her work background.</p> <p>Do not ask for an applicant's maiden name.</p>  |
| <b>Residence</b>                                   | <p>You can ask for an applicant's address, phone number and length of residence in the area. You can also ask the applicant to provide information about where he or she has previously resided. This is generally time limited to no more than 10 years.</p> <p>Do not ask if the person owns or rents their home.</p>  |
| <b>Citizenship, National Origin or Nationality</b> | <p>You can ask if the person is a citizen of the United States. If not a citizen, you can ask if they have a legal right to work in the United States and whether they intend to become a U.S. Citizen or permanent resident.</p> <p>Do not ask "what is your nationality" or "of what country are you a citizen?"</p>   |
| <b>Experience</b>                                  | <p>You are pretty much free to query an applicant about his or her work experience.</p>  |
| <b>Education</b>                                   | <p>You can inquire into an applicant's academic, vocational or professional training and schools attended. During the pre-employment phase, avoid asking for the dates the training was received. Do not ask for these dates until you are sufficiently serious in the applicant to verify this information.</p>   |
| <b>Disability</b>                                  | <p>During the pre-employment phase you can ask if the person has any impairments that will interfere with his or her ability to perform the job that he or she has applied for.</p> <p>Do not ask the person to divulge general disability information or to provide general medical information. You can ask the person if they are willing to undergo a physical examination if they are offered and accept employment. (For additional information see the paper titled "<i>The ADA and Pre-employment Screening</i>" in Appendix I.)</p> |
| <b>Languages Spoken</b>                            | <p>You can inquire about what languages a person speaks and/or writes.</p> <p>Do not ask "what is your native language?"</p>   |
| <b>Conviction and Arrest Record</b>                | <p>During the pre-employment phase you can ask for conviction information and information on arrests pending disposition.</p> <p>You cannot ask for general arrest information.</p>  |
| <b>Religion</b>                                    | <p>Do not ask an applicant to divulge his or her religion or religious holidays observed. If an applicant volunteers this information, do not follow up with questions regarding availability to work on certain days. Your work schedule expectations should, however, be part of your position announcement or other pre-employment documentation provided to the applicant.</p>   |

- Gender** Do not ask for a person's gender on the application or any other pre-employment document or during interview.
- Driver's License** You can ask if a person has a valid driver's license, provided that the job at issue contains driving responsibilities.
- Photograph** During the pre-employment phase, do not ask an applicant to provide a photograph.
- After a person is hired, you can require the employee to be photographed for standard practices by your Organization such as identification cards or badges.
- Emergency Contact** Do not ask for this information until a person is hired.
- Military** You can ask if the applicant has served in the Armed Forces of the U.S. and, if so, what branch.
- Do not inquire about a person's military experience in any other country.
- Organizational Affiliations** You can give an applicant the opportunity to provide information about his or her membership in organizations that he or she considers relevant to his or her ability to perform the job.
- Do not ask the applicant to list all clubs, civic organizations, societies or lodges to which he or she belongs.
- Personal Matters** Do not ask questions about a person's marital status, whether he or she has children or other dependents, or his or her birth control practices. If an applicant volunteers information about having children or other dependents, do not ask about his or her care arrangements for these dependents. If a person volunteers information about his or her marital status, do not ask about related, future plans.

There may be exceptions to when you may ask some of the otherwise not allowable questions. Any such questions must be justified based on the functional requirements of the job.

#### **Functional Job Descriptions/Responsibilities**

Make sure that your job descriptions are accurate and that what is emphasized is a legitimate necessity. The EEOC pays close attention to job descriptions when investigating a complaint. If any requirements are overstated or rarely needed or used on the job, it may be determined that these were placed in the job description for discrimination purposes. Even if a case of intentional discrimination cannot be made, you are still in violation of the law if the effect on the protected class member is the same.



### **Be Up Front With Applicants**

The best screening practice is self screening. If you let applicants know up front what screening methods they will be subjected to, many of them will screen themselves out and save you the time and trouble.

### **Timing of Information Requests**

As a matter of efficiency, you should not request information until you are seriously interested in an applicant and he or she has stated reciprocal interest.

- All reference requests and educational and license verification can be pursued as part of a final screening step.
- Worker's comp information cannot be considered and should not be requested until a conditional offer of employment has been made.
- Criminal history information can be requested at anytime during the course of the hiring process. However, to save money and time this should not be requested unless you are seriously considering the applicant. You can only disqualify an applicant based on arrests or convictions if the nature of the crimes pose a risk to your Organization and taking into consideration the position in question.

In evaluating whether a crime resulting in a conviction poses a risk to your Organization or the people you serve, the following should be considered.

- *The nature of the crime.* Crimes against persons may constitute a risk if the person is responsible for the supervision of persons receiving services. Crimes involving theft may pose a risk for both direct service and other positions.
- *Frequency or number of convictions.* A pattern of illegal behavior indicates that you can expect that person to continue the same or similar behavior. An isolated conviction may be viewed differently.
- *Severity of the crime.* A minor infraction should be viewed differently than a more serious crime. For example, an arrest for criminal trespassing by a protester at Rocky Flats is quite different than assault with intent to kill.
- *Length of time since the conviction.* The rule of thumb seems to be to review a person's criminal history for a 10 year period. If a person has been crime free for that period of time, and depending on the nature of the crime or crimes that resulted in the conviction(s), you may determine that the person does not pose a risk. This is a hard call. On the one hand you want to give the person the benefit of the doubt. On the other hand, you do not want to subject persons receiving services to harm or your Organization to associated liability.

Colorado and federal statutes are quite clear in establishing that the protection of vulnerable populations is a priority. Colorado statute (27-110) provides direction not to hire individuals with a "propensity toward

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abuse, assault, or similar offenses against others for positions which would provide them with unsupervised access to individuals receiving services". Your Organization is provided legal support and, in some cases, specific protection in achieving this priority. Use this to support your mission and apply it fairly to all applicants and your hiring decisions should withstand complaint.

## WHICH PRE-EMPLOYMENT SCREENING PRACTICE IS THE BEST?

The literature reports that most employers place the greatest confidence in face-to-face interviews, position specific testing and observation methods, and employment references.<sup>9</sup> These are proactive methods for evaluating an applicant's skills, knowledge and abilities. Also, emphasizing these methods provides a better return on investment. After all, most applicants are law abiding citizens with good moral character. According to the literature, job applicants with a criminal history range from 2-12% with the generally accepted figure being 5 percent.<sup>10</sup>

The pre-employment screening methods rated as most valuable by employers are the standard methods discussed earlier in this paper. These methods were covered for two reasons.

1. To demonstrate that pre-employment screening does not consist solely of "private detective" type investigative techniques.
2. To emphasize the point that, if given adequate attention, the more traditional approaches to employee screening do work.

The important part of item #2 above is underlined. The single greatest obstacle to successful employment decisions appears to be not taking the time do it right. Competing demands often drive a turbo approach to hiring decisions. While this approach may provide temporary relief and savings, it is a losing long term investment. Martin Yate, Hiring the Best, lists the following as the most frequently occurring reasons for bad hire decisions.

- ✓ Poor analysis of job functions
- ✓ Poor analysis of necessary personality-skill profile
- ✓ Inadequate initial screening
- ✓ Inadequate interviewing techniques
- ✓ Inadequate questioning techniques
- ✓ Poor utilization of "second opinions"
- ✓ Company and career/money expectations were over or inappropriately sold
- ✓ References were not checked<sup>11</sup>

At this point you may be questioning the need to spend money on the other screening methods if, on an average, only 5% of applicants have a criminal history. The answer is that you have an obligation to protect both the people you serve and your agency. One person hurt is one too many. Money used for legal representation, if such is needed, will quickly surpass the costs of background screening activity. That money is better spent on achieving your mission.

This leads to a final, logically derived question. If only 5% of applicants have a criminal history, why can't we be selective in which applicants for a given position undergo more extensive screening methods? One answer is that employment laws do not allow it. To ensure that certain screening practices are not discrimination motivated, you must treat everyone equally in your screening practices. You can elect to use different screening practices for different positions; however, you must treat everyone applying for a single position the same.

A second answer is that it is difficult, if not impossible, to subjectively differentiate between persons with or without criminal histories. An objective check is a necessary measure.

## PULLING IT ALL TOGETHER

To reiterate, your hiring mission is to ensure that the people you serve receive quality services and are protected from intentional or unintentional harm by the people you hire to serve them. This is best achieved by carefully screening applicants against well thought out, functionally specific job descriptions. As long as you hire the best qualified applicants based on carefully developed, non-discriminatory expectations and requirements, you have taken the proper steps toward ensuring compliance with the various employment laws.

Following are two bigger challenges facing the developmental disabilities field.

3. Turnover among direct service staff is high. A survey of a sample of Colorado agencies places the average turnover for all staff at approximately 33 percent. This number is even higher if only direct service staff are considered.
4. Decisions regarding when to screen out a person with a criminal history are difficult. Suggestions for how to approach these decisions are presented in several places throughout this paper. However, there is not a single recipe or formula for making these decisions.

Further discussion of these two issues is warranted.

### Direct Service Staff Turnover

Generally, direct service staff have the greatest amount of unsupervised contact with persons who receive services. Despite this, a recently completed survey of pre-screening practices in the Colorado Developmental Disabilities field indicates that direct service staff receive the least interview attention. There may be multiple reasons for this, but the bottom line is that the least attention is being given to an employee group with the most potential to threaten your hiring mission. This situation deserves examination to ensure that your hiring processes do not inadvertently promote part of this turnover. In other words, have people become so habituated to high turnover among direct service staff that the self-fulfilling prophecy has kicked in? If so, how can this cycle be broken and effective strategies for direct service staff retention be implemented?

There are no easy answers to the above mentioned questions. Some agencies are trying different strategies with varying levels of success. These agencies should be applauded for their efforts and we should reach out to learn from their successes. At minimum, they have not succumbed to the self-fulfilling prophesy.

The problems caused by direct service staff turnover are appreciated and the need to promptly fill vacancies recognized. One practical suggestion, that does not add undue time or resources to hiring of direct service staff, is to insist on multiple interviews of anyone that is hired. That is, every applicant should be interviewed by a minimum of two people and the hiring decision discussed against established interview evaluation criteria. This should include objective measures such as criminal history information. This will set a stage for a dynamic discussion and will serve as a safeguard to ensure that doubts about an applicant are kept alive until resolved through further screening activity.

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The above is a beginning, simple suggestion aimed at breaking the turnover cycle and ensuring more careful screening of direct service staff. Colorado is not alone in facing this problem. It is a national issue and deserves more focused attention than can be provided here.

### Considering Criminal Histories

A general rule is when in doubt, screen them out. This assumes that:

- your doubt remains following receipt and consideration of screening information; and,
- consideration has been given to the nature, frequency and severity of the crime(s) and length of time since the arrest(s), if a disposition is pending, or conviction(s).

A few helpful ways to debate and resolve your doubts follow.

- Seek a "second opinion" from a supervisory colleague in your organization.
- Frame specific questions related to your doubts and re-approach employment reference sources with those questions.
- Confer with your agency's human resource expert or employment attorney.

If your doubts persist and are reinforced by the people you have sought out for consultation, cut your losses and move on to other applicants. A situation like this is tenuous at best. You may face challenges to your decision, but if you ignore your doubts and hire the person, you risk threats to your hiring mission. Take the route that you believe affords the greatest protection to the people you serve and your agency.

## END NOTES

1. Colorado Department of Human Services, *Developmental Disabilities Services Rules and Regulations* (10/1/95), pages 1-2, 6 and 8.
2. The Equal Employment Opportunity Commission (EEOC) periodically publishes guidelines and other technical assistance information. Two publications of interest follow:
  - A Technical Assistance Manual on the Employment Provisions (Title 1) of the Americans with Disabilities Act, (January 1992, Publication number EEOC-M-IA). [There is no cost for the first copy of this publication or for single update copies.]
  - Laws Enforced by the U.S. Equal Employment Opportunity Commission. [There is no cost for this publication.]

The EEOC publication telephone number is (800) 669-3362. Call for a copy of either of the above publications and/or for a list of other available resource material.

EEOC technical assistance information is also available on the Internet. The Internet address is <http://www.gpo.gov/eec>.

The Bureau of National Affairs, Inc. (BNA) offers a variety of publications regarding employment related legal matters. For a catalog of available publications and costs call (800) 960-1220.

Last, you can find the phone numbers for most Federal and State compliance agencies in the telephone directory. Most of these agencies have written information regarding their mission and function and will send it upon request.

3. Employment background screening companies and authors on the subject vary on what is considered standard or usual versus specialized practices. This listing was developed for purposes of this paper keeping in mind the purpose of the publicly supported developmental disabilities field. If you explore the literature further, you will find variations of this table with differing recommendations on what background screening practices should be used.
4. Equal Employment Opportunity Commission (EEOC), A Technical Assistance Manual on the Employment Provisions (Title 1) of the Americans with Disabilities Act, page I-7.
5. Ibid, pages V-4 and V-5.
6. This list includes a selection of the laws identified through the course of reviewing a variety of sources on the subject. The various sources differ on the employment laws each elects to emphasize. The following three sources are selected for inclusion here due to the organized list and discussion of laws each contains.

- EEOC, Laws Enforced by the U.S. Equal Employment Opportunity Commission.
  - James G. Frierson, Preventing Employment Lawsuits: An Employer's Guide To Hiring, Discipline, and Discharge (The Bureau Of National Affairs, Inc., 1994), Chapters 1 and 2.
  - Arthur R. Pell, The Complete Idiot's Guide to Managing People (Alpha Books, 1995), Part 3.
7. Brent T. Johnson, "Highlights of Colorado Employment Law" (Fairfield and Woods, P.C. 1995)  
<http://www.fwlaw.com/coloempl.html>.
8. A variety of published and unpublished sources offer lists of legal and non legal employment questions. The following three sources are cited here because of the amount of attention each gives to the area of employment interview questions.
- Arthur R. Pell, The Complete Idiot's Guide to Managing People, Chapter 9.
  - Steven Mitchell Sack, The Complete Collection of Legal Forms for Employers (Legal Strategies Publications, 1996), Section One.
  - Martin Yate, Hiring the Best: A Manager's Guide to Effective Interviewing (Bob Adams, Inc. Publishers, 1987) Chapter 15.
9. See, for example,
- American Bar Association, Effective Screening of Child Care and Youth Service Workers.
  - Paul Falcone, 96 Great Interview Questions to Ask Before You Hire (American Management Association, 1997).
10. See, for example,
- American Bar Association, Effective Screening of Child Care and Youth Service Workers.
  - Bureau of Justice Statistics, National Conference on Criminal History Records: Brady and Beyond (U.S. Department of Justice, January, 1995, Publication number NCJ-151263).
11. Martin Yate, Hiring the Best, page 19.



## Sources

### Books and Other Printed Material

American Bar Association Center on Children and the Law. A Program of the Young Lawyers Division. Effective Screening of Child Care and Youth Service Workers, January, 1995.

Prepared Under Grant No. 92-MC-CX-0013 from the Office of Justice and Delinquency Prevention Office of Justice Programs U.S. Department of Justice. Prepared by Susan Wells, Noy Davis, Kimberly Dennis, Robert Chapman, Claire Sandt, Marsha Liss.

Colorado Department of Human Services, Developmental Disabilities Services Rules and Regulations (10/1/95).

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U.S. Committee on the Judiciary. Hearing Before the Subcommittee on Civil and Constitutional Rights of the Committee of the Judiciary House of Representatives One Hundred Third Congress. First Session on H.R. 1237 - National Child Protection Act of 1993. U.S. Government Printing Office, 1994.

U.S. Equal Employment Opportunity Commission. *Laws Enforced by the U.S. Equal Employment Opportunity Commission.*

U.S. Department of Justice. Office of Justice Programs. Bureau of Justice Statistics. Compendium of State Privacy and Security Legislation: 1994 Overview. Criminal History Record Information. January 1995, NCJ-151262.

U.S. Department of Justice. Office of Justice Programs. Bureau of Justice Statistics. National Conference on Criminal History Records: Brady and Beyond. Proceeding of a BJS/SEARCH Group Conference. January 1995, NCJ-151263.

U.S. Equal Employment Opportunity Commission. A Technical Assistance Manual on the Employment Provisions (Title I) of the American With Disabilities Act. January, 1992.

U.S. Office of Technology Assessment. The FBI Fingerprint Identification Automation Program: Issues and Options - Background Paper. (OTA-BP-TCT-84) U.S. Government Printing Office, November, 1991.

#### Web Sites

Information on the Internet changes frequently. If you can not reach some of the Web sites listed below, chances are they were removed or renamed.

<http://nrc.uchsc.edu/ar/eloos.htm>

This site provides links to each state's rules and regulations governing child care. This is useful for reviewing how each state handles background checks and what constitutes cause for disqualifying an individual from working in child care.

<http://www.state.co.us>

This site provides links to Colorado government services, legislative information, etc. and to federal government sites.

<http://www.ppld.org/CoStatutes/statutes.html>

This site takes you directly to Colorado statutes.

<http://www.access.gpo.gov/eeoc/docs/psych.txt>

This site contains Equal Employment Opportunity Commission (EEOC) guidance related to the Americans with Disabilities Act and psychiatric disabilities.

<http://www.fwlaw.com/coloempl.html>

Johnson, Brent T. Highlights of Colorado Employment Laws.

# APPENDICES

- A. **Sample Background Search Services**
- B. **Equal Employment Opportunity Commission. "Policy Guidance on the Consideration of Arrest Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964, as amended."**
- C. **Reading a Motor Vehicle Record**
- D. **Sample CBI Report**
- E. **Excerpts from *Colorado Courts at a Glance***
- F. **Colorado Department of Labor and Employment, Division of Workers' Compensation - Policy Regarding The Release of Worker's Compensation Information and Sample Release Authorization**
- G. **Colorado Department of Revenue - "Request for Copy" Form**
- H. **Sample Record Request Form (Denver Police Department)**
- I. **The ADA and Pre-Employment Screening**
- J. **Sample DD System Human Resources Forms**

# APPENDIX A

## Background Search Services

The following is a very limited list of Companies that perform background search services for a fee. Again, provision of this list does not imply endorsement of these Companies. Your agency needs to evaluate any such service to determine if it is the service for you. The Companies listed below are provided strictly as examples. You can find numerous other listings in the phone book.

Accu Check Information Services, Inc.  
P.O. Box 12183  
Denver, CO 80212  
(303) 455-7840  
Fax: (303) 455-0891

Avert, Inc.  
301 Remington St.  
Ft. Collins, CO 80524 80524  
(800) 367-5933  
Fax: (800) 367-5933

Colorado Background Investigations  
1827 Wadsworth  
Lakewood, CO 80215  
(303)-233-3307

Informus Corporation  
2001 Airport Road, Suite 201  
Jackson, Mississippi 39208  
1-800-364-8380  
Fax: (601)664-1950  
<http://www.informus.com/>

Investigative Reporting Services, Inc.  
1855 So. Pearl St., #20  
Denver, CO 80210  
(303) 777-7788

Pikes Peak investigative Services  
950 S. Cherry  
Denver, CO  
(303) 758-1757

# **APPENDIX B**

## **EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

**"Policy Guidance on the Consideration of Arrest  
Records in Employment Decisions Under Title VII of  
the Civil Rights Act of 1964, as amended."**



# NOTICE

(Automatically Cancelled in 180 Days)

|        |           |
|--------|-----------|
| NUMBER | N-915-061 |
| DATE   | 9/7/90    |

1. SUBJECT: Policy Guidance on the Consideration of Arrest Records in Employment Decisions under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq. (1982).
2. PURPOSE: This policy guidance sets forth the Commission's procedure for determining whether arrest records may be considered in employment decisions.
3. EFFECTIVE DATE: Upon receipt.
4. EXPIRATION DATE: As an exception to EEOC Order 205.001, Appendix B, Attachment 4, § a(5), this Notice will remain in effect until rescinded or superseded.
5. ORIGINATOR: Title VII/EPA Division, Office of the Legal Counsel.
6. INSTRUCTIONS: File behind the last Policy Guidance § 604 of Volume II of Compliance Manual.
7. SUBJECT MATTER:

I. Introduction

The question addressed in this policy guidance is "to what extent may arrest records be used in making employment decisions?" The Commission concludes that since the use of arrest records as an absolute bar to employment has a disparate impact on some protected groups, such records alone cannot be used to routinely exclude persons from employment. However, conduct which indicates unsuitability for a particular position is a basis for exclusion. Where it appears that the applicant or employee engaged in the conduct for which he was arrested and that the conduct is job-related and relatively recent, exclusion is justified.

The analysis set forth in this policy guidance is related to two previously issued policy statements regarding the consideration of conviction records in employment decisions: "Policy Statement on the Issue of Conviction Records under Title VII of the Civil Rights Act of 1964, as amended 42 U.S.C. § 2000e et seq. (1982)" (hereinafter referred to as the February 4, 1987 Statement) and "Policy Statement on the use of statistics in charges involving the exclusion of individuals with conviction records from employment" (hereinafter referred to as July 29, 1987 Statement). The February 4, 1987 Statement states that nationally, Blacks and Hispanics are convicted in numbers which are disproportionate to Whites and that barring people from employment based on their conviction records

will therefore disproportionately exclude those groups.<sup>1</sup> Due to this adverse impact, an employer may not base an employment decision on the conviction record of an applicant or an employee absent business necessity.<sup>2</sup> Business necessity can be established where the employee or applicant is engaged in conduct which is particularly egregious or related to the position in question.

Conviction records constitute reliable evidence that a person engaged in the conduct alleged since the criminal justice system requires the highest degree of proof ("beyond a reasonable doubt") for a conviction. In contrast, arrests alone are not reliable evidence that a person has actually committed a crime. Schwartz v. Board of Bar Examiners, 353 U.S. 232, 241 (1957) ("[t]he mere fact that a [person] has been arrested has very little, if any, probative value in showing that he has engaged in misconduct.") Thus, the Commission concludes that to justify the use of arrest records, an additional inquiry must be made. Even where the conduct alleged in the arrest record is related to the job at issue, the employer must evaluate whether the arrest record reflects the applicant's conduct. It should, therefore, examine the surrounding circumstances, offer the applicant or employee an opportunity to explain, and, if he or she denies engaging in the conduct, make the follow-up inquiries necessary to evaluate his/her credibility. Since using arrests as a disqualifying criteria can only be justified where it appears that the applicant actually engaged in the conduct for which he/she was arrested and that conduct is job related, the Commission further concludes that an employer will seldom be able to justify making broad general inquiries about an employee's or applicant's arrests.

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<sup>1</sup> The July 29 Statement notes that despite national statistics showing adverse impact, an employer may refute this prima facie showing by presenting statistics which are specific to its region or applicant pool. If these statistics demonstrate that the policy has no adverse impact against a protected group, the plaintiff's prima facie case has been rebutted and the employer need not show any business necessity to justify the use of the policy. Statistics relating to arrests should be used in the same manner.

<sup>2</sup> The policy statements on convictions use the term "business necessity," as used by courts prior to the Supreme Court's decision in Wards Cove Packing Co. v. Atonio, 109 S. Ct. 2115 (1989). In Atonio, the Supreme Court adopted the term "business justification" in place of business necessity, but noted that "although we have phrased the query differently in different cases ... the dispositive issue is whether a challenged practice serves, in a significant way, the legitimate employment goals of the employer," citing, inter alia, Griggs v. Duke Power Co., 401 U.S. 424 (1971). 109 S. Ct. at 2125-2126.

The following discussion is offered for guidance in determining the circumstances under which an employer can justify excluding an applicant or an employee on the basis of an arrest record.

## II. Discussion

### A. Adverse Impact of the Use of Arrest Records

The leading case involving an employer's use of arrest records is Gregory v. Litton Systems, 316 F. Supp. 401, 2 EPD ¶ 10,264 (C.D. Cal. 1970), modified on other grounds, 472 F.2d 631, 5 EPD ¶ 8089 (9th Cir. 1972). Litton held that nationally, Blacks are arrested more often than are Whites. Courts and the Commission have relied on the statistics presented in Litton to establish a prima facie case of discrimination against Blacks where arrest records are used in employment decisions.<sup>3</sup> There are, however, more recent statistics, published by the U.S. Department of Justice, Federal Bureau of Investigation, which are consistent with the Litton finding.<sup>4</sup> It is desirable to use the most current available statistics. In addition, where local statistics are available, it may be helpful to use them, as the court did in Reynolds v. Sheet Metal Workers Local 102, 498 F. Supp. 952, 22 EPD ¶ 30,739 (D.C. 1980), aff'd., 702 F.2d 221, 25 EPD ¶ 31,706 (D.C. Cir. 1981). In Reynolds, the court found that the use of arrest records in employment decisions adversely affected Blacks since the 1978 Annual Report of the Metropolitan Police of Washington, D.C., stated that 85.5% of persons arrested in the District of Columbia were nonwhite while the nonwhite population constituted 72.4% of the total population. 498 F. Supp. at 960. The Commission has determined that Hispanics are also adversely affected by arrest record inquiries. Commission Decisions Nos. 77-23 and 76-03, CCH

<sup>3</sup> U.S. v. City of Chicago, 385 F. Supp. 543, 556-557 (N.D. Ill. 1974), adopted by reference, 411 F. Supp. 218, aff'd in rel. part, 549 F.2d 415, 432 (7th Cir. 1977); City of Cairo v. Illinois Fair Employment Practice Commission, et al., 8 EPD ¶ 9682 (Ill. App. Ct. 1974); Commission Decision Nos. 78-03, 77-23, 76-138, 76-87, 76-39, 74-92, 74-90, 74-83, 74-02, CCH EEOC Decisions (1983) ¶¶ 6714, 6710, 6700, 6665, 6630, 6424, 6423, 6414, 6386 and Commission Decision Nos. 72-1460, 72-1005, 72-094 and 71-1950, CCH EEOC Decisions (1973) ¶¶ 6341, 6357 and 6274 respectively.

<sup>4</sup> The FBI's Uniform Crime Reporting Program reported that in 1987, 29.5% of all arrests were of Blacks. The U.S. Census reported that Blacks comprised 11.7% of the national population in 1980 and projected that the figure would reach 12.2% in 1987. Since the national percentage of arrests for Blacks is more than twice the percentage of their representation in the population (whether considering the 1980 figures or the 1987 projections), the Litton presumption of adverse impact, at least nationally, is still valid.



EEOC Decisions (1983) ¶¶ 6714 and 6598, respectively.<sup>5</sup> However, the courts have not yet addressed this issue<sup>6</sup> and the FBI's Uniform Crime Reporting Program does not provide information on the arrest rate for Hispanics, nationally or regionally. As with conviction records (see July 29, 1987 Statement), the employer may rebut by presenting statistics which are more current, accurate and/or specific to its region or applicant pool than are the statistics presented in the prima facie case.

#### B. Business Justification

If adverse impact is established, the burden of producing evidence shifts to the employer to show a business justification for the challenged employment practice. Wards Cove Packing Co. v. Atonio, 109 S.Ct. 2115, 2126 (1989).<sup>7</sup> As with conviction records, arrest records may be considered in the employment decision as evidence of conduct which may render an applicant unsuitable for a particular position. However, in the case of arrests, not only must the employer consider the relationship of the charges to the position sought, but also the likelihood that the applicant actually committed the conduct alleged in the charges. Gregory v. Litton Systems, 316 F. Supp. 401; Carter v. Gallagher, 452 F.2d 315, 3 EPD ¶ 8335 (8th Cir. 1971), cert. denied, 406 U.S. 950, 4 EPD ¶ 7818 (1972); Reynolds v. Sheet Metal Workers Local 102, 498 F. Supp. 952; Dozier v. Chupka, 395 F. Supp. 836 (D.C. Ohio 1975); U.S. v. City of Chicago, 411 F. Supp. 218 (N.D. Ill. 1974), aff'd. in rel. part, 549 F.2d 415 (7th Cir. 1977); City of Cairo v. Illinois Fair Employment Practice Commission et al., 8 EPD ¶ 9682 (Ill. App. Ct. 1974); Commission Decisions Nos. 78-03, 77-23, 76-138, 76-87, 76-54, 76-39, 76-17, 74-92, 74-83, 76-03, 74-

<sup>5</sup> The statistics presented in Decision No. 77-23 pertain only to prison populations in the Southwestern United States. This data would, therefore, probably not constitute a prima facie case of discrimination for other regions of the country. In fact, there is no case law to indicate whether courts would accept this data as evidence of adverse impact for arrest records, even for cases arising in the Southwest, since all arrests do not result in incarceration. Decision No. 76-03 noted that Hispanics are arrested more frequently than are Whites, but no statistics were presented to support this statement.

<sup>6</sup> Cf. EEOC v. Carolina Freight Carriers, 723 F. Supp. 734, 751, 52 EPD ¶ 39,538 (S.D. Fla. 1989) (EEOC failed to provide statistics for the relevant labor market to prove that trucking company's exclusion of drivers with convictions for theft crimes had an adverse impact on Hispanics at a particular job site).

<sup>7</sup> Under Atonio, the burden of producing evidence shifts to the employer, but the burden of persuasion remains with the plaintiff at all stages of a Title VII case. 109 S.Ct. at 2116. Atonio thus modifies Griggs and its progeny.

90, 78-03, 74-25, CCH EEOC Decisions (1983) ¶¶ 6714, 6710, 6700, 6665, 6639, 6630, 6612, 6424, 6414, 6598, 6423, 6400 and Commission Decisions Nos. 72-0947, 72-1005, 72-1460, CCH EEOC Decisions (1973) ¶¶ 6357, 6350 and 6341, respectively.

1. A Business Justification Can Rarely Be Demonstrated for Blanket Exclusions on the Basis of Arrest Records

Since business justification rests on issues of job relatedness and credibility, a blanket exclusion of people with arrest records will almost never withstand scrutiny. Gregory v. Litton Systems, 316 F. Supp. 401. Litton held that an employer's policy of refusing to hire anyone who had been arrested "on a number of occasions" violated Title VII because the policy disproportionately excluded Blacks from consideration and was not justified by business necessity. In Litton, an applicant for a position as a sheet metal worker was disqualified because of his arrest record. The court found no business necessity because the employer had neither examined the particular circumstances surrounding the arrests nor considered the relationship of the charges made against him to the position of sheet metal worker. Since the employer had failed to establish a business necessity for its discriminatory policy, it was enjoined from basing future hiring decisions on arrest records. Accord Carter v. Gallagher, 452 F.2d 315 (firefighter); Dozier v. Chupka, 395 F. Supp. 836 (firefighter); City of Cairo v. Illinois Fair Employment Practice Commission, et al, 8 EPD ¶ 9682 (police officer).

The Commission has consistently invalidated employment policies which create a blanket exclusion of persons with arrest records. Commission Decision Nos. 78-03, 76-87, 76-39, 76-17, 76-03, 74-90, 74-25, 72-0947, 72-1005, CCH EEOC Decisions (1983) ¶¶ 6714 (laborer), 6665 (police officer), 6630 (cashier), 6612 (credit collector), 6598 (catalogue clerk), 6423 (uniformed guard commissioned by police department), 6400 (firefighter), 6357 (line worker) and 6350 (warehouse worker or driver). In several decisions, it appears that the arrest record inquiry was made on a standard company application which was used by the employer to fill various positions and there was no mention of any particular position sought. Commission Decision Nos. 76-138, 76-54, 74-82, 74-83, 74-02 and 72-1460, CCH EEOC Decisions (1983) ¶¶ 6700, 6639, 6424, 6414, 6386 and 6341 and Commission Decision No. 71-1950, CCH EEOC Decisions (1973) ¶ 6274, respectively. An employer may not routinely exclude persons with arrest records based on the assumption that an arrest record will prevent an applicant from obtaining necessary credentials to perform a job without giving the applicant an opportunity to obtain those credentials. For example, in Decision 76-87, the Commission rejected an employer's assertion that employees' arrest records might hinder its ability to maintain fidelity (bond) insurance since it offered no proof to this effect.

Even where there is no direct evidence that an employer used an arrest record in an employment decision, a pre-employment inquiry regarding arrest records may violate Title VII. It is

generally presumed that an employer only asks questions which he/she deems relevant to the employment decision. Gregory v. Litton Systems, 316 F. Supp. at 403-404. Noting that information which is obtained is likely to be used, the court in Litton enjoined the employer from making any pre-employment inquiries regarding arrests which did not result in convictions. Id.<sup>8</sup> But see EEOC v. Local 638, 532 F.2d 821 (2d Cir. 1976) (inquiry not invalidated where there was no evidence that union actually rejected applicants who had been arrested but not convicted); Jimerson v. Kisco, 404 F. Supp. 338 (E.D. Mo. 1975) (court upheld discharge for falsifying information regarding arrest record on a pre-employment application without considering the inquiry itself violated Title VII).<sup>9</sup> Numerous states have specifically prohibited or advised against pre-employment inquiries in their fair employment laws due to the possible misuse of this information.<sup>10</sup>

2. The Alleged Conduct Must Be Related to the Position Sought

As discussed above, an arrest record may be used as evidence of conduct upon which an employer makes an employment decision. An employer may deny employment opportunities to persons based on any prior conduct which indicates that they would be unfit for the position in question, whether that conduct is evidenced by an arrest, conviction or other information provided to the employer. It is the conduct, not the arrest or conviction per se, which the employer may consider in relation to the position sought. The considerations relevant to the determination of whether the alleged

<sup>8</sup> Furthermore, potential applicants who have arrest records may be discouraged from applying for positions which require them to supply this information, thus creating a "chilling effect" on the Black applicant pool. Carter v. Gallagher, 452 F.2d at 330-331; Reynolds v. Sheet Metal Workers, Local 102, 498 F. Supp. at 964 n.12, 966 n.13, 967, 973; Commission Decision Nos. 76-138, 76-87, 76-17, 74-90, 74-25 and 74-02, CCH EEOC Decisions (1983) ¶¶ 6700, 6665, 6612, 6423, 6400, 6386 and Commission Decision Nos. 74-1005 and 71-1950, CCH EEOC Decisions (1973) ¶¶ 6350 and 6274, respectively.

<sup>9</sup> Note also that in Walls v. City of Petersburg, 895 F.2d 188, 52 EPD ¶ 39,602 (4th Cir. 1990), the court upheld an employer's policy of making an employment inquiry regarding the arrest records of employees' immediate family members. The court determined that under Atonio, the plaintiff was obligated to show not only that Blacks were more likely to have "negative" responses to this question, but also that the employer made adverse employment decisions based on such responses.

<sup>10</sup> New York, Hawaii, Oregon, Wisconsin, New Jersey, Ohio, Virginia, District of Columbia, California, Maryland, Minnesota, Utah, Washington, West Virginia, Arizona, Colorado, Idaho, Massachusetts, Michigan, Mississippi.

conduct demonstrates unfitness for the particular job were set forth in Green v. Missouri Pacific Railroad Co., 549 F.2d 1158, 1160, 13 EPD ¶ 11, 579 (8th Cir. 1977) and reiterated in the February 4, 1987 Statement on Convictions, page 2:

1. the nature and gravity of the offense or offenses;
2. the time that has passed since the conviction<sup>11</sup> (or in this case, arrest)...; and
3. the nature of the job held or sought.

See also Carter v. Maloney Trucking and Storage Inc., 631 F.2d 40, 43, 24 EPD ¶ 31,348 (5th Cir. 1980) (employer refused to rehire an ex-employee who had murdered a co-worker, not solely because of his conviction, but because he was a dangerous person and friends of the murdered man might try to retaliate against him while he was on the job); Osborne v. Cleland, 620 F.2d 195, 22 EPD ¶ 30,882 (8th Cir. 1980) (employee who had forfeited collateral on a charge of "sexual procurement" was unfit to be a nursing assistant in a psychiatric ward); Lane v. Inman, 509 F.2d 184 (5th Cir. 1975) (city ordinance which prohibited the issuance of taxicab driver permits to persons convicted of smuggling marijuana was "so obviously job related" that "it could not be held to be unlawful race discrimination," irrespective of any adverse impact); EEOC v. Carolina Freight, 723 F. Supp. 734, 52 EPD ¶ (S.D. Fla. 1989) (criminal history was related to position of truck driver who transported valuable property); McCray v. Alexander, 30 EPD ¶ 33,219 (D. Colo. 1982), aff'd 38 EPD ¶ 35,509 (10th Cir. 1985) (supervisory guard was discharged for killing a motorist, while off-duty, in a traffic dispute because employer concluded that, despite his acquittal, the conduct showed poor judgment on the use of deadly force).

Where the position sought is "security sensitive," particularly where it involves enforcing the law or preventing crime, courts tend to closely scrutinize evidence of prior criminal conduct of applicants. U.S. v. City of Chicago, 411 F. Supp. 218, 11 EPD ¶ 10,597 (N.D. Ill. 1976), aff'd in rel. part, 549 F.2d 415, 13 EPD ¶ 11,380 (7th Cir. 1977), on remand, 437 F. Supp. 256 (N.D. Ill. 1977) (applicants for the police department were disqualified for prior convictions for "serious" offenses); Richardson v. Hotel Corporation of America, 332 F. Supp. 519, 4 EPD ¶ 7666 (E.D. La. 1971), aff'd mem., 468 F.2d 951, 4 EPD ¶ 7666 (5th Cir. 1972) (bellman was discharged after his conviction for theft and receipt of stolen goods was discovered since bellmen had

<sup>11</sup> But see EEOC v. Carolina Freight Carriers, 723 F. Supp. at 753 (court upheld trucking company's lifetime bar to employment of drivers who had been incarcerated for theft crimes since EEOC did not produce evidence that a 5-10 year bar would be an equally effective alternative). Note also that the court in Carolina Freight specifically rejected the Eighth Circuit's reasoning in Green, cautioning that Green could be construed too broadly. 723 F. Supp. at 752.

access to guests' rooms and was not subject to inspection when carrying packages); Haynie v. Chupka, 17 FEP Cases 267, 271 (S.D. Ohio 1976) (police department permissibly made inquiries regarding arrest records and other evidence of prior criminal conduct).<sup>12</sup> (See Examples 3 and 4.)

Even where the employment at issue is not a law enforcement position or one which gives the employee easy access to the possessions of others, close scrutiny of an applicant's character and prior conduct is appropriate where an employer is responsible for the safety and/or well being of other persons. Osborne v. Cleland, 620 F.2d 195 (8th Cir. 1975) (psychiatric nursing assistant); Lane v. Inman, 509 F.2d 184 (taxi driver). In these instances, the facts would have to be examined closely in order to determine the probability that an applicant would pose a threat to the safety and well being of others. (See Examples 5 and 6).

### 3. Evaluating the Likelihood that the Applicant Engaged in the Conduct Alleged

The cases cited above illustrate the job-relatedness of certain conduct to specific positions. In cases alleging race discrimination based on the use of arrest records as opposed to convictions, courts have generally required not only job-relatedness, but also a showing that the alleged conduct was actually committed. In City of Cairo v. Illinois Fair Employment Practice Commission, et al., 8 EPD ¶ 9682, the court held that where applicants sought to become police officers, they could not be absolutely barred from appointment solely because they had been arrested, as distinguished from convicted. See also Commission Decision No. 76-87, CCH EEOC Decisions (1983) ¶ 6665 (potential police officer could not be rejected based on one arrest five years earlier for riding in a stolen car since there was no conviction and the applicant asserted that he did not know that the car was stolen). Similarly, in Decision No. 74-83, CCH EEOC Decision (1983) ¶ 6424, the Commission found no business justification for an employer's unconditional termination of all employees with arrest records (all five employees terminated were Black), purportedly to cut down on thefts in the workplace. The employer could produce no evidence that the employees had been involved in any of the thefts or that persons who are arrested, but not convicted, are prone toward crime. Commission Decision No. 74-92, CCH EEOC Decisions (1983) ¶ 6424.

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<sup>12</sup> See also Quarrels v. Brown, 48 EPD ¶ 38,641 (D.C. Mich. 1988) (recent conviction was related to position of corrections officer). Note however, that this action was brought under 42 U.S.C. § 1983, rather than Title VII, and plaintiff alleged that he was discriminated against because he was an ex-offender, not because the policy adversely affected a protected group.

An arrest record does no more than raise a suspicion that an applicant may have engaged in a particular type of conduct.<sup>13</sup> Thus, the investigator must determine whether the applicant is likely to have committed the conduct alleged. This is the most difficult step because it requires the employer either to accept the employee's denial or to attempt to obtain additional information and evaluate his/her credibility. An employer need not conduct an informal "trial" or an extensive investigation to determine an applicant's or employee's guilt or innocence. However, the employer may not perfunctorily "allow the person an opportunity to explain" and ignore the explanation where the person's claims could easily be verified by a phone call, i.e., to a previous employer or a police department. The employer is required to allow the person a meaningful opportunity to explain the circumstances of the arrest(s) and to make a reasonable effort to determine whether the explanation is credible before eliminating him/her from employment opportunities.<sup>14</sup> (See Examples 1, 4, 5 and 6.)

### III. Examples

The following examples are provided to illustrate the process by which arrest record charges should be evaluated.

Example 1: Wilma, a Black female, applies to Bus Inc. in Highway City for a position as a bus driver. In response to a pre-employment inquiry, Wilma states that she was arrested two years earlier for driving while intoxicated. Bus Inc. rejects Wilma, despite her acquittal after trial. Bus Inc. does not accept her denial of the conduct alleged and concludes that Wilma was acquitted only because the breatholizer test which was administered to her at the time of her arrest was not administered in accordance with proper police procedures and was therefore inadmissible at trial. Witnesses at Wilma's trial testified that after being stopped for reckless driving, Wilma staggered from the car and had alcohol on her breath. Wilma's rejection is justified because the conduct underlying the arrest, driving while intoxicated, is clearly related to the safe performance of the duties of a bus driver; it occurred fairly recently; and there was no indication of subsequent rehabilitation.

Contrast Example Number 1 with the facts below.

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<sup>13</sup> The employer's suspicion may be raised by an arrest record just as it would by negative comments about an applicant's conduct made by a previous employer or a personal reference.

<sup>14</sup> Although the number of arrests is not determinative (see Litton), it may be relevant in making a credibility determination.

Example 2: Lola, a Black female, applies to Bus Inc. for a position as a bus driver. In response to an inquiry whether she had ever been arrested, Lola states that she was arrested five years earlier for fraud in unemployment benefits. Lola admits that she committed the crime alleged. She explains that she received unemployment benefits shortly after her husband died and her expenses increased. During this period, she worked part-time for minimum wage because her unemployment check amounted to slightly less than the monthly rent for her meager apartment. She did not report the income to the State Unemployment Board for fear that her payments would be reduced and that she would not be able to feed her three young children. After her arrest, she agreed to, and did, repay the state. Bus Inc. rejected Lola. Lola's rejection violated Title VII. The commission of fraud in the unemployment system does not constitute a business justification for the rejection of an applicant for the position of bus driver. The type of crime which Lola committed is totally unrelated to her ability to safely, efficiently and/or courteously drive a bus. Furthermore, the arrest is not recent.

Example 3: Tom, a Black male, applies to Lodge City for a position as a police officer. The arrest rate for Blacks is substantially disproportionate to that of Whites in Lodge City. In response to an arrest record inquiry, Tom states that he was arrested three years earlier for burglary. Tom is interviewed and asked to explain the circumstances surrounding his arrest. Tom admits that although the burglary charge was dismissed for lack of sufficient evidence, he did commit the crime. He claims, however, that he is a changed man, having matured since then. Lodge City rejects Tom. Police officers are: 1) entrusted with protecting the public; 2) authorized to enter nearly any dwelling under the appropriate circumstances; and 3) often responsible for transporting valuables which are confiscated as evidence. The department is, therefore, justified in declining to take the chance that Tom has reformed. Even if the department is completely satisfied that Tom has reformed, it may reject him because his credibility as a witness in court could be severely damaged if he were asked about his own arrest and the surrounding circumstances while testifying against a person whom he had arrested. Since an essential element of police work is the ability to effect an arrest and to credibly testify against the defendant in court, the department would have two separate business justifications for rejecting Tom.

The above example is contrasted with circumstances under which an arrest record would not constitute grounds for rejection.

Example 4: John, a Black male, applies to Lodge City for the same position as does Tom. John was arrested three years earlier for burglary. The charges were dismissed. Lodge City eliminates John from consideration without further investigation and will not consider the surrounding circumstances of the arrest. If allowed to explain, John could establish that his arrest was a case of mistaken identity and that someone else, who superficially fit John's description, was convicted of the crime for which John was initially charged. Since the facts indicate that John did not commit the conduct alleged in the arrest record, Lodge City has not carried its burden of proving a business justification for John's rejection.

Example 5: David, a Black male, applies for a teaching position in West High School. In response to a pre-employment inquiry, David states that he was arrested two years earlier for statutory rape, having been accused of seducing a seventeen-year old student in his class when he taught at another high school. The charges were dismissed. West High rejects David. David relies on Litton to establish a prima facie case of race discrimination, and West High is unable to rebut the case with more current, accurate or specific statistics. David denies that there is any truth to the charge. West High decides to conduct a further investigation and learns that David was arrested after another teacher found him engaged in sexual activity with Ann, one of his students, in the school's locker room. This event occurred on Ann's eighteenth birthday, but in the confusion of the arrest, no one realized that Ann had just reached the age of majority. Ann's parents and other teachers believed that David had seduced Ann, who had a schoolgirl "crush" on him, prior to her eighteenth birthday. However, since Ann would not testify against David, the charges had been dismissed. West High may reject David. Irrespective of Ann's age, West High is justified in attempting to protect its students from teachers who may make sexual advances toward them. Although he might not have been guilty of statutory rape, his conduct was unbecoming a teacher.

The above example is contrasted to the following circumstances.




Example 6: Paul, a Black male, applies for the same position as does David. Paul was arrested two years earlier for statutory rape, having been accused of seducing a seventeen year old student in his class at another high school. West High eliminates Paul from consideration without further investigation and refuses to consider the surrounding circumstances of the arrest. When filing his complaint, Paul states that when he taught at the other high school, he befriended a troubled student in his class, Alice, who was terrified of her disciplinarian parents. Paul insists that he never touched Alice in any improper manner and that on the day before his arrest, Alice confided in him that she had become pregnant by her seventeen-year old boyfriend, Peter, and was afraid to tell her parents for fear that her father would kill him. Paul states that the charges were dismissed because the district attorney did not believe Alice's statements. The district attorney and the principal of the high school, Ms. P., confirm Paul's assessment of Alice. Ms. P. states that Peter confided in her that he was the father of Alice's baby and that Alice had assured him that nothing sexual had ever happened between her and Paul. Ms. P. states that there were indications that Alice's father was abusive, that he had beaten her into giving him the name of someone to blame for her pregnancy and that Alice thought that Paul could handle her father better than could Peter. Since Paul denied committing the conduct alleged and his explanation was well supported by the district attorney and his former employer, West High has not demonstrated a business justification for rejecting Paul.

The examples discussed above demonstrate that whereas an employer may consider a conviction as conclusive evidence that a person has committed the crime alleged, arrests can only be considered as a means of "triggering" further inquiry into that person's character or prior conduct. After considering all of the circumstances, if the employer reasonably concludes that the applicant's or employee's conduct is evidence that he or she cannot be trusted to perform the duties of the position in question, the employer may reject or terminate that person.

9-7-90  
Date

Approved:

  
Evan J. Kemp, Jr.  
Chairman

# **APPENDIX C**

## **READING A MOTOR VEHICLE RECORD**

STATE OF COLORADO  
MOTOR VEHICLE RECORD

1) NAME: BRETT PAUL DOB SR  
ADDRESS: 123 MAIN ST  
DENVER, CO 80204  
DATE: 01/14/93  
TIME: 17:46:12  
PAGE: 01

2) ALIAS: (3)  
COLORADO PIN: 94-357-0001  
DOCUMENT TYPE: ADULT LICENSE  
DOCUMENT NUMBER: 94-357-0001 (5)

3) HEIGHT: 600  
HAIR: BROWN  
EYES: BROWN  
BOONER: NO  
SEX: MALE  
ENDORSEMENTS: \*\*NONE\*\* (9)

4) CDL CLASS: (6)  
ISSUE DATE: 12/24/1994  
EXPIRATION: 01/01/2000  
BIRTHDATE: 01/01/1945

5) RESTRICTIONS: \*\*NONE\*\* (9)

6) PREVIOUS STATE AND LICENSE: SUSPENDED EXCESSIVE POINTS (11)  
REGULAR LICENSE STATUS: SUSPENDED EXCESSIVE POINTS  
COMMERCIAL LICENSE STATUS: SUSPENDED EXCESSIVE POINTS

RECORD

- 1) Name and Address — The most current name and address on the motor vehicle file.
- 2) Alias — This line shows official name changes.
- 3) Colorado PIN (Personal Identification Number) — This notation is the lifetime number for Colorado licenses and ID cards.
- 4) Document Type — This notation gives the type of License: Adult, Provisional, or Minor etc.
- 5) Document Number — This notation shows the present license number. This number may be the same as the PIN. See item 3.
- 6) CDL Class — If the driver has a commercial driver license, the class of license shows in this section.
- 7) Physical Descriptors — Information concerning the physical characteristics of the driver is stated in this area.
- 8) Endorsements — This notation shows the type of vehicles a driver is licensed to drive i.e.: Motorcycle and Commercial Motor Vehicle Classes. If a driver has more endorsements than will fit on one line, the message will say "See detail below." The specific endorsements will be on the second screen or in the first lines of the record.
- 9) Restrictions — This notation shows restrictions on a driving privilege such as Classes, Left Side Mirrors, Daylight, etc. If a driver has more restrictions than will fit on one line, the message will say "See detail below." The specific restrictions will be on the second screen or in the first lines of the record.
- 10) Previous State and License — Information concerning the previous state in which a driver was licensed shows in this section.
- 11) Regular License Status — This line gives information about the status of a driver's privilege such as valid, suspended, revoked and the reason for the restraint action.
- 12) Commercial License Status — This line gives information about the status of a Commercial Driver's Privilege to drive a Commercial Motor Vehicle such as valid, suspended, revoked, and the reason for the restraint action.

All entries on the record will appear in order of occurrence. The most recent information is first as designated by number. The next column describes what is on the record such as a citation, an outstanding judgment, or a departmental action. All driver licenses and ID cards not shown on the first page will appear in the body of the MVR. The MVR is printed on watermark paper.

| ID | RESTRICTION REQUIRES | ELIGIBLE  | 11/17/1993  | REIN FEE:                 | 40.00      |
|----|----------------------|---|---|---------------------------|------------|
| 01 | DEPARTMENT ACTION    | EFFECTIVE: 11/15/1993<br>CASB NO: 93-00799<br>ELIGIBLE: 01/22/1995  | ACTION: REASON: NO LIABILITY INS<br>REIN FEE: NO                                    | SUSPENDED                 | REINSTATE  |
| 02 | UNPAID FEE           | VOLATION DT: 09/27/1993<br>CITATION NO: 318<br>ACCIDENT: NO   | COURT: DENVER CO<br>ISSUING AGENCY: CASTLE ROCK PD<br>DESCRIPTION: NO LIABILITY INS | CONVICTION DT: 01/15/1993 | POINTS: 04 |
| 03 | OUTSTANDING JUDGMENT | VOLATION DT: 09/27/1993<br>CITATION NO: 318<br>ACCIDENT: NO   | COURT: DENVER CO<br>ISSUING AGENCY: CASTLE ROCK PD<br>DESCRIPTION: NO LIABILITY INS | CONVICTION DT: 09/08/93   | POINTS: 00 |
| 04 | DEPARTMENT ACTION    | EFFECTIVE: 11/15/1993<br>CASB NO: 93-00799<br>ELIGIBLE: 01/22/1995  | ACTION: REASON: SUSPENDED CONCOMITANT<br>REIN FEE: NO                               | SUSPENDED                 | REINSTATE  |
| 05 | CITATION             | VOLATION DT: 07/17/1992<br>CITATION NO: 12948790<br>ISSUING AGENCY: COLORADO SPRINGS PD<br>DESCRIPTION: DWI/ALCOHOL | CONVICTION DT: 08/10/1993<br>ACCIDENT: YES<br>MICHG: 223512190                      | POINTS: 12                |            |

\*\*\*\*\*MORE PAGES TO FOLLOW\*\*\*\*\*

- 1) If a driver is under restraint, the first information in this section gives the information to reinstate the driving privilege. It indicates when the driver can reinstate and what conditions are needed to reinstate.
- 2) This describes departmental actions, the effective date, what type of action and the reason for the action. Gives MVD case number and if previously reinstated, the date.
- 3) Shows citations, unpaid tickets and outstanding judgments. Includes dates of violation, conviction date if entered, whether points are assessed. If so, how many, if there was an accident, what agency issued the ticket, what court sent the ticket, and type of violation.

STATE OF COLORADO  
MOTOR VEHICLE RECORD

1) NAME: BRETT PAUL DOB SR  
ADDRESS: 123 MAIN ST  
DENVER, CO 80204  
DATE: 08/16/1994  
TIME: 12:12:00  
PAGE: 02

\*\*\*\*\*END OF MOTOR VEHICLE RECORD\*\*\*\*\*  
\*\*\*\*\*ACCIDENT REFLECTS INVOLVEMENT ONLY AND DOES NOT INDY FAULT\*\*\*\*\*

THIS REPORT MAY BE USED AS A CLEARANCE LETTER IF THE REGULAR LICENSE STATUS AND THE COMMERCIAL LICENSE STATUS ARE EITHER "VALID" OR "CLEAR" OR "NOT APPLICABLE"

2) ANY UNPAID TICKETS MUST BE PAID TO THE COURT SHOWN

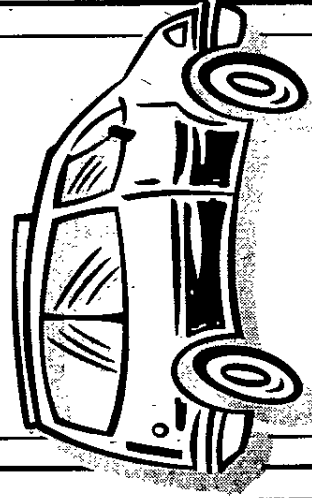
- 1) Standard Heading
- 2) End of Motor Vehicle Record indicates that no more entries exist for this driver. The last message informs user that the MVR serves as a letter of clearance for drivers with valid regular license status and commercial license status in the top portion of the MVR.

**HOW TO READ A MOTOR VEHICLE RECORD (MVR)**

Colorado changed the format and content for its motor vehicle record (MVR). This brochure describes the new record format and how to read it. If there are questions about the record or how to interpret it, please contact:

Department of Revenue  
Motor Vehicle Division (MVD)  
Traffic Records  
140 West 6th Avenue Room 103  
Denver, Colorado 80204  
Telephone: 623-9463 ext. 5611

# Reading a Motor Vehicle Record



DRP 2196 (03/95)  
COLORADO DEPARTMENT OF REVENUE  
MOTOR VEHICLE DIVISION  
140 WEST 6TH AVE  
DENVER, COLORADO

**APPENDIX D**

**SAMPLE  
CBI  
REPORT**

## SAMPLE CBI REPORT

This is a sample report only. Actual CBI reports may contain additional information if known such as:

- address
  - social security number
- FBI number if the person is a known multi state offender.

The MNU abbreviation under the Name/Date column stands for miscellaneous number.

Last, please note the possibility of duplicate entries for the same offense (Item #008/012 - #011/012). Review all reports carefully.

ATTENTION: TEST

COLORADO BUREAU OF INVESTIGATION - CRIME INFORMATION CENTER  
690 KIPLING STREET, #3000, DENVER, COLORADO 80215 303/239-4208

THIS IDENTIFICATION RECORD, FOR LAWFUL USE ONLY, SUMMARIZES INFORMATION SENT TO THE CBI BY FINGERPRINT CONTRIBUTORS IN COLORADO. WHERE THE DISPOSITION IS NOT SHOWN OR FURTHER EXPLANATION OF A CHARGE OR DISPOSITION IS DESIRED, CONTACT THE AGENCY THAT FURNISHED THE FINGERPRINTS. ONLY THE COURT OR DISTRICT ATTORNEY IN WHOSE OFFICE A FINAL DISPOSITION OCCURRED CAN PROVIDE A CERTIFIED COPY OF THAT DISPOSITION. STATE LAW GOVERNS ACCESS TO SEALED RECORDS. UNLESS FINGERPRINTS ACCOMPANIED YOUR INQUIRY, WE CANNOT GUARANTEE THIS RECORD RELATES TO THE PERSON IN WHOM YOU HAVE AN INTEREST. BECAUSE ADDITIONS AND DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

NAME(S) USED:

|        |                              |
|--------|------------------------------|
|        | LAST, FIRST MIDDLE           |
| 100179 | MOUSE, MICKEY                |
| 100279 | LASTNAME, FIRSTNAME NOMIDDLE |
| 020281 | TELL, WONT                   |
| 113085 | FIRST, LAST MIDDLE           |
| 020294 | THERE, HARDLY                |
| 072295 | TOAD, UGLY                   |
| 072295 | PRINCE, CHARMING             |

NICKNAME(S):

|        |           |
|--------|-----------|
| 100179 | WHY       |
| 020281 | MOUSEY    |
| 010184 | SWEETLIPS |
| 113085 | SNAKE     |
| 020294 | NOWAY     |

PHYSICAL:

W M 510 123 GRY/PNK SKIN:FAR

DATE(S) OF BIRTH:

010140 050150 010130

PLACE(S) OF BIRTH:

CA

SCARS/MARKS:

SC L EYE TAT L HND TAT L THGH

CONTRIBUTOR /  
ARREST#

NAME /  
DATE

CHARGE /  
DISPOSITION

LARIMER COUNTY SHER LAST,  
IFF - FORT COLLINS FIRST MIDDLE  
ARREST # TESTONLY DATE - 10/01/79

OBSTRUCT POLICE  
INTERFERENCE  
MISDEMEANOR  
OFFENSE DATE: 01/01/79  
DISPO: NOLO CONTENDRE PLEA TO CHARGE  
DISPO DATE: 10/15/79  
30 DAYS  
DAT REL FR SUP: 08/29/81  
ITEM #001/012

| CONTRIBUTOR /<br>ARREST#                                    | NAME /<br>DATE  | CHARGE /<br>DISPOSITION   |
|---|---|---|
| ADAMS COUNTY SHERIF<br>F - BRIGHTON<br>ARREST # TESTONLY    | LAST,<br>FIRST MIDDLE<br>DATE - 10/01/79                | LARCENY<br>OFFENSE DATE: 10/01/79<br>DISPO: PLEA TO OTHR CHGE<br>DISPO DATE: 10/20/79<br>ITEM #002/012  |
| ADAMS COUNTY SHERIF<br>F - BRIGHTON<br>ARREST # TESTONLY    | LAST,<br>FIRST MIDDLE<br>DATE - 10/02/79                | ASSAULT<br>OFFENSE DATE: 10/01/79<br>DISPO: DIS BY PROSECUTION-JURIS PBLMS<br>DISPO DATE: 10/20/79<br>ITEM #003/012   |
| TERRITORIAL CORRECT<br>IONAL FACILITY - CA<br>ARREST # TEST | LAST,<br>FIRST MIDDLE<br>DATE - 02/02/81<br>MNU:OA-TEST | CRIMES AGAINST PERSON-SEE MIS<br>HARASSMENT<br>FELONY<br>OFFENSE DATE: 10/10/80<br>DISPO: GUILTY AT TRIAL<br>DISPO DATE: 03/03/81<br>5 YRS<br>ITEM #004/012 |
| CBI DENVER<br>ARREST # 987654                               | LAST,<br>FIRST MIDDLE<br>DATE - 05/30/85                | FRAUD - INSUFF FUNDS CHECK<br>DISPO: NOT GUILTY<br>DISPO DATE: 06/01/85<br>ITEM #005/012  |
| ADAMS COUNTY SHERIF<br>F - BRIGHTON<br>ARREST # 989         | LAST,<br>FIRST MIDDLE<br>DATE - 01/01/87                | TRAFFIC OFFENSE<br>MISDEMEANOR<br>OFFENSE DATE: 01/01/87<br>DISPO: GUILTY PLEA TO CHARGE<br>\$25 FINE<br>ITEM #006/012                                      |
| CBI DENVER<br>ARREST # 123456                               | LAST,<br>FIRST MIDDLE<br>DATE - 05/30/87                | OBSTRUCT POLICE<br>ATTEMPT<br>DISPO: COURT DISMISSAL<br>DISPO DATE: 06/02/87<br>ITEM #007/012   |
| PD DENVER<br>ARREST # DPD1<br>CASE # DPD2                   | THERE,<br>HARDLY<br>DATE - 02/02/94<br>MNU:OA-3434343   | RAPE - GUN<br>FELONY<br>OFFENSE DATE: 02/02/94<br>DISPO: GUILTY AT TRIAL<br>DISPO DATE: 02/03/94<br>40YRS<br>DAT REL FR SUP: 01/01/96<br>ITEM #008/012      |



| CONTRIBUTOR /<br>ARREST#                  | NAME /<br>DATE  | CHARGE /<br>DISPOSITION  |
|---|---|--|
| PD DENVER<br>ARREST # DPD1<br>CASE # DPD2 | THERE,<br>HARDLY<br>DATE - 02/02/94<br>MNU:OA-3434343   | RAPE - GUN<br>FELONY<br>OFFENSE DATE: 02/02/94<br>DISPO: GUILTY AT TRIAL<br>DISPO DATE: 02/03/94<br>40YRS<br>DAT REL FR SUP: 01/01/96<br>ITEM #009/012 |
| PD DENVER<br>ARREST # DPD1<br>CASE # DPD2 | THERE,<br>HARDLY<br>DATE - 02/02/94<br>MNU:OA-3434343   | RAPE - GUN<br>FELONY<br>OFFENSE DATE: 02/02/94<br>DISPO: GUILTY AT TRIAL<br>DISPO DATE: 02/03/94<br>40YRS<br>DAT REL FR SUP: 01/01/96<br>ITEM #010/012 |
| PD DENVER<br>ARREST # DPD1<br>CASE # DPD2 | THERE,<br>HARDLY<br>DATE - 02/02/94<br>MNU:OA-3434343   | RAPE - GUN<br>FELONY<br>OFFENSE DATE: 02/02/94<br>DISPO: GUILTY AT TRIAL<br>DISPO DATE: 02/03/94<br>40YRS<br>DAT REL FR SUP: 01/01/96<br>ITEM #011/012 |
| PD AURORA<br>ARREST # 96-1111             | LAST,<br>FIRST MIDDLE<br>DATE - 06/01/95<br>MNU:OA-TEST | ASSAULT<br>ATTEMPT<br>ACCESSORY AFTER THE FACT<br>ITEM #012/012  |

--- END OF PAGE # 3 ---

----- END OF RECORD MEETING DISSEMINATION CRITERIA -----  
----- 08/28/97 -----0957MT -----

# **APPENDIX E**

## **COLORADO COURTS AT A GLANCE**

# **Colorado Courts At A GLANCE**

*(Excerpts)*

## **A MESSAGE FROM THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT**

Colorado Courts At A Glance is designed to give you a better understanding of your courts and the justice system. In a free society, it is important that citizens have an independent judiciary to protect their constitutional rights. To maintain an independent judiciary, it is important that all citizens understand the constitutional role and the functions of their courts. It is with this objective in mind that the Judicial Branch has published this booklet which provides an overview of your courts in Colorado. It is my firm belief that an informed citizenry is necessary to sustain a viable and effective justice system. We hope this booklet will assist you in being better informed about your Colorado courts, their functions and responsibilities, and about your rights in the courts.

### **A. TYPES OF COURTS**

#### **MUNICIPAL COURTS**

Municipal (city) courts deal with violations of city laws committed within the city limits. Generally, these laws involve traffic, shoplifting, and offenses such as dog leash law violations and disturbances. For some cases, you may have the right to a jury trial and to tell your side of the story in municipal court. Municipal courts are not state courts; however, you may appeal a municipal court decision to a state court.

#### **COUNTY COURTS**

Every county in the state has a county court, with one or more county judges. These courts handle traffic cases and minor criminal matters, as well as civil actions involving no more than \$10,000. You may have a jury trial in many types of county court cases. An appeal from a county court decision may be made to the district court. Denver's court system, which will be explained later, differs from the courts in other counties.

#### **SMALL CLAIMS COURTS**

Small claims courts are divisions of county court. Individuals are allowed to argue their own cases and to have speedy decisions on civil matters involving no more than \$3,500\*. Court sessions are held during the day or evening to accommodate the public. There are no jury trials in small claims courts, and sometimes a magistrate hears the cases instead of a judge. Normally, neither side can be represented by an attorney. No plaintiff may file more than two claims per month or 18 claims per year in small claims courts.

## DISTRICT COURTS

Each county in the state has a district court. Both district and county courts are organized into judicial districts. However, unlike county courts, where there is at least one judge per county court, district judges are assigned to the judicial district and may serve more than one district court within that judicial district, particularly in rural areas of the state.

District courts have authority to handle many types of cases including divorces, civil claims in any amount, juvenile matters, probate (estates), mental health, and criminal matters. You may appeal a district court decision to the Colorado Court of Appeals or to the Colorado Supreme Court.

## WATER COURTS

Colorado has seven water courts. One is in each of the major river basins (South Platte, Arkansas, Rio Grande, Gunnison, Colorado, White, and San Juan Rivers). Water court is a division of district court, and the Supreme Court appoints a district court judge from within the water division to act as water judge. Other personnel include the clerk of the water court and a water referee. Water court has exclusive jurisdiction over water rights, their adjudication, and litigation concerning such rights. Thus, cases relating to the determination of water rights and the uses and administration of water resources are determined by water judges. There are no jury trials in water courts, and all appeals from water judges' decisions are filed directly with the Colorado Supreme Court.

## DENVER COURTS

Denver's court system differs from those in the rest of the state, in part because Denver is both a city and a county. The Denver County Court functions as a municipal as well as a county court and is paid for entirely by Denver taxes rather than by state taxes. Denver has the only separate juvenile court and separate probate court in the state. In other parts of Colorado, district courts handle juvenile and probate matters. The Denver juvenile and probate courts are state courts, along with the Denver District Court.

## COURT OF APPEALS

The Colorado Court of Appeals, located in Denver, has 16 judges. One is a chief judge. The court sits in divisions consisting of three judges. Divisions of this court sometimes go to various parts of the state to hear oral arguments on cases which have been appealed from state trial courts.

Unlike the other courts we have discussed, the Court of Appeals is not a trial court. The Court of Appeals usually is the first court to hear appeals of decisions made by Colorado district courts and Denver's probate and juvenile courts. In addition, it is responsible for reviewing the decisions of several state administrative agencies. Its determination of an appeal is final unless the Colorado Supreme Court agrees to review the matter.

## **SUPREME COURT**

The Colorado Supreme Court has seven justices. A chief justice is elected by the court from its membership.

It is the court of last resort or the final court in the Colorado court system. An individual who has appealed to the Court of Appeals and is still dissatisfied may ask the Supreme Court to review the case. The Supreme Court has a right to refuse to do so. In some instances, individuals can petition the Supreme Court directly regarding a lower court's decision.

In addition to its legal duties, the Supreme Court has supervisory and administrative responsibilities. The Supreme Court has supervisory power over all other state courts and over all attorneys practicing law in Colorado. The following bodies assist the Supreme Court in its duties:

### **State Board of Law Examiners**

This board reviews the educational, professional, ethical, and moral qualifications of individuals who want to be lawyers in Colorado. The board recommends qualified applicants to the Supreme Court. The court uses those recommendations to determine who may practice law in Colorado.

### **Grievance Committee**

The Grievance Committee is composed of 15 lawyers and four non-lawyers. The committee investigates complaints about lawyers. If it finds that a lawyer has acted improperly, the committee may recommend to the Supreme Court that the lawyer be censured or suspended or that the lawyer's license be taken away.

### **Public Defender Commission**

This body of lawyers and citizens appoints the State Public Defender for five-year terms. The commission may also discharge the State Public Defender for cause.

## **B. THE LEGAL SYSTEM**

The State of Colorado has three branches of government: executive, legislative, and judicial. The Colorado Constitution defines each branch's responsibilities. The constitution also guarantees many specific legal rights to you and to all Coloradoans and provides for the establishment of state courts. Courts are part of the Judicial Branch of our government, and their major function is to resolve disputes.

### **CIVIL DISPUTES**

Colorado's courts have power (called "jurisdiction") to decide two kinds of disputes—civil and criminal. Civil cases usually involve conflicts between private citizens, such as disputes over contracts, wills, personal injuries, or family law matters. Government departments, agencies, and officials may also be involved in civil cases. In deciding civil cases, judges often must interpret

laws made by the Legislative Branch or rules made by government departments or agencies which are part of the Executive Branch.

## CRIMINAL CASES

Criminal cases in state trial courts involve charges or violations of certain laws enacted by the legislature (called the "General Assembly" in Colorado). Criminal charges are filed by government attorneys, called district attorneys, on behalf of the people of the State of Colorado. Some criminal charges—called indictments—are filed by grand juries, but this procedure is not used very often in Colorado state courts.

The General Assembly establishes the definition of crimes and sets the penalties which trial judges may impose on convicted criminals. The Judicial Branch is responsible for the state courts and probation services. The Department of Corrections, which is under the Executive Branch, is responsible for the state prison system and community corrections facilities. The Department of Parole, also under the Executive Branch, is responsible for supervising convicted criminals after they are released from the state prison system. The Governor has the power to change the sentences of convicted criminals.

City (also called "municipal") governments are similar in organization to the state government. City councils pass ordinances which control the behavior of individuals within the city limits. City attorneys may file charges when certain ordinances have been violated, and trials on such charges are held in a municipal court before a municipal judge. Municipal courts are not part of the state court system, but the procedures are very similar to those followed in state courts.

## C. CRIMINAL SENTENCES

Whenever a defendant in a criminal case pleads guilty to or is found guilty of a criminal charge, the judge must sentence the defendant according to the law. Before any defendant is sentenced (except in traffic or other less serious criminal matters), the judge is given a report from the probation department. This report contains information about the defendant and recommendations from the probation department and other professionals involved in the case as to the sentence that should be imposed.

A defendant may be sentenced to serve a stated period of time in a correctional facility. The Department of Corrections decides in which institution the defendant will serve the sentence. Upon the recommendation of a district attorney, the judge may postpone sentencing a defendant for a stated period of time after the defendant enters a plea of guilty. If the defendant is a law-abiding citizen for that time, the judge may dismiss the case and the criminal record of the defendant may be erased. This is called a "deferred sentence."

A defendant may be granted probation. If this is done, the judge places the defendant under the supervision of the probation department instead of imposing a sentence to a correctional institution. Most defendants who receive probation are first-time offenders involved in non-violent crimes. Payment to the victim for any losses (called "restitution") is usually a requirement of probation. A defendant who violates probation or a deferred sentence may be sent to a correctional facility.

Defendants who are sent to a correctional facility may be released prior to their sentence being

## **APPENDIX F**

# **COLORADO DEPARTMENT OF LABOR AND EMPLOYMENT, DIVISION OF WORKER'S COMPENSATION**

**Policy Regarding the Release of Worker's  
Compensation Information and Sample  
Release Authorization.**

DEPARTMENT OF LABOR AND EMPLOYMENT

DIVISION OF WORKERS' COMPENSATION

POLICY REGARDING THE

RELEASE OF WORKERS' COMPENSATION INFORMATION

This policy is effective as of July 1, 1991, and remains in effect until further notice.

For claims filed before July 1, 1989, there is complete access to information contained in a workers' compensation file.

For claims filed on or after July 1, 1989, workers' compensation information (including the claimant's social security number) will be released only if there is a notarized signed waiver from the claimant.

The Division of Workers' Compensation CLAIMANT WAIVER FOR RELEASE OF INFORMATION form shall be the only accepted waiver form and shall only be effective for ninety days from the date it is signed and notarized by the claimant.





# **APPENDIX G**

## **COLORADO DEPARTMENT OF REVENUE**

**"Request for Copy" Form**

# REQUEST FOR COPY

(SEE REVERSE SIDE FOR IMPORTANT INFORMATION)

**FOR DEPARTMENT OF REVENUE USE ONLY**

LIABILITY CODE 3230

Received: \_\_\_\_\_

Ordered: \_\_\_\_\_

Paid: \_\_\_\_\_

Signature: \_\_\_\_\_

Mailed: \_\_\_\_\_

**MAIL COPIES TO:**

\_\_\_\_\_

A Copy       A Certified Photocopy of:

\_\_\_\_\_ Tax Return(s).

Form Number: \_\_\_\_\_ Consisting of: \_\_\_\_\_ Pages with: \_\_\_\_\_ pages of schedules filed by (see below):

Name of Taxpayer: \_\_\_\_\_

Current Mailing Address (street, rte.#, box#): \_\_\_\_\_

City

State

Zip

Social Security or Account Number(s)

For the Period(s) Beginning

19

Ending

19

**FEE:** 75 cents per sheet

**Certified copies:** 75 cents per sheet plus 50 cents for each year

Your requested copies will be forwarded upon receipt of remittance:

**TOTAL  
 REMITTED: \$**

*I declare under the penalty of perjury in the second degree that I subscribed and filed said tax return(s) either for myself or for the taxpayer named above as an officer of the company or an authorized representative thereof and that the signature which appears on the tax return and the one that appears below are both my signatures.*

Signature of Requestor

Spouse's Signature (if joint)

Date

## DR 5714, REQUEST FOR COPY: IMPORTANT INFORMATION FOR THE TAXPAYER

1. Many requests for copies are received in error or do not contain sufficient information. Please be accurate and complete when filling out this form.
2. We often find the year(s) requested are not within our files. If you are requesting returns which are over five years ago, it is possible your files have been purged and are no longer available - the Colorado Statute of Limitations is five years.
3. Be sure you filed in Colorado for the year(s) requested and the Social Security Account Number(s) or account number(s) you are furnishing is the same as the one(s) you filed your return under.
4. We do not maintain federal records. If you are trying to obtain federal returns or information, you may wish to contact:  

Internal Revenue Service Center  
1160 West 1200 South Street  
Ogden, UT 84201
5. Be sure to include your spouse's Social Security Account Number if you are not sure whether the return(s) you are requesting are under you or your spouse's Social Security Account Number.
6. When entering the period of the return(s) you are requesting, be sure to be accurate. For example, if you want copies of your returns for the years 1982 through 1985, enter January 1982 after the word BEGINNING

and December 1985 after the word ENDING. Do NOT complete a separate form for each year you are requesting.

7. Should you be requesting a copy/copies of a return(s) for another taxpayer, a written authorization - a Power of Attorney - or, if applicable, a copy of a death certificate will be required before we can release the information. The individual's signature on the front of this form is, of course, acceptable.
8. It will take from one week to ten days to receive your copies. Sorry, but there is no way to speed up this process since our files are recorded on microfilm at our 62nd Avenue location. Our 62nd Avenue location is not equipped to accept your request directly.
9. Please call us at 303-866-2092 if you have any questions.

### Common Filings:

|            |       |         |
|------------|-------|---------|
| Short Form | 104A  | 1 Page  |
| Long Form  | 104   | 2 Pages |
| Part Year  | 104PN | 3 Pages |

If you send more money than used, we will mail a claim for refund.

If the copies are more than you sent we will bill you.

# **APPENDIX H**

## **SAMPLE POLICE RECORD REQUEST FORM**

**(Denver Police Department)**

+

# DENVER POLICE DEPARTMENT IDENTIFICATION SECTION

The following items are available from the Denver Police Department Identification Section by mail:

| ITEM   | COST    |
|--|---------|
| 1. Record Query Letter<br><i>A Record Query Letter consists of a search for a Denver arrest record and a check for outstanding warrants. Any arrest record found will be included. No Record Query Letter will be issued if an outstanding warrant is found.</i> | \$15.00 |
| 2. Arrest Records (Denver City and County ONLY)<br><i>(For statewide arrest information, contact the Colorado Bureau of Investigation, Phone: (303) 239-4680)</i>  | \$10.00 |
| 3. Arrest Photo (Black & White only)   | \$5.00  |
| 4. Sex Offender Registry (Denver residents only)   | \$5.00  |

**A SEPARATE FORM IS REQUIRED FOR EACH NAME SUBMITTED**  
**NOTE: JUVENILE RECORDS AND PHOTOGRAPHS ARE NOT AVAILABLE**

In order for the Identification Section's personnel to assist you, the following information must be provided:

1. A date of birth must be submitted with each name to be searched.
2. AKAs (also known as) and maiden names are considered separate names and will be charged accordingly.
3. A self-addressed, stamped business envelope must accompany the request.
4. Checks must be made payable to: Manager of Revenue, City & County of Denver.

**Requests submitted without the proper amount of funds will be returned without being processed.**

To process your request, the following information is required. PLEASE TYPE OR PRINT:

Last Name: \_\_\_\_\_ First Name \_\_\_\_\_ Initial \_\_\_\_\_  
 Other names used by this person: \_\_\_\_\_  
 Date of birth: \_\_\_\_\_ Sex \_\_\_\_\_ Race \_\_\_\_\_  
 Denver Police File Number (if known): \_\_\_\_\_

**INFORMATION REQUESTED:**

Record Query Letter       Arrest Record       Arrest Photo       Sex Offender Registry

**TOTAL ENCLOSED** \$ \_\_\_\_\_

**YOUR NAME & ADDRESS:**

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_ Apt. No. \_\_\_\_\_  
 City: \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

**Payment must be made by check or money order only.**  
**A self-addressed, stamped envelope must be provided.**  
**Please make checks payable to: Manager of Revenue, City & County of Denver**

This request form and payment may be left at any Denver Police Department facility or mailed to:

**DENVER POLICE DEPARTMENT**  
**1331 Cherokee Street, Room 416**  
**Denver, Colorado 80204-2787**

# **APPENDIX I**

## **THE ADA AND PRE-EMPLOYMENT SCREENING**

The Legal Center for People  
with Disabilities and Older People



*Colorado's Protection & Advocacy System*

**THE ADA AND PRE-EMPLOYMENT SCREENING**

**By: Randy Chapman, Esq.  
Director of Legal Services**

**I. Introduction**

- A. The ADA was signed into law by President Bush on July 26, 1990.  
(42 U.S.C. 12101)
- B. The ADA was enacted after Congress found a long history of discrimination against persons with disabilities and that there are 43 million Americans with disabilities.
- C. The purpose of the ADA is to invoke the complete sweep of Congressional authority to provide clear, strong, consistent and enforceable standards addressing discrimination. 42 U.S.C. 12101
- D. The ADA is only the second Federal legislation for persons with disabilities impacting the private sector without requiring a Federal financial connection.  
(See 1988 Amendments to the Fair Housing Act of 1968  
42 U.S.C. 3601)

**II. Relationship to other legislation**

- A. Rehabilitation Act of 1973
  - 1. 501 - Federal Agencies  
29 U.S.C. 791
  - 2. 503 - Contractors with the Federal government  
29 U.S.C. 793
  - 3. 504 - Recipients of Federal financial assistance  
29 U.S.C. 794
- B. Fair Housing Act 42 U.S.C. 3601
- C. Air Carrier Access Act 49 U.S.C. 1374(c)
- D. Individuals with Disabilities Education Act  
20 U.S.C. 1400

© 1997 The Legal Center for People with Disabilities and Older People



### III. Coverage: Titles I through IV

- A. Title I Employment  
42 U.S.C. 12111 to 12117
- B. Title II Public Services and Transportation  
42 U.S.C. 12132 to 12161
- C. Title III Privately Owned Public Accommodations  
42 U.S.C. 12181 to 12189
- D. Title IV Telecommunications  
47 U.S.C. 225 to 611

### IV. Definitions

- A. Disability: a physical or mental impairment that substantially limits one or more major life activities, includes:
  - 1. Having a record of such impairment;
  - 2. Being regarded as having such an impairment.

#### Examples:

- 1. A person who has received counseling but is no longer in treatment, if discriminated due to treatment history would be protected as having a record of impairment.
  - 2. An individual discriminated against due to fear they may have a contagious illness, even though they currently do not have such an illness, would be protected as being regarded as having an impairment.  
42 U.S.C. 12102 Sec. 3(2)
- B. Major life activities; seeing, hearing, walking, caring for oneself, learning, breathing, working.
  - C. Persons with family, business, or social relationships with individuals with disabilities are also protected.
  - D. Qualified person with a disability: Person must be qualified for a job or eligible for a service, activity or program considering reasonable accommodations and provision of auxiliary aids and services.
  - E. Auxiliary aids and services: Services such as interpreters, qualified readers, taped texts, and acquisition and modification of equipment and devices to

allow persons with disabilities equal access to employment, goods, services and activities.  
42 U.S.C. 12102 Sec. 3(1)

- F. Personal devices and services: Public Entities under Title II and Public Accommodations under Title III are not required to provide personal devices such as wheelchairs, individually prescribed devices such as prescription eyeglasses or hearing aids, or services of a personal nature including assistance in eating, toileting or dressing.

V. Title I: Employment

- A. Employers are prohibited from discriminating against qualified persons with disabilities in job application, hiring, advancement, discharge, compensation, job training and other terms and conditions of employment.  
42 U.S.C. 12111 Sec. 102(a)

- B. Qualified person is a person with a disability who, with or without reasonable accommodation, can perform the essential functions of the job in question, and who satisfies the requisite skill, experience and education requirements for the job.  
42 U.S.C. 12111 Sec. 101(8)

1. "Qualification standards" means the personal and professional attributes, including skill, experience, education, physical, medical, safety and other requirements established by the employer as requirements for the position.

Qualification standards may require that the individual not pose a direct threat to the health or safety of the individual or others.

2. "Direct threat" means a significant risk of substantial harm to the health or safety of the individual or others. A determination regarding direct threat must be based on a reasonable medical judgement, relying on the most current medical knowledge and/or the best available objective evidence. Factors to be considered include:

- a. The duration of the risk;
- b. The nature and severity of the potential harm and,

c. The likelihood that potential harm will occur. A determination that an individual poses a direct threat must be based on objective factual evidence -- not on subjective, irrational fears, patronizing attitudes or stereotypes about a particular disability, or of disability generally. Senate Report at 27, House Labor Report at 56-57 and Strathie v. Department of Transportation, 716 F.2d 227 (3rd Cir. 1983).

3. Can an employer refuse to hire someone based on the individual having a history of violence?

a. The employer may refuse to hire someone based on a history if the employer can show the person poses a "direct threat." This can be done if the employer identifies a specific behavior that would pose a direct threat. This must be based on current medical knowledge and/or the best available objective evidence.

b. The EEOC Guidelines regarding the ADA and Psychiatric Disabilities provide the following example.

An individual applies for a position with Employer X. When Employer X checks his employment background, she learns that he was terminated two weeks ago by Employer Y, after he told a coworker that he would get a gun and "get his supervisor if he tries anything again." Employer X also learns that these statements followed three months of escalating incidents in which this individual had had several altercations in the workplace, including one in which he had to be restrained from fighting with a coworker. He then revealed his disability to Employer Y. After being given time off for medical treatment, he continued to have trouble controlling his temper and was seen punching the wall outside his supervisor's office. Finally, he made the threat against the supervisor and was terminated. Employer X does not hire him, stating that this history indicates that he poses a direct threat.

This individual poses a direct threat as a result of his disability because his recent overt acts and statements (including an attempted fight with a coworker, punching the wall, and making a threatening statement about his supervisor) support the conclusion that he

poses a "significant risk of substantial harm." Furthermore, his prior treatment had no effect on his behavior, he had received no subsequent treatment, and only two weeks had elapsed since

his termination, all supporting a finding of direct threat.

C. **Illegal Use of Drugs**

1. An individual currently engaging in the illegal use of drugs is not protected as a person with a disability under the employment section of the ADA. Illegal use includes both the use of unlawful drugs and the unlawful use of prescription drugs.
2. Persons erroneously perceived as engaging in illegal drug use are protected as persons regarded as having a disability.
3. Persons no longer using illegal drugs and who have successfully completed a drug rehabilitation program are also protected. Conference Report at 64.
4. Employers can require that applicants and employees offer evidence, such as drug test results, to prove they are no longer using drugs.
5. Alcohol is not an illegal drug and alcoholism can be a disability under the ADA. An employer, however, can restrict or prohibit the use of alcohol at the place of employment and during work hours. If an employee's use or abuse of alcohol interferes with the employee performing the essential functions of a job, the employee may no longer be qualified for the job.

D. **Medical Examinations and Pre-employment Inquiries**

1. Employer may not inquire as to whether a person has a particular disability, but may inquire as to the ability to perform job related functions.  
42 U.S.C. 12111 Sec. 102(c)
2. An employer may not ask pre-employment questions that are likely to elicit information about a disability, therefore the employer may not ask questions about any history of treatment or hospitalization, including mental health treatment.

3. If an applicant asks for a reasonable accommodation in the hiring process and the need for the accommodation is not obvious, an employer may ask the applicant for reasonable documentation about the disability. The employer may then require the applicant to provide documentation from an appropriate professional regarding the applicant's disability and functional limitations. This information may only be requested for the limited purpose of verifying the existence of a disability and the need for an accommodation.
4. If the applicant voluntarily discloses the existence of a disability or the need for an accommodation to perform the job, the employer may ask limited questions regarding whether the applicant needs an accommodation and what accommodation would be needed to perform the essential functions of the job.
5. An employer may not conduct pre-employment medical examinations.
6. An employer, however, may require a medical examination after an offer of employment has been made, if all entering employees are subjected to an examination and information from the examination is kept confidential.
7. The post offer of employment medical examination may include a psychiatric examination and during the course of the medical examination the examiner may ask questions related to disability. These inquiries do not have to be job related.
8. After employment, the employer may ask disability specific information and/or request a medical examination when to do so is job-related and consistent with business necessity. This may occur if, based on objective evidence, the employer has a reasonable belief that: (1) an employee's ability to perform essential job functions will be impaired by a medical condition; or (2) an employee will pose a direct threat due to a medical condition.

E. Essential Job Functions:

1. Job functions the individual with a disability must be able to perform with or without reasonable accommodation. These are job duties that are intrinsic to the employment position and are not

marginal or peripheral to the primary job functions.

Are the functions deemed essential by the employer actually required to perform the job? The

following factors may be considered in determining whether a job function is essential:

a. The job exists to perform that function.

Example: The job is washing windows in tall office buildings -- the job exists to perform that function.

b. The number of employees available to distribute particular duties is limited. This may occur because the total number of employees is low or because demands on the business fluctuate. See Treadwell v. Alexander, 707 F.2d.475 (11th Cir. 1983), Dexler v. Tisch 660 F.Supp. 1418 (D. Conn. 1987)

c. The job is highly specialized and the individual is hired for his/her expertise or ability to perform the particular function.

2. The following evidence may be considered in determining whether a function is essential:

a. The employer's judgment;

b. Written job descriptions prepared before advertising or interviewing for the job;

c. The amount of time spent performing the function;

d. The consequences of not requiring performance of the function;

Example: Police officer required to use a firearm and effect a forceful arrest. Coski v. City and County of Denver, 795 P.2d 1364 (Colo. App. 1990)

e. The work experience of past incumbents in performing the job; and

f. Current work experience of persons in similar jobs.

F. Reasonable Accommodations:

1. There are three categories of reasonable accommodations:

- a. Accommodations to ensure equal opportunity in the application process.

Example: Modifications in examinations, testing and application process.

- b. Accommodations that enable employees to perform the essential functions of a position.

Example: Job restructuring, acquisition or modification of equipment, etc.

- c. Accommodations that enable employees with disabilities to enjoy the same benefits and privileges of employment as are enjoyed by employees without disabilities.

Example: Providing an interpreter to explain benefits such as health insurance, retirement plans, etc., or providing a reader to interpret benefits to blind individuals. Holding office social functions in accessible locations.

2. Reasonable accommodations include among other things:

- a. Making facilities accessible.

- b. Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, adjustment or modification of examinations, training materials or policies, provision of auxiliary aids and services.

42 U.S.C. 12111 Sec. 101(9)

1. Job Restructuring

Examples of restructuring involves reallocating some marginal or non essential job functions among employees. An employee may be able to perform some marginal functions, but not all. It may be possible to reallocate some of the marginal functions to another job.

Senate Report at 31; House Labor Report at 62.

The employer is not required to reallocate essential job functions.

Coleman v. Darden 595 F2d. 533 (10th Cir. 1979).

2. Reassignment to Vacant Positions

a. Reassignment to a vacant position should generally only occur when it is not possible to provide accommodations to allow the individual to perform the essential functions of their current position without incurring undue hardship.

b. Reassignment to vacant positions is for persons currently employed by the employers. A job applicant should be able to perform the essential functions of the position for which they are applying, considering reasonable accommodations. If there is another vacant position, the applicant can apply for the vacant position as well.

c. Employers should reassign current employees to equivalent positions in terms of pay and status.

If no accommodation can be made to the current position and no equivalent positions are vacant for which the employee is qualified considering reasonable accommodations, an employee with a disability could be reassigned to a lower grade position.

d. An employer is not required to promote an individual with a disability as an accommodation, but if the individual with the disability is qualified for an opening that would be a promotion, the failure to consider the employee's application for the



promotion would be discriminating.  
Senate Report at 31-32, House Labor  
Report at 63.

3. Determining the Appropriate Reasonable Accommodations:

The process of determining the appropriate reasonable accommodation should be informal and interactive, including the employer and employee or applicant.

a. When the employee or applicant requests a reasonable accommodation, the employer should:

1. Analyze the particular job involved, its purpose and essential functions.
2. Consult with the employee or applicant to determine the specific job related limitations imposed by the individual's disability and how those limitations may be overcome with a reasonable accommodation.
3. In consultation with the employee, identify potential accommodations and assess the effectiveness each would have in enabling the employee to perform the essential functions of the position, and
4. Consider the preference of the individual to be accommodated and select and implement the accommodation that best meets the needs of both the employer and employee.

The employer may need to seek technical assistance from individuals trained in vocational rehabilitation job accommodations and specific disabilities to determine the

appropriate accommodation, because the employer and employee may not possess sufficient knowledge to determine accommodations. This may be true whether the accommodation impacts the application process, ability to perform the essential functions of a job or to participate equally in the benefits and privileges of the job. Senate Report 34-35, House Labor Report at 65-67

5. An employer may not select a qualified individual without a disability over a qualified individual with a disability merely because the individual with a disability may require a reasonable accommodation, unless the accommodation would impose an undue hardship on the employer. House Labor Report at 20.

6. The employer may not impose an accommodation on an individual if the accommodation is not requested or needed. If a necessary accommodation is refused by the applicant or employee, the individual may not be qualified for the job.

G. Undue hardship: Action requiring considerable difficulty and expense considering:

1. Cost of accommodation.
2. Overall financial resources of the facility, number of persons employed, impact of the accommodation on the facility.
3. Overall financial resources of the covered entity, size of the business with respect to number of employees, number, type and location of its facilities, and;
4. The type of operation or operations of the entity.  
42 U.S.C. 12111 Sec. 101(10)

5. Only the net cost of providing the accommodation is considered when calculating undue hardship. Employee contributions as well as outside resources must be considered.

Undue hardship is a subjective test done on a case by case basis.

#### H. Remedies

1. Relief is limited to "make whole" remedies:
  - Back pay
  - Injunction to cease discriminatory conduct
  - Promotion
  - Reinstatement or placement in position
  - Attorneys fees

# **APPENDIX J**

## **SAMPLE DD SYSTEM HUMAN RESOURCES FORMS**

- 1. Job Notice**
- 2. Staff Employment Applications**
- 3. Host Home Provider Application**
- 4. Pre-Employment Reference Check Forms (Telephone and Mail)**
- 5. Authorization and Release for Background Investigations**
- 6. Interview Questions**
- 7. Staff and Host Home Application Checklists**

The above is a beginning, simple suggestion aimed at breaking the turnover cycle and ensuring more careful screening of direct service staff. Colorado is not alone in facing this problem. It is a national issue and deserves more focused attention than can be provided here.

### **Considering Criminal Histories**

A general rule is when in doubt, screen them out. This assumes that:

- your doubt remains following receipt and consideration of screening information; and,
- consideration has been given to the nature, frequency and severity of the crime(s) and length of time since the arrest(s), if a disposition is pending, or conviction(s).

A few helpful ways to debate and resolve your doubts follow.

- Seek a "second opinion" from a supervisory colleague in your organization.
- Frame specific questions related to your doubts and re-approach employment reference sources with those questions.
- Confer with your agency's human resource expert or employment attorney.

If your doubts persist and are reinforced by the people you have sought out for consultation, cut your losses and move on to other applicants. A situation like this is tenuous at best. You may face challenges to your decision, but if you ignore your doubts and hire the person, you risk threats to your hiring mission. Take the route that you believe affords the greatest protection to the people you serve and your agency.



# Developmental Disabilities Resource Center

7456 W. 5th Ave. Lakewood, CO 80226 (303) 233-3363 or FAX (303) 233-4622

## NOTICE OF JOB OPENING (S)

DATE POSTED: \_\_\_\_\_

DEPARTMENT: \_\_\_\_\_ LOCATION: \_\_\_\_\_

LAST DATE TO APPLY: \_\_\_\_\_ APPROX. START DATE: IMMED

JOB TITLE: COUNSELOR APPROX. # OPENINGS: 1

### QUALIFICATIONS:

HIGH SCHOOL GRADUATE OR EQUIVALENT. PREFER TWO YEARS EXPERIENCE WORKING WITH DEVELOPMENTAL DISABILITIES. STRONG DESIRE TO ASSIST IN DEVELOPMENT OF CONSUMERS. GOOD PHYSICAL STAMINA. EXPERIENCE WITH CHALLENGING BEHAVIORS/AUTISM PREFERRED. MUST HAVE GOOD DRIVING RECORD AND PROVIDE CURRENT DRIVING HISTORY AT THE TIME OF APPLICATION.

### DUTIES:

RESPONSIBLE FOR PROVISION OF GENERAL HEALTH AND DEVELOPMENTAL NEEDS OF CONSUMERS. COUNSELING OF CONSUMERS IN PERSONAL HYGIENE, MONEY MANAGEMENT, ETC. ASSIST IN MAINTAINING A CLEAN AND HOME-LIKE ENVIRONMENT. MUST BE ABLE TO LIFT 60 LBS. FREQUENT BENDING, STOOPING, STANDING AND SITTING AS WELL AS FREQUENT DRIVING.

WORK YEAR: \_\_\_\_\_ SALARY: \$ \_\_\_\_\_ INTRODUCTORY

WORKING HOURS: \_\_\_\_\_ \$ \_\_\_\_\_ NON INTRODUCTORY

**INTERESTED PARTIES CONTACT PERSONNEL SERVICES AT 233-3363**

### SPECIAL NOTES

THE FOLLOWING CHECKS MAY BE MADE ON APPLICANTS HIRED FOR THE POSITIONS ANNOUNCED:

- A: CRIMINAL RECORD
- B: BACKGROUND
- C: WORK EXPERIENCE AND REFERENCE (ADVERSE INFORMATION IN AND OF ITSELF IS NOT DISQUALIFYING, HOWEVER, GIVING FALSE INFORMATION IS DISQUALIFYING)
- D: MOTOR VEHICLE
- E: CENTRAL REGISTRY FOR CHILD PROTECTION

DEVELOPMENTAL DISABILITIES RESOURCE CENTER IS AN AFFIRMATIVE ACTION/EQUAL OPPORTUNITY EMPLOYER. THERE IS NO DISCRIMINATION FOR OR AGAINST ANY APPLICANT BASED UPON RACE, COLOR, RELIGION, SEX, AGE, NATIONAL ORIGIN, POLITICAL AFFILIATION OR DISABILITY.

**APPLICATIONS MUST BE COMPLETE AND ACCURATE OR WILL BE REJECTED**

### INTERNAL APPLICANTS

SO THAT ALL RESOURCE CENTER EMPLOYEES WILL BE INFORMED OF THE VARIOUS EMPLOYMENT OPPORTUNITIES AS THEY OCCUR WITHIN THE CENTER, THE CENTER POSTS EACH AVAILABLE POSITION FOR AT LEAST 5 BUSINESS DAYS. THIS NOTICE IS TO BE CONSPICUOUSLY POSTED AT ALL CENTER LOCATIONS. INTERVIEWS ARE GRANTED TO ALL INTERNAL APPLICANTS PROVIDING THEY MEET QUALIFICATIONS AND APPLY BY THE CLOSING DATE OF THE JOB ANNOUNCEMENT.

SEE PERSONNEL SERVICES, Our mission is to promote quality, dignified, choice JOB BOOK FOR ALL AVAILABLE POSITIONS.

# LARADON

## EMPLOYMENT APPLICATION

5100 Lincoln St.  
Denver, Colorado 80216  
303-296-2400

### APPLICANT INSTRUCTIONS

- Complete both sides of this form.
- If more space is needed to complete any question, use comments section on the back.
- Print clearly; incomplete or illegible applications will not be processed.

TODAY'S DATE: \_\_\_\_\_

NAME: \_\_\_\_\_  
LAST      FIRST      MIDDLE      (MAIDEN)

SOCIAL SECURITY NUMBER: \_\_\_\_\_

HOME PHONE: \_\_\_\_\_ WORK PHONE: \_\_\_\_\_

CURRENT ADDRESS: \_\_\_\_\_  
STREET      CITY      STATE      ZIP

PRIOR ADDRESS: \_\_\_\_\_  
STREET      CITY      STATE      ZIP

CONTACT IN EMERGENCY: \_\_\_\_\_  
NAME      PHONE

### AVAILABILITY

For which position are you applying? \_\_\_\_\_

What date can you start? \_\_\_\_\_ What category would you prefer?  Full time  Part time  On-call

For which schedules are you available?  Weekdays  Weekends  Evenings  Nights  Overtime  Other \_\_\_\_\_

How did hear about us?  Newspaper  Job Fair  School  Friend  Other \_\_\_\_\_

Are you related to anyone currently working for Laradon?  Yes  No If yes, who \_\_\_\_\_ Relationship \_\_\_\_\_

### EDUCATION

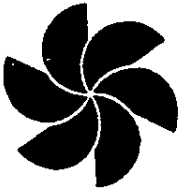
Please circle highest grade completed.      7   8   9   10   11   12   13   14   15   16   16+

| NAME        | CITY/STATE | DATES | GRADUATE? | DEGREE |
|-------------|------------|-------|-----------|--------|
| HIGH SCHOOL |            |       |           |        |
| COLLEGE     |            |       |           |        |
| OTHER       |            |       |           |        |

### EXPERIENCE

Please put most recent employer first.

| MOST RECENT EMPLOYER                | EMPLOYER                            | EMPLOYER                            |
|-------------------------------------|-------------------------------------|-------------------------------------|
| STREET ADDRESS                      | STREET ADDRESS                      | STREET ADDRESS                      |
| CITY, STATE, ZIP CODE               | CITY, STATE, ZIP CODE               | CITY, STATE, ZIP CODE               |
| TELEPHONE NUMBER                    | TELEPHONE NUMBER                    | TELEPHONE NUMBER                    |
| SUPERVISOR'S NAME                   | SUPERVISOR'S NAME                   | SUPERVISOR'S NAME                   |
| DATES EMPLOYED      SALARY/PAY RATE | DATES EMPLOYED      SALARY/PAY RATE | DATES EMPLOYED      SALARY/PAY RATE |
| START      END      START      END  | START      END      START      END  | START      END      START      END  |
| POSITION/DUTIES                     | POSITION/DUTIES                     | POSITION/DUTIES                     |
| REASON FOR LEAVING:                 | REASON FOR LEAVING:                 | REASON FOR LEAVING:                 |



# Developmental Disabilities Resource Center

Central Offices 7456 W. 5th Ave. Lakewood, CO 80226 (303) 233-3363 or FAX (303) 233-467

## APPLICATION FOR EMPLOYMENT

**INSTRUCTIONS:** Please furnish complete and accurate information. Applications are verified. A false or incomplete application may not be considered and can be used as a reason for discharge. Applicants for professional level or supervisory positions are requested to submit a resume with this application. If you need more space for any of your answers, please use the back of page 3.

Prospective employees will receive consideration without discrimination because of race, color, sex, religion, age, national origin, marital status, or disability. Developmental Disabilities Resource Center is an equal opportunity employer. Responses on this application will be utilized for relevance to the position being applied for.

|  |  |  |  |   |
|--|--|--|--|---|
| <b>P<br/>E<br/>R<br/>S<br/>O<br/>N<br/>A<br/>L</b> | Last Name                      First                      Middle   |  |  | Date:                                     |
|  | Street Address   |  |  | Home Phone:<br>( ) -                      |
|  | City, State, Zip Code  |  |  | Business Phone:<br>( ) -                  |
|  | Have you ever applied for employment or been employed with DDRC before?<br><input type="checkbox"/> Yes <input type="checkbox"/> No   If yes, month and year:                      Position: |  |  | Social Security Number:                   |
|  | Position Desired   |  |  | Pay Expected:                             |
|  | Indicate type of employment desired<br>Full-Time <input type="checkbox"/> Part-Time <input type="checkbox"/> Substitute <input type="checkbox"/>   |  |  | Are you employed now?                     |
|  | What hours can you work (including availability evenings and weekends if applicable)?  |  |  | When will you be available to begin work? |
|  | Are you legally eligible for employment in the United States?  |  |  |   |
|  | How did you find out about the job? If from a newspaper, please specify which paper.   |  |  |   |

| <b>E<br/>D<br/>U<br/>C<br/>A<br/>T<br/>I<br/>O<br/>N</b> | School      | Name and Location of School | Course of Study | Number of Months/Years Completed | Did you Graduate?   | Degree or Diploma In |
|--|-------------|-----------------------------|-----------------|----------------------------------|---|----------------------|
|  | High School |                             |                 |                                  | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |                      |
|  | College     |                             |                 |                                  | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |                      |
|  | College     |                             |                 |                                  | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |                      |
|  | Other       |                             |                 |                                  | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |                      |



## JOB-RELATED SKILLS

If your position requires that you drive, do you have a valid driver's license? \_\_\_\_\_ State of Issue \_\_\_\_\_

DL# \_\_\_\_\_ Type of driver's license \_\_\_\_\_

Endorsements? \_\_\_\_\_ Restrictions? \_\_\_\_\_

Please list any other skills, licenses or certificates that are job-related. \_\_\_\_\_

## SECURITY

In which states have you lived in past seven years? \_\_\_\_\_

Yes  No Have you used any names or Social Security Numbers other than those on page one?

If so, please list \_\_\_\_\_

Yes  No Have you been convicted of a felony and/or served time for a felony in the past seven years?

If so, please describe below:

| INCIDENT DATE | CITY/STATE | CHARGE |
|---------------|------------|--------|
| 1.            |            |        |
| 2.            |            |        |
| 3.            |            |        |

## MEDICAL

Use space below to further describe any of the following receiving a yes.

Yes  No Do you have any physical or mental conditions which may affect your job performance or safety?

Yes  No Do you regularly take any prescription medicine or drugs which may affect your job performance or safety?

## REFERENCES

Include only individual familiar with your work ability. Do not include relatives.

| NAME | ADDRESS/PHONE | YEARS KNOWN/RELATIONSHIP |
|------|---------------|--------------------------|
| 1.   |               |                          |
| 2.   |               |                          |
| 3.   |               |                          |

Comments: \_\_\_\_\_

## CERTIFICATION AND RELEASE

I understand that any false information, omissions or misrepresentations of facts called for in this application may result in rejection of my application or discharge at any time during my employment. I authorize the company and/or its agents to verify any of this information including, but not limited to motor vehicle driving records (if applicable) and criminal history. I authorize all persons, schools, companies and law enforcement authorities to release any information concerning my background and hereby release any said person, schools, companies and law enforcement authorities from any liability for any damage whatsoever for issuing this information. I also understand that the use of drugs and/or alcohol is prohibited during employment. I am willing to submit to drug/alcohol testing to detect the use of illegal drugs/alcohol prior to and during employment.

SIGNED \_\_\_\_\_

DATE \_\_\_\_\_

# EMPLOYMENT

Please provide employment history of at least five years and include experience related to the position applied for. Use back of application page 3 if needed. Start with your present or most recent employer.

|          |  |  |
|----------|--|--|
| <b>1</b> | Company Name   | Telephone:<br>( ) -                        |
|          | Address  | Employed (Give Month and Year):<br>From To |
|          | Name of Supervisor   | Pay:<br>Start Last                         |
|          | Job Title and Description of Your Work   | Reason for Leaving:                        |
|          | Was this job: <input type="checkbox"/> Full-Time <input type="checkbox"/> Part-Time <input type="checkbox"/> Temporary | Number of hours worked per week:           |

|          |  |  |
|----------|--|--|
| <b>2</b> | Company Name   | Telephone:<br>( ) -                        |
|          | Address  | Employed (Give Month and Year):<br>From To |
|          | Name of Supervisor   | Pay:<br>Start Last                         |
|          | Job Title and Description of Your Work   | Reason for Leaving:                        |
|          | Was this job: <input type="checkbox"/> Full-Time <input type="checkbox"/> Part-Time <input type="checkbox"/> Temporary | Number of hours worked per week:           |

|          |  |  |
|----------|--|--|
| <b>3</b> | Company Name   | Telephone:<br>( ) -                        |
|          | Address  | Employed (Give Month and Year):<br>From To |
|          | Name of Supervisor   | Pay:<br>Start Last                         |
|          | Job Title and Description of Your Work   | Reason for Leaving:                        |
|          | Was this job: <input type="checkbox"/> Full-Time <input type="checkbox"/> Part-Time <input type="checkbox"/> Temporary | Number of hours worked per week:           |

|          |  |  |
|----------|--|--|
| <b>4</b> | Company Name   | Telephone:<br>( ) -                        |
|          | Address  | Employed (Give Month and Year):<br>From To |
|          | Name of Supervisor   | Pay:<br>Start Last                         |
|          | Job Title and Description of Your Work   | Reason for Leaving:                        |
|          | Was this job: <input type="checkbox"/> Full-Time <input type="checkbox"/> Part-Time <input type="checkbox"/> Temporary | Number of hours worked per week:           |

May we contact your previous employers listed above?  Yes  No  
 May we contact your present employer?  Yes  No

Do you have certification/registration in Colorado or Nationally?

List and describe any specialized training or skills you have (such as computers, software, med certified, CPR, first aid, machine operation):

Describe honors or achievements received:

Have you ever been convicted of a felony or misdemeanor other than a minor traffic offense?  Yes  No  
 If yes, state date of conviction and briefly describe. (Conviction will not necessarily disqualify an applicant from employment.)

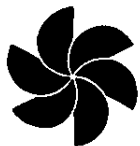
List additional references who are not related to you. Examples of preferred references are: past supervisors not listed on page 2, professionals in the human service field, professors/teachers, or co-workers.

|  |                       |                       |                       |                   |
|--|-----------------------|-----------------------|-----------------------|-------------------|
| <b>R<br/>E<br/>F<br/>E<br/>R<br/>E<br/>N<br/>C<br/>E<br/>S</b> | <b>1</b>              | Name                  | Length of time known: | Telephone:<br>( ) |
|  |                       | Street Address        | Occupation:           |                   |
|  |                       | City, State, Zip Code |                       |                   |
|  | <b>2</b>              | Name                  | Length of time known: | Telephone:<br>( ) |
|  |                       | Street Address        | Occupation:           |                   |
| City, State, Zip Code  |                       |                       |                       |                   |
| <b>3</b>   | Name                  | Length of time known: | Telephone:<br>( )     |                   |
|  | Street Address        | Occupation:           |                       |                   |
|  | City, State, Zip Code |                       |                       |                   |
| <b>4</b>   | Name                  | Length of time known: | Telephone:<br>( )     |                   |
|  | Street Address        | Occupation:           |                       |                   |
|  | City, State, Zip Code |                       |                       |                   |
| <b>5</b>   | Name                  | Length of time known: | Telephone:<br>( )     |                   |
|  | Street Address        | Occupation:           |                       |                   |
|  | City, State, Zip Code |                       |                       |                   |

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I hereby declare the information provided by me in this Application for Employment is true, correct and complete to the best of my knowledge. I understand that, if employed, any misstatement or omission of fact on this application may be considered cause for dismissal. I authorize investigation of all statements contained in this application and accompanying resume, if applicable. I authorize Developmental Disabilities Resource Center to obtain information through personal interviews with my references and others who may have relevant information as to my work performance, character, and general reputation. I further authorize investigation with law enforcement agencies, previous employers or any other appropriate parties. I understand and agree that my employment is not for a definite period and may be terminated at any time by either me or Developmental Disabilities Resource Center.

\_\_\_\_\_ Date \_\_\_\_\_ Signature



# ***Developmental Disabilities Resource Center***

Central Offices 7456 W. 5th Ave. Lakewood, CO 80226 (303) 233-3363 or FAX (303) 233-4622

IN ORDER TO ACCURATELY TRACK OUR ADVERTISING, WE ARE ASKING THAT YOU FILL OUT THE FOLLOWING QUESTIONNAIRE.

POSITION APPLIED FOR: \_\_\_\_\_

HOW DID YOU FIND OUT ABOUT THE JOB YOU ARE APPLYING FOR?

\_\_\_\_\_ DENVER POST

\_\_\_\_\_ ROCKY MTN. NEWS

\_\_\_\_\_ SENTINEL

\_\_\_\_\_ JOB POSTING ( WHERE DID YOU SEE THE POSTING? ) \_\_\_\_\_

\_\_\_\_\_ OTHER (PLEASE EXPLAIN) \_\_\_\_\_

DATE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_



**SAMPLE ONLY**  
**HOST HOME PROVIDER APPLICATION**  
**(do not use for potential employees)**

Name: \_\_\_\_\_ Phone (H) \_\_\_\_\_

Address: \_\_\_\_\_ Phone (W) \_\_\_\_\_

City, Zip: \_\_\_\_\_ Hours Worked: \_\_\_\_\_

Social Security Number: \_\_\_\_\_ Drivers License #: \_\_\_\_\_

Do you reside in Denver County?  YES  NO How long? \_\_\_\_\_

Are you willing to relocate to provide services? \_\_\_\_\_

Names of other individuals currently living in your home:

| Name | Date of Birth | Relationship |
|------|---------------|--------------|
|      |               |              |
|      |               |              |
|      |               |              |
|      |               |              |

Have you ever worked for our agency before? \_\_\_\_\_ Give dates and position: \_\_\_\_\_

Have you ever applied for a day care or foster care license? \_\_\_\_\_ Were you denied? YES \_\_\_ NO \_\_\_

Are you currently licensed to provide day care or foster care in your home? \_\_\_\_\_

Are you currently providing foster care or day care to anyone in your home? \_\_\_\_\_

Have you ever been approved to provide host home services through any other agency? \_\_\_\_\_

If so, please list agencies: \_\_\_\_\_

Are you currently providing host home services in your home for another agency? \_\_\_\_\_

If yes, please list agency: \_\_\_\_\_

Please provide your daily schedule, including hours worked and any on-going commitments (include classes, club meetings, etc).

|           | Mon. | Tues. | Weds. | Thurs. | Fri. | Sat. | Sun. |
|-----------|------|-------|-------|--------|------|------|------|
| morning   |      |       |       |        |      |      |      |
| afternoon |      |       |       |        |      |      |      |
| evening   |      |       |       |        |      |      |      |

**A BACKGROUND CHECK IS REQUIRED OF ALL ADULTS LIVING WITHIN A HOST HOME.**

Have you or any member of your household been arrested for violations of the law other than minor traffic violations? \_\_\_\_\_ If yes, please explain: \_\_\_\_\_

Have you or any member of your household ever been convicted of a felony or misdemeanor? \_\_\_\_\_  
If yes, please explain: \_\_\_\_\_

Are you or any member of your household currently on parole/probation? \_\_\_\_\_ If yes, please explain: \_\_\_\_\_

Do you or any member of your household have a communicable disease? \_\_\_\_\_ If yes, please explain: \_\_\_\_\_

**EDUCATION, TRAINING, AND SPECIAL SKILLS**

What is the highest level of education you have completed? \_\_\_\_\_

Do you have special certification in related fields? \_\_\_\_\_

What is the primary language spoken in your home? \_\_\_\_\_

Indicate any other language you speak fluently: \_\_\_\_\_

Are you proficient in sign language? \_\_\_\_\_

**EMPLOYMENT HISTORY**

Current Employer: \_\_\_\_\_ Phone \_\_\_\_\_

Employer's Address: \_\_\_\_\_

Month/year employment began: \_\_\_\_\_ Month/year employment ended: \_\_\_\_\_

Briefly describe your position and duties: \_\_\_\_\_

Reason for leaving: \_\_\_\_\_

May we contact your current employer? \_\_\_\_\_ YES \_\_\_\_\_ NO

Previous Employer: \_\_\_\_\_ Phone \_\_\_\_\_

Employer's Address: \_\_\_\_\_

Month/year employment began: \_\_\_\_\_ Month/year employment ended: \_\_\_\_\_

Briefly describe your position and duties: \_\_\_\_\_

\_\_\_\_\_

Reason for leaving: \_\_\_\_\_

May we contact this former employer? \_\_\_\_\_ YES \_\_\_\_\_ NO

=====

Previous Employer: \_\_\_\_\_ Phone \_\_\_\_\_

Employer's Address: \_\_\_\_\_

Month/year employment began: \_\_\_\_\_ Month/year employment ended: \_\_\_\_\_

Briefly describe your position and duties: \_\_\_\_\_

\_\_\_\_\_

Reason for leaving: \_\_\_\_\_

May we contact this former employer? \_\_\_\_\_ YES \_\_\_\_\_ NO

=====

**RESIDENCE DESCRIPTION**

|                       |                    |                        |
|-----------------------|--------------------|------------------------|
| _____ House           | _____ Ranch        | _____ Total # of rooms |
| _____ Apartment       | _____ Single-story | _____ # of bedrooms    |
| _____ Townhouse/condo | _____ Two-story    | _____ # of bathrooms   |
| _____ Mobile home     | _____ Tri-level    |                        |

Location of bedroom(s) available: \_\_\_\_\_

Do you own or rent? \_\_\_\_\_

Is your home wheelchair accessible? \_\_\_\_\_

What hours are you available to provide support services to persons living in your home? \_\_\_\_\_

\_\_\_\_\_

Is any person currently living in your home receiving services from this or any other agency? \_\_\_\_\_

\_\_\_\_\_

# PERSONAL FINANCE SHEET

The financial status of the host home must be proven to be secure. Please furnish the following information using current monthly figures.

## MONTHLY HOUSEHOLD INCOME

Employment (net monthly income)

Self: \_\_\_\_\_

Spouse: \_\_\_\_\_

Other: \_\_\_\_\_

Other Income (specify source)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Total Monthly Income: \_\_\_\_\_

Please indicate any changes in family income  
you anticipate in the next year:

\_\_\_\_\_

## MONTHLY HOUSEHOLD EXPENSES

Housing:

Rent/Mortgage: \_\_\_\_\_

Property Insurance: \_\_\_\_\_

Lot Payments: \_\_\_\_\_

Property Payments: \_\_\_\_\_  
(other than home)

Utilities: \_\_\_\_\_  
(monthly average of all utilities)

Installment Payments:

Autos: \_\_\_\_\_

Charge Accounts: \_\_\_\_\_

Other: \_\_\_\_\_

Insurance Payments:

Auto: \_\_\_\_\_

Company: \_\_\_\_\_

Health/Life: \_\_\_\_\_

Company: \_\_\_\_\_

Groceries: \_\_\_\_\_

Other estimated monthly expenses such as  
medical, repairs, clothing, entertainment,  
etc.: \_\_\_\_\_

Total expenses: \_\_\_\_\_



PREFERENCES

- 1. I prefer to work with the following age group:  
 under 21     21 to 30     30 to 50     over 50     no preference
- 2. I prefer to work with the following gender:  
 male                       female                       no preference
- 3. I would like to provide a home for:  
 one person     two persons                       no preference
- 4. I feel I can accommodate an individual who:  
 smokes                                       has special diet needs  
 uses a cane or walker                       is no longer working  
 uses a wheelchair                       has special behavioral needs  
 is non-verbal                               has special medical needs  
 is sight impaired                       uses adult Depends  
 is hearing impaired
- 5. Please note any pets that share your home: \_\_\_\_\_
- 6. Do you have any young children who frequently visit your home? \_\_\_\_\_
- 7. Other information I would like considered when placing someone in my home: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 8. Activities I frequently participate in include:  
 Movies                       Theater                       Concerts                       Travel  
 TV/VCR                       Music                       Reading                       Crafts  
 Shopping                       Restaurants                       Malls                       Bingo  
 Sports                       Camping                       Hiking                       Swimming  
 Jog/Walk                       Fishing                       Car Rides                       Cards & Games  
 Photography                       Sewing                       Gardening                       Bowling  
 Church (Specify) \_\_\_\_\_  
 Meetings & Clubs \_\_\_\_\_
- 9. Activities I would like to share with another person include: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## REFERENCES

Please provide the following information for TWO business and THREE personal references of persons not related to you:

| Name<br>Street Address<br>City, State, Zip | Length of time known | Relationship | Home Phone<br>Work Phone |
|--|----------------------|--------------|--------------------------|
| 1. _____<br>_____<br>_____                 |                      |              | h _____<br>w _____       |
| 2. _____<br>_____<br>_____                 |                      |              | h _____<br>w _____       |
| 3. _____<br>_____<br>_____                 |                      |              | h _____<br>w _____       |
| 4. _____<br>_____<br>_____                 |                      |              | h _____<br>w _____       |
| 5. _____<br>_____<br>_____                 |                      |              | h _____<br>w _____       |

Do you know anyone currently providing services for our agency? \_\_\_\_\_  
If yes, who? \_\_\_\_\_

I certify that answers given herein are true and complete to the best of my knowledge. I authorize investigation of all statements contained in this application as may be necessary in arriving at a decision to execute a contract. In the event of contract being executed, I understand that false or misleading information given in this application or during the interview may lead to termination of the contract.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant

Prospective providers will receive consideration without regard to race, color, religion, gender, sexual orientation, national origin, age, marital or veteran status, the presence of a non-job related medical condition or disability, or any other legally protected group.



5375 Western Avenue  
 Boulder, CO 80301  
 (303) 444-0573  
 FAX (303) 444-0573

**CARMEL COMMUNITY LIVING CORPORATION  
 PRE-EMPLOYMENT REFERENCE CHECK FORM**

Name of Applicant: \_\_\_\_\_  
 Place of employment (name): \_\_\_\_\_  
 Dates of employment: From \_\_\_\_\_ To \_\_\_\_\_ Hours per week \_\_\_\_\_  
 Position(s) held: \_\_\_\_\_  
 Name of contact person: \_\_\_\_\_

Introduce yourself by name, title, and company

\_\_\_\_\_ has applied for a position with our company and has told us that he/she was previously employed with your company. May I have a few minutes of your time to ask a few brief questions?  
 If time is not now available, make a definite appointment to recall.

Please tell me how you would rate this him/her in the following areas:

POOR FAIR AVER VERY GOOD EXCEL OTHER

|                 | POOR | FAIR | AVER | VERY GOOD | EXCEL | OTHER |
|-----------------|------|------|------|-----------|-------|-------|
| Quality of Work |      |      |      |           |       |       |
| Initiative      |      |      |      |           |       |       |
| Job Attitude    |      |      |      |           |       |       |
| Cooperation     |      |      |      |           |       |       |
| Attendance      |      |      |      |           |       |       |
| Reliability     |      |      |      |           |       |       |
| Honesty         |      |      |      |           |       |       |

Recommend? Yes \_\_\_ No \_\_\_

Rehire? Yes \_\_\_ No \_\_\_

What would you consider to be his/her strongest point? \_\_\_\_\_

Weakest point? \_\_\_\_\_

What was his/her reason for leaving? \_\_\_\_\_

Do you have additional comments? \_\_\_\_\_

**Extending  
 Meaning to  
 Humanity**



5375 Western Avenue  
 Boulder, CO 80301  
 (303) 444-0573  
 FAX (303) 444-0573

**CARMEL COMMUNITY LIVING CORPORATION  
 PRE-EMPLOYMENT REFERENCE CHECK**

Name of applicant: \_\_\_\_\_  
 Place of employment: \_\_\_\_\_  
 Dates of employment: From \_\_\_\_\_ To \_\_\_\_\_ Hours per week \_\_\_\_  
 Position(s) held: \_\_\_\_\_  
 Name of contact person: \_\_\_\_\_

Introduce yourself by name, title and company

\_\_\_\_\_ has applied for a position with our company and has told us that he/she was previously employed by your company. May I have a few minutes of your time to ask a few brief questions?  
 If time is not now available, make a definite appointment to recall.

Please tell me how you would rate him/her in the following areas:

POOR FAIR AVER VERY GOOD EXCEL OTHER

|                 | POOR | FAIR | AVER | VERY GOOD | EXCEL | OTHER |
|-----------------|------|------|------|-----------|-------|-------|
| Quality of Work |      |      |      |           |       |       |
| Initiative      |      |      |      |           |       |       |
| Job Attitude    |      |      |      |           |       |       |
| Cooperation     |      |      |      |           |       |       |
| Attendance      |      |      |      |           |       |       |
| Reliability     |      |      |      |           |       |       |
| Honesty         |      |      |      |           |       |       |

Recommend? Yes \_\_\_ No \_\_\_                      Rehire? Yes \_\_\_ No \_\_\_

What would consider to be his/her strongest point? \_\_\_\_\_

Weakest point? \_\_\_\_\_

What was his/her reason for leaving? \_\_\_\_\_

Do you have additional comments? \_\_\_\_\_

**Extending  
 Meaning to  
 Humanity**

Signed by \_\_\_\_\_

\_\_\_\_\_



## TELEPHONE REFERENCE CHECK

Name of Applicant \_\_\_\_\_

Position Applied For \_\_\_\_\_

Person Contacted \_\_\_\_\_ Tel: \_\_\_\_\_

Title \_\_\_\_\_ Company \_\_\_\_\_

\_\_\_\_\_ has applied for a position with Bethphage and has signed a release of information. Would you please verify the following information:

Date of Employment: From \_\_\_\_\_ To \_\_\_\_\_

What was the nature of his/her duties? \_\_\_\_\_

Did he/she have any supervisory responsibilities? Please describe: \_\_\_\_\_

Did this person progress in the job? Please explain: \_\_\_\_\_

What were his or her strong points? \_\_\_\_\_

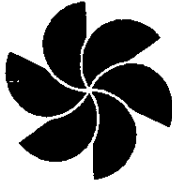
What were his or her limitations? \_\_\_\_\_

Please comment on his or her:

dependability \_\_\_\_\_

attendance \_\_\_\_\_

ability to accept responsibility \_\_\_\_\_



# Developmental Disabilities Resource Center

Central Offices 7456 W. 5th Ave. Lakewood, CO 80226 (303) 233-3363 or FAX (303) 233-4622

To: \_\_\_\_\_

Date: \_\_\_\_\_

Attention: \_\_\_\_\_

This is a request for information regarding your previous employee named below. We would appreciate your providing the information requested on the lower half of this page. Any information you give us will be treated confidentially. Please note the release of liability signature. An early reply will be greatly appreciated. A self-addressed and stamped envelope is enclosed. Thank you for your help.

Sincerely,

DEVELOPMENTAL DISABILITIES RESOURCE CENTER

TITLE

\*\*\*\*\*

### Release of Liability for Exchange of Information

I hereby authorize the Developmental Disabilities Resource Center to perform an investigation into my personal background and employment history. I further authorize the company, agency, school, or person named above to give any information regarding my employment, work performance, character and qualifications that they may have. I hereby release Developmental Disabilities Resource Center and said company, agency, school or person from all liability for providing this information. A photocopy of this authorization shall be as valid as the original.

\_\_\_\_\_  
Name of Applicant (Please Print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Previous Name, if applicable

|                              |       |     |                 |
|------------------------------|-------|-----|-----------------|
| Dates of Employment:         | From: | To: | Hours per Week: |
| Position(s) Held:            |       |     |                 |
| Brief Explanation of Duties: |       |     |                 |

Please make changes to the above information, if necessary, or note discrepancies:

Please rate the applicant on the following characteristics:

|                     | Poor | Fair | Average | Very Good | Excellent | Other |
|---------------------|------|------|---------|-----------|-----------|-------|
| Quality of Work     |      |      |         |           |           |       |
| Quantity of Work    |      |      |         |           |           |       |
| Job Attitude        |      |      |         |           |           |       |
| Personal Appearance |      |      |         |           |           |       |
| Attendance          |      |      |         |           |           |       |
| Dependability       |      |      |         |           |           |       |
| Creativeness        |      |      |         |           |           |       |

Would you rehire?  Yes  No

\_\_\_\_\_  
Signature of Previous or Current Employer

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

amount of supervision needed \_\_\_\_\_

ability to get along with others \_\_\_\_\_

potential for advancement \_\_\_\_\_

Why did he or she leave your company? \_\_\_\_\_

\_\_\_\_\_

Would you re-employ this person? Please explain: \_\_\_\_\_

\_\_\_\_\_

Is there anything else you feel we should know? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Person Completing

Date Completed

**CCLC PRE-EMPLOYMENT REFERENCE CHECK FORM**

Name of Applicant: \_\_\_\_\_  
 Place of employment (name): \_\_\_\_\_  
 Dates of employment: From \_\_\_\_\_ To \_\_\_\_\_ Hours per week \_\_\_\_\_  
 Position(s) held: \_\_\_\_\_  
 Name of contact person: \_\_\_\_\_ Date Contacted \_\_\_/\_\_\_/\_\_\_

Introduce yourself by name, title, and company

\_\_\_\_\_ has applied for a position with our company and has told us that he/she was previously employed with your company. May I have a few minutes of your time to ask a few brief questions?  
 If time is not now available, make a definite appointment to recall.

Please tell me how you would rate this him/her in the following areas:

POOR FAIR AVER VERY GOOD EXCEL OTHER

|                 |  |  |  |  |  |  |
|-----------------|--|--|--|--|--|--|
| Quality of Work |  |  |  |  |  |  |
| Initiative      |  |  |  |  |  |  |
| Job Attitude    |  |  |  |  |  |  |
| Cooperation     |  |  |  |  |  |  |
| Attendance      |  |  |  |  |  |  |
| Reliability     |  |  |  |  |  |  |
| Honesty         |  |  |  |  |  |  |

Recommend? Yes \_\_\_ No \_\_\_                      Rehire? Yes \_\_\_ No \_\_\_

What would you consider to be his/her strongest point? \_\_\_\_\_

\_\_\_\_\_

Weakest point? \_\_\_\_\_

\_\_\_\_\_

What was his/her reason for leaving? \_\_\_\_\_

\_\_\_\_\_

Do you have additional comments? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signed by \_\_\_\_\_ f:\jobfunc.hr\pre-employment



## *Sample Interview Questions Direct Care Position (Entry Level)*

*The following are sample interview questions drawn from various providers throughout the State. Questions that are similar and/or fall into similar categories have been grouped.*

- Please explain your understanding of what the position actually is that you are applying for.
- Please explain your background as it relates to this position.
- Tell me about your experience.
- What made you apply for this job?
  
- What is your understanding of persons with developmental disabilities?
- *Interviewer:* Give a situation in the program for the applicant to respond to which relates to the position for which they are applying; ask how they would handle the situation.
  
- How do you feel about working with people who have aggressive behaviors? How do you feel about punishment?
- What do you feel the most important responsibilities are of an employee working with people who have disabilities?
- One of our goals is to assist people to be included in the community. How might you do this?
  
- How do you react when you become angry? What do you do when you are really mad?
- How would you describe your temperament?
- How do you cope with stress?
- What are your warning sign of stress. How do you alleviate them?
- How do you handle conflicts (supervisor, coworker, consumer)?
- Can you tell me about a situation in which you felt intimidated? How did you deal with it?
- What were some of the problems you encountered at your last job? How did you solve them?

- What do you consider to be your strengths?
- Rate your organizational skills on a scale of one to ten and why?
- If we asked a previous supervisor to list 3 or 4 of your most positive traits or characteristics, what would they say?
- If we asked the same supervisor to describe those traits or characteristics of yours they find less pleasing, what would they say?
- What would your past supervisors tell me about your job performance?
  
- What qualities are important to you in a supervisor?
- What do you need or want from your supervisor?
- What role do you feel a supervisor should play?
  
- What question(s) should have been asked of you that were not?
- Do you have any questions for us?
- What are your questions and/or concerns?
  
- Explain how our program would benefit from hiring you?
- Why do you think we should hire you?
  
- What is your schedule like (i.e. do you have another job, school, etc.)?
- What do you feel an employee owes to an employer?
- Why did you leave your last position?
- What qualities are important to you in co-workers?

# HOST HOME APPLICATION PROCESS CHECKLIST

Name of applicant: \_\_\_\_\_

| Step  | Completed / Reviewed By | Date  |
|---|-------------------------|-------|
| 1. Application Completed  | _____                   | _____ |
| 2. Initial Interview/Screen   | _____                   | _____ |
| 3. Minimum of Two Reference Checks  | _____                   | _____ |
| 4. Criminal Background Check<br>(Applicant)                                   | _____                   | _____ |
| 5. Criminal Background Check<br>(Others In Host Home Over 18 Years Of<br>Age) | _____                   | _____ |
| 6. If Criminal Record, Follow Up<br>Completed (Explain)                       | _____                   | _____ |
| 7. Driver's License   | _____                   | _____ |
| 8. Auto Insurance   | _____                   | _____ |
| 9. Home Owner / Rental Insurance  | _____                   | _____ |
| 10. Social Security Card  | _____                   | _____ |
| 11. HUD Inspection  | _____                   | _____ |
| 12. Provider Approved By:   |                         |       |
| _____ Host Home Coordinator:  | _____                   | _____ |
| _____ Human Resources Department:   | _____                   | _____ |
| _____ Executive Director:   | _____                   | _____ |

SAMPLE

Completed By: \_\_\_\_\_ Date: \_\_\_\_\_

# STAFF APPLICATION PROCESS CHECKLIST

Name of applicant: \_\_\_\_\_

|       | <i>Step</i>   | <i>Completed / Reviewed By</i> | <i>Date</i> |
|-------|---|--------------------------------|-------------|
| _____ | 1. Application Completed  | _____                          | _____       |
| _____ | 2. Initial Interview/Screen                                       | _____                          | _____       |
| _____ | 3. Minimum of Two Reference Checks                                | _____                          | _____       |
| _____ | 4. Criminal Background Check                                      | _____                          | _____       |
| _____ | 5. If Criminal Background, Follow-Up Completed ( <i>Explain</i> ) | _____                          | _____       |
| _____ |   | _____                          | _____       |
| _____ | 6. Driver's License   | _____                          | _____       |
| _____ | 7. Social Security Card   | _____                          | _____       |
| _____ | 8. Worker's Comp Report   | _____                          | _____       |
| _____ | 9. Approvals:   |                                |             |
|       | ____ Supervisor   | _____                          | _____       |
|       | ____ Human Resources  | _____                          | _____       |
|       | ____ Executive Director   | _____                          | _____       |

Completed By: \_\_\_\_\_ Date: \_\_\_\_\_



BETHPHAGE

Where potential comes to life

MEMORANDUM

OK

TO: POTENTIAL EMPLOYEES AND CONTRACT HOST HOME PROVIDERS  
FROM: GORDON BUCKNER, HUMAN RESOURCE MANAGER *GB*  
SUBJECT: BACKGROUND INVESTIGATION RELEASE FORM

Completion of the attached "Background Investigative Release" form is optional at this time, however, it is requested to assist us in speeding up the background investigation process, which is of benefit to you and Bethphage. Please be assured that your date of birth, requested as part of the "Background Investigation Release" form, will not be used by Bethphage in any manner which is discriminatory.

BETHPHAGE MISSION WEST, INC.

2620 SOUTH PARKER RD., SUITE 210, AURORA, CO 80014-1621 • (303) 369-9711 • FAX (303) 752-0161

A serving arm of the Evangelical Lutheran Church in America helping persons with developmental disabilities.



Accredited by the Commission on Accreditation of Rehabilitation Facilities

Community Living Programs: Integrated

|                |       |  |                        |                          |
|----------------|-------|--|------------------------|--------------------------|
| Attention      |       |  |                        |                          |
| Company Name   |       | Name   | Social Security Number |                          |
| Street Address |       | Employment Dates:<br>From ____ / ____ / ____ To ____ / ____ / ____ |                        | Department or Supervisor |
| City           | State | Zip  | Position Held          | Salary                   |

|   |  |   |  |
|---|--|---|--|
| Are employment dates correct? If not, please supply correct dates<br>___ Yes ___ No From ____ / ____ / ____ To ____ / ____ / ____ |  | Nature of applicant's work  |  |
| If a driver, did applicant drive?<br>___ Locally ___ Over the road  |  | Was applicant a safe driver?<br>___ Yes ___ No  |  |
| Did applicant have any vehicle accidents while in your employ?<br>___ Yes ___ No  |  | Did driver take proper care of the equipment?<br>___ Yes ___ No   |  |
| Did applicant have any vehicle accidents while in your employ?<br>___ Yes ___ No  |  | If yes, please describe   |  |
| Was applicant's operator license ever (while employed)<br>___ Suspended ___ Revoked Yes ___ No ___                                |  | Did applicant's position entail paper work? ___ Yes ___ No If yes, was it<br>___ Complete ___ Accurate ___ Neat ___ On Time |  |
| Did applicant have custody of<br>___ Money ___ Valuables  |  | Were all properly accounted for?<br>___ Yes ___ No  |  |
| Did applicant have custody of<br>___ Money ___ Valuables  |  | If not, please explain  |  |
| Was applicant absent<br>___ Never or Rarely ___ Occasionally ___ Repeatedly   |  |   |  |
| Reason for termination ___ Laid off ___ Resigned ___ Discharged ___ Other Please explain  |  |   |  |
| Would you re-employ? ___ Yes ___ No If not, please explain  |  |   |  |

|                 | <u>Excellent</u> | <u>Good</u> | <u>Fair</u> | <u>Poor</u> |                 | <u>Excellent</u> | <u>Good</u> | <u>Fair</u> | <u>Poor</u> |
|-----------------|------------------|-------------|-------------|-------------|-----------------|------------------|-------------|-------------|-------------|
| Honesty         | _____            | _____       | _____       | _____       | Personal Habits | _____            | _____       | _____       | _____       |
| Quality of Work | _____            | _____       | _____       | _____       | Driving Skills  | _____            | _____       | _____       | _____       |
| Cooperation     | _____            | _____       | _____       | _____       | Attitude Toward | _____            | _____       | _____       | _____       |
| Dependability   | _____            | _____       | _____       | _____       | Company         | _____            | _____       | _____       | _____       |
| Safety Habits   | _____            | _____       | _____       | _____       |                 | _____            | _____       | _____       | _____       |

Remarks: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

For \_\_\_\_\_  
 Name of Company

Date: \_\_\_\_\_

By \_\_\_\_\_  
 Signature and Title

I have applied to Foothills Gateway, Inc. for employment, and I desire that they be fully advised of my record with former employer. I, therefore, respectfully request that you furnish the necessary information concerning my employment with your organization, and hereby release you from any and all liability of damages for providing the information requested.

\_\_\_\_\_  
 Signature of Applicant

## REQUEST FOR REFERENCE

In an effort to recruit the best possible staff to work with persons with developmental disabilities, we routinely check the references of all applicants. Colorado Revised Statutes 27-1-110 states that any local agency may contact the previous employers of any person applying for a position which would require that person to have direct and unsupervised contact with any individual who has developmental disabilities. C.R.S. 27-1-110 further states that any previous employer of an applicant who provides information or who makes recommendations concerning such person shall be immune from civil liability unless the information is false and the previous employer knows such information is false or acts with reckless disregard concerning the veracity of such information.

Your name has given as a reference for \_\_\_\_\_ who has applied for a position providing personal care and/or other in-home support to a person with a developmental disability. Please complete and return this form in the enclosed envelope. Thank you for your assistance.

Sincerely,

Executive Director

### REFERENCE

Company Name: \_\_\_\_\_

Name of person giving reference: \_\_\_\_\_

Please verify the dates of employment: From: \_\_\_\_\_ To: \_\_\_\_\_

Please rate the applicant on the following qualities. If you have no opinion or don't have information to evaluate the quality, please check "not noted".

| Traits/Characteristics                         | Excellent | Acceptable | Not Acceptable | Not Noted |
|--|-----------|------------|----------------|-----------|
| Attendance, dependability, punctuality         |           |            |                |           |
| Performance of job duties                      |           |            |                |           |
| Initiative, enthusiasm, self-motivation        |           |            |                |           |
| Resourcefulness, creativity                    |           |            |                |           |
| Patience                                       |           |            |                |           |
| Ability to get along with others, cooperation  |           |            |                |           |
| Ability to work with a group, adaptability     |           |            |                |           |
| Cooperation with supervisor                    |           |            |                |           |
| Intelligence, ability to grasp ideas           |           |            |                |           |
| Ability to express self orally                 |           |            |                |           |
| Ability to express self in writing             |           |            |                |           |
| Ability to work under pressure and emergencies |           |            |                |           |
| Character, integrity, honesty                  |           |            |                |           |
| Sense of humor                                 |           |            |                |           |
| Emotional balance and maturity                 |           |            |                |           |
| Self-esteem, self-image                        |           |            |                |           |
| Personal appearance, presentation              |           |            |                |           |
| Self-improvement effort, interest in growth    |           |            |                |           |

How long have you known the applicant? \_\_\_\_\_

Is this person eligible for rehire?  Yes  No  N/A

List two top strengths or assets of this applicant: \_\_\_\_\_

List two areas they might need supervision/support: \_\_\_\_\_

C.  
B. &  
I.



1827 Wadsworth  
Lakewood, CO 80215  
(303) 233-3307  
Fax (303) 233-1170

Background Investigations • Employee Screening • General Investigations

**BACKGROUND INVESTIGATIVE RELEASE**

C.B.&I. is authorized to do an extensive background investigation on me for possible employment consideration. C.B.&I. shall not be violating my right of privacy in any manner by running a criminal history, workers' compensation claim history, credit history, driving record, employment history, educational history and/or any other background check on me on behalf of its clients. This serves as authorization for the release of the above information from any and all agencies or facilities.

\_\_\_\_\_  
Date

**BETHPHAGE MISSION WEST  
AURORA, CO**

\_\_\_\_\_  
Signature

**PROVIDE THE FOLLOWING INFORMATION: (PRINT LEGIBLY IN BLACK INK)**

FullName: \_\_\_\_\_

Other Names Used (maiden): \_\_\_\_\_

Addresses for last 5 years: \_\_\_\_\_  
(list current address 1st)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Home Phone Number: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Social Security Number: \_\_\_\_\_

Driver's License Number: \_\_\_\_\_

State of Issue of Driver's License: \_\_\_\_\_

Position for which you are applying: \_\_\_\_\_



**REQUEST FOR REFERENCE**

In an effort to recruit the best possible staff to work with persons with developmental disabilities, we routinely check the references of all applicants. Colorado Revised Statutes 27-1-110 states that any local agency may contact the previous employers of any person applying for a position which would require that person to have direct and unsupervised contact with any individual who has developmental disabilities. C.R.S. 27-1-110 further states that any previous employer of an applicant who provides information or who makes recommendations concerning such person shall be immune from civil liability unless the information is false and the previous employer knows such information is false or acts with reckless disregard concerning the veracity of such information.

Your name has given as a reference for \_\_\_\_\_ who has applied for a position providing personal care and/or other in-home support to a person with a developmental disability. Please complete and return this form in the enclosed envelope. Thank you for your assistance.

Sincerely,

Executive Director

REFERENCE

Company Name: \_\_\_\_\_

Name of person giving reference: \_\_\_\_\_

Please verify the dates of employment: From: \_\_\_\_\_ To: \_\_\_\_\_

Please rate the applicant on the following qualities. If you have no opinion or don't have information to evaluate the quality, please check "not noted".

| Traits/Characteristics                         | Excellent | Acceptable | Not Acceptable | Not Noted |
|--|-----------|------------|----------------|-----------|
| Attendance, dependability, punctuality         |           |            |                |           |
| Performance of job duties                      |           |            |                |           |
| Initiative, enthusiasm, self-motivation        |           |            |                |           |
| Resourcefulness, creativity                    |           |            |                |           |
| Patience                                       |           |            |                |           |
| Ability to get along with others, cooperation  |           |            |                |           |
| Ability to work with a group, adaptability     |           |            |                |           |
| Cooperation with supervisor                    |           |            |                |           |
| Intelligence, ability to grasp ideas           |           |            |                |           |
| Ability to express self orally                 |           |            |                |           |
| Ability to express self in writing             |           |            |                |           |
| Ability to work under pressure and emergencies |           |            |                |           |
| Character, integrity, honesty                  |           |            |                |           |
| Sense of humor                                 |           |            |                |           |
| Emotional balance and maturity                 |           |            |                |           |
| Self-esteem, self-image                        |           |            |                |           |
| Personal appearance, presentation              |           |            |                |           |
| Self-improvement effort, interest in growth    |           |            |                |           |

How long have you known the applicant? \_\_\_\_\_

Is this person eligible for rehire?  Yes  No  N/A

List two top strengths or assets of this applicant: \_\_\_\_\_

List two areas they might need supervision/support: \_\_\_\_\_



# FOOTHILLS GATEWAY, INC.

301 Skyway Drive Fort Collins Colorado 80525

## BACKGROUND INQUIRY AUTHORIZATION AND RELEASE FOR PROSPECTIVE EMPLOYEES OF

### *FOOTHILLS GATEWAY, INC.*

To help ensure candidates are qualified for employment in the position applied for with our company, we may make use of certain routine inquiries as to your past employment, character, and other qualifications. Such inquiries may include employment/personal references or others familiar with your qualifications, verification of education degrees or certification, criminal background investigations or the use of other public records\*.

As an applicant for \_\_\_\_\_, I authorize any former employer, person, firm, corporation, or government agency to answer any and all questions and to release or provide any information within their knowledge or records to *Foothills Gateway, Inc.* and/or its representative for the purpose of verifying my employment qualifications.

I agree to hold any or all of the above blameless and free of any liability for releasing any truthful information on a good faith basis, without malice, that is within their knowledge or records.

All information provided by me in support of my application for employment is true and correct to the best of my knowledge.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

Witnessed By:

\_\_\_\_\_  
Company Representative

\_\_\_\_\_  
Date

\* *Foothills Gateway, Inc.* complies with the Fair Credit Reporting Act. Should we make use of credit reporting information in our pre-employment inquiries to learn about a prospective employee's general reputation, personal background, or mode of living, information regarding such inquiries may be provided to you upon written request.

**SAMPLE**

**AUTHORIZATION FOR RELEASE OF INFORMATION**

I give my permission to \_\_\_\_\_  
(Individual or Company)

\_\_\_\_\_  
Address City State Zip

to complete the questionnaire on the back of this release. I hereby release my former employer from all liability for reporting on my past job performance.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant's Signature

|                |       |  |                          |        |
|----------------|-------|--|--------------------------|--------|
| Attention      |       |  |                          |        |
| Company Name   |       | Name   | Social Security Number   |        |
| Street Address |       | Employment Dates:<br>From ____ / ____ / ____ To ____ / ____ / ____ | Department or Supervisor |        |
| City           | State | Zip  | Position Held            | Salary |

|   |  |   |  |
|---|--|---|--|
| Are employment dates correct? If not, please supply correct dates<br>____ Yes ____ No From ____ / ____ / ____ To ____ / ____ / ____ |  | Nature of applicant's work  |  |
| If a driver, did applicant drive?<br>____ Locally ____ Over the road  |  | Was applicant a safe driver?<br>____ Yes ____ No  |  |
|   |  | Did driver take proper care of the equipment?<br>____ Yes ____ No   |  |
| Did applicant have any vehicle accidents while in your employ?<br>____ Yes ____ No  |  | If yes, please describe   |  |
| Was applicant's operator license ever (while employed)<br>____ Suspended ____ Revoked Yes ____ No ____                              |  | Did applicant's position entail paper work? ____ Yes ____ No If yes, was it<br>____ Complete ____ Accurate ____ Neat ____ On Time |  |
| Did applicant have custody of<br>____ Money ____ Valuables  |  | Were all properly accounted for?<br>____ Yes ____ No  |  |
|   |  | If not, please explain  |  |
| Was applicant absent<br>____ Never or Rarely ____ Occasionally ____ Repeatedly  |  |   |  |
| Reason for termination ____ Laid off ____ Resigned ____ Discharged ____ Other Please explain  |  |   |  |
| Should you re-employ? ____ Yes ____ No If not, please explain   |  |   |  |

|                 |                  |             |             |             |                 |                  |             |             |             |
|-----------------|------------------|-------------|-------------|-------------|-----------------|------------------|-------------|-------------|-------------|
|                 | <u>Excellent</u> | <u>Good</u> | <u>Fair</u> | <u>Poor</u> |                 | <u>Excellent</u> | <u>Good</u> | <u>Fair</u> | <u>Poor</u> |
| Honesty         | _____            | _____       | _____       | _____       | Personal Habits | _____            | _____       | _____       | _____       |
| Quality of Work | _____            | _____       | _____       | _____       | Driving Skills  | _____            | _____       | _____       | _____       |
| Cooperation     | _____            | _____       | _____       | _____       | Attitude Toward | _____            | _____       | _____       | _____       |
| Dependability   | _____            | _____       | _____       | _____       | Company         | _____            | _____       | _____       | _____       |
| Safety Habits   | _____            | _____       | _____       | _____       |                 | _____            | _____       | _____       | _____       |

Remarks: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

For \_\_\_\_\_  
 Name of Company

Date: \_\_\_\_\_

By \_\_\_\_\_  
 Signature and Title

I have applied to Foothills Gateway, Inc. for employment, and I desire that they be fully advised of my record with former employers. I, therefore, respectfully request that you furnish the necessary information concerning my employment with your organization, and I hereby release you from any and all liability of damages for providing the information requested.

\_\_\_\_\_  
 Signature of Applicant

# LARADON

## EMPLOYMENT APPLICATION

5100 Lincoln St.  
Denver, Colorado 80216  
303-296-2400

### APPLICANT INSTRUCTIONS

1. Complete both sides of this form.
2. If more space is needed to complete any question, use comments section on the back.
3. Print clearly; incomplete or illegible applications will not be processed.

TODAY'S DATE: \_\_\_\_\_

NAME: \_\_\_\_\_  
LAST      FIRST      MIDDLE      (MAIDEN)

SOCIAL SECURITY NUMBER: \_\_\_\_\_

HOME PHONE: \_\_\_\_\_ WORK PHONE: \_\_\_\_\_

CURRENT ADDRESS: \_\_\_\_\_  
STREET      CITY      STATE      ZIP

PRIOR ADDRESS: \_\_\_\_\_  
STREET      CITY      STATE      ZIP

CONTACT IN EMERGENCY: \_\_\_\_\_  
NAME      PHONE

### AVAILABILITY

For which position are you applying? \_\_\_\_\_

What date can you start? \_\_\_\_\_ What category would you prefer?  Full time  Part time  On-call

For which schedules are you available?  Weekdays  Weekends  Evenings  Nights  Overtime  Other \_\_\_\_\_

How did hear about us?  Newspaper  Job Fair  School  Friend  Other \_\_\_\_\_

Are you related to anyone currently working for Laradon?  Yes  No If yes, who \_\_\_\_\_ Relationship \_\_\_\_\_

### EDUCATION

Please circle highest grade completed.    7   8   9   10   11   12   13   14   15   16   16+

| NAME        | CITY/STATE | DATES | GRADUATE? | DEGREE |
|-------------|------------|-------|-----------|--------|
| HIGH SCHOOL |            |       |           |        |
| COLLEGE     |            |       |           |        |
| OTHER       |            |       |           |        |

### EXPERIENCE

Please put most recent employer first.

| MOST RECENT EMPLOYER                | EMPLOYER                            | EMPLOYER                            |
|-------------------------------------|-------------------------------------|-------------------------------------|
| STREET ADDRESS                      | STREET ADDRESS                      | STREET ADDRESS                      |
| CITY, STATE, ZIP CODE               | CITY, STATE, ZIP CODE               | CITY, STATE, ZIP CODE               |
| TELEPHONE NUMBER                    | TELEPHONE NUMBER                    | TELEPHONE NUMBER                    |
| SUPERVISOR'S NAME                   | SUPERVISOR'S NAME                   | SUPERVISOR'S NAME                   |
| DATES EMPLOYED      SALARY/PAY RATE | DATES EMPLOYED      SALARY/PAY RATE | DATES EMPLOYED      SALARY/PAY RATE |
| START      END      START      END  | START      END      START      END  | START      END      START      END  |
| POSITION/DUTIES                     | POSITION/DUTIES                     | POSITION/DUTIES                     |
| REASON FOR LEAVING:                 | REASON FOR LEAVING:                 | REASON FOR LEAVING:                 |

## STAFF APPLICATION PROCESS CHECKLIST

Name of applicant: \_\_\_\_\_

| Step  | Completed / Reviewed By | Date  |
|---|-------------------------|-------|
| 1. Application Completed  | _____                   | _____ |
| 2. Initial Interview/Screen                                       | _____                   | _____ |
| 3. Minimum of Two Reference Checks                                | _____                   | _____ |
| 4. Criminal Background Check                                      | _____                   | _____ |
| 5. If Criminal Background, Follow Up Completed ( <i>Explain</i> ) | _____                   | _____ |
| _____   | _____                   | _____ |
| 6. Driver's License   | _____                   | _____ |
| 7. Social Security Card   | _____                   | _____ |
| 8. Worker's Comp Report   | _____                   | _____ |
| 9. Approvals:   |                         |       |
| ____ Supervisor   | _____                   | _____ |
| ____ Human Resources  | _____                   | _____ |
| ____ Executive Director   | _____                   | _____ |

Completed By: \_\_\_\_\_ Date: \_\_\_\_\_

## HOST HOME APPLICATION PROCESS CHECKLIST

Name of applicant: \_\_\_\_\_

|       | Step  | Completed / Reviewed By | Date  |
|-------|---|-------------------------|-------|
| _____ | 1. Application Completed  | _____                   | _____ |
| _____ | 2. Initial Interview/Screen   | _____                   | _____ |
| _____ | 3. Minimum of Two Reference Checks  | _____                   | _____ |
| _____ | 4. Criminal Background Check<br><i>(Applicant)</i>                                | _____                   | _____ |
| _____ | 5. Criminal Background Check<br><i>(Others In Host Home Over 18 Years Of Age)</i> | _____                   | _____ |
| _____ | 6. If Criminal Record, Follow Up Completed<br><i>(Explain)</i>                    | _____                   | _____ |
| _____ | _____   | _____                   | _____ |
| _____ | 7. Driver's License   | _____                   | _____ |
| _____ | 8. Auto Insurance   | _____                   | _____ |
| _____ | 9. Home Owner / Rental Insurance  | _____                   | _____ |
| _____ | 10. Social Security Card  | _____                   | _____ |
| _____ | 11. HUD Inspection  | _____                   | _____ |
| _____ | 12. Provider Approved By:   | _____                   | _____ |
| _____ | Host Home Coordinator:  | _____                   | _____ |
| _____ | Human Resources Department:   | _____                   | _____ |
| _____ | Executive Director:   | _____                   | _____ |

Completed By: \_\_\_\_\_ Date: \_\_\_\_\_

## *Sample Interview Questions Direct Care Position (Entry Level)*

*The following are sample interview questions drawn from various providers throughout the State. Questions that are similar and/or fall into similar categories have been grouped.*

- Please explain your understanding of what the position actually is that you are applying for.
- Please explain your background as it relates to this position.
- Tell me about your experience.
- What made you apply for this job?
  
- What is your understanding of persons with developmental disabilities?
- *Interviewer:* Give a situation in the program for the applicant to respond to which relates to the position for which they are applying; ask how they would handle the situation.
- How do you feel about working with people who have aggressive behaviors? How do you feel about punishment?
- What do you feel the most important responsibilities are of an employee working with people who have disabilities?
- One of our goals is to assist people to be included in the community. How might you do this?
  
- How do you react when you become angry? What do you do when you are really mad?
- How would you describe your temperament?
- How do you cope with stress?
- What are your warning sign of stress. How do you alleviate them?
- How do you handle conflicts (supervisor, coworker, consumer)?
- Can you tell me about a situation in which you felt intimidated? How did you deal with it?
- What were some of the problems you encountered at your last job? How did you solve them?



- What do you consider to be your strengths?
- Rate your organizational skills on a scale of one to ten and why?
- If we asked a previous supervisor to list 3 or 4 of your most positive traits or characteristics, what would they say?
- If we asked the same supervisor to describe those traits or characteristics of yours they find less pleasing, what would they say?
- What would your past supervisors tell me about your job performance?
  
- What qualities are important to you in a supervisor?
- What do you need or want from your supervisor?
- What role do you feel a supervisor should play?
  
- What question(s) should have been asked of you that were not?
- Do you have any questions for us?
- What are your questions and/or concerns?
  
- Explain how our program would benefit from hiring you?
- Why do you think we should hire you?
  
- What is your schedule like (i.e. do you have another job, school, etc.)?
- What do you feel an employee owes to an employer?
- Why did you leave your last position?
- What qualities are important to you in co-workers?