




Executive Directive



Title: Criminal History Records Check — Non-Mandated Employees	Executive Directive Number: ADM.050.0041
Related MD Statute/Regulations: Correctional Services Article, §2-103, Annotated Code of Maryland	Supersedes: N/A
Related ACA Standards: 2-CO-1C-18; 4-ALDF-7B-03; 4-4061; 1-CORE-7B-01	Responsible Authority:  Executive Director – Human Resources Services Division
Related MCCS Standards: N/A	Effective Date: June 5, 2013 Number of Pages:


Gary D. Maynard
Secretary


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Deputy Secretary
for Administration

.01 Purpose.

This directive establishes Department of Public Safety and Correctional Services (Department) policy and minimum responsibilities for conducting a criminal history records check on new employees.

.02 Scope.

This directive applies to all units of the Department.

.03 Policy.

The Department shall conduct a criminal history records check on all new employees in accordance with federal and State statute and regulation to detect criminal convictions that may be related specifically to job performance.

.04 Definitions.

A. In this directive, the following terms have the meanings indicated.

B. Terms Defined.

(1) Employee.

(a) “Employee” means an individual assigned to or employed by the Department in a full-time, part-time, temporary, or contractual position regardless of job title or classification.

(b) “Employee” includes:

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- (i) A contractor;
 - (ii) An intern; and
 - (iii) A volunteer.
- (2) “Hiring authority” means the individual with the authority to approve the hiring of an employee.
- (3) “Mandated employee” has the meaning stated in COMAR 12.10.01.01.

.05 Responsibility/Procedure.

- A. A hiring authority shall ensure that before an employee begins to perform duties and responsibilities of employment that a criminal history records check is performed in order to determine the existence of criminal convictions that may specifically impact performance as an employee.
- B. A hiring authority shall ensure that a criminal history records check is performed for a mandated employee as required under COMAR 12.10.01.05.
- C. A hiring authority shall ensure that a criminal history records check is performed for a non-mandated employee as follows:
 - (1) At a minimum, the hiring authority shall ensure that a State and federal criminal history records check is conducted based on the individual’s full name and date of birth.
 - (2) A hiring authority may conduct a State and federal criminal history records check based on fingerprint identification if the hiring authority has reason to believe that the name and date of birth criminal history records check may not reflect the individual’s complete criminal history.
- D. The criminal conviction information discovered as the result of a criminal history records check under this directive shall be used in conjunction with other information available as part of the hiring process to determine the individual’s suitability for employment with the Department.

.06 Attachments.

There are no attachments to this directive

.07 History.

This Directive supersedes provisions of any other prior existing Department communication with which it may be in conflict.