TriMet’s Criminal Background Check Policy: A year in review

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• In December 2015, the Board passed Resolution 15-12-71, updating our Criminal Background Check Policy.
• Among the changes included:
  • Broadening the group of employees subject to pre-employment background checks (union service workers and non-union employees with access to critical infrastructure/security sensitive facilities or information)
  • Modest refinement/update to list of offenses subject to disqualification under the policy
  • Removing the “box” on employment applications asking for criminal history
  • Modifying employment criminal history questionnaire so no longer asking for self-disclosure (distributed during conditional offer)
    • All criminal history information is now sought in the formal OSP/FBI background check reports
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• Policy changes prompted by Oregon’s ban-the-box legislation (employment applications)
• Also prompted by desire to do more background checks on employees with access to critical infrastructure/security sensitive facilities and information (primarily non-union)
• Board asked us to review the effects of the new policy in a year
2016 : A year in review

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

• Number of service worker applicants (included in new policy)
  • 2015: 649
  • 2016: 252

• Number of criminal background checks completed on service workers in 2016 (none in 2015): 33

• Number of service worker applicants who were disqualified: 1
  (Class C Felony for unauthorized use of a vehicle)

• Number of non-union position hires subject to the criminal background check policy: 24

• Number of non-union position disqualifications based on criminal background check: 0
2016: Insights

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

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