

<b>Practice Name:</b>	Police Information Check –Administrative Policy – (Employee)		
<b>Last Updated:</b>	November 1, 2015		

## PURPOSE

The City of Surrey (the City) has a legitimate interest in ensuring that individuals selected to work for the City comply with a Police Information Check (PIC) process. Employees of the City are viewed by the public as holding positions of confidence and trust. No individual will be hired before acceptable completion of the PIC process, if required, for that position.

It should be noted that certain City positions require acceptable completion of the PIC process and the Vulnerable Sector Check (VSC) process.

## PRINCIPLES

- Protect the public;
- Protect staff;
- Protect financial assets and confidential personal information; and
- Protect the privacy of the applicant.

## STATEMENT OF PRINCIPLE

This Policy incorporates and is consistent with the fundamental principles of the BC *Human Rights Code* by ensuring that only job related criteria are used to evaluate applicants and employees, and that no person will be denied employment or continued employment on the basis of a criminal conviction that is unrelated to the employment or intended employment offer.

## OBJECTIVES OF A POLICE INFORMATION CHECK ARE TO

- Determine if a person has been convicted or charged with a relevant criminal offence;
- Obtain information related to the candidate’s suitability for the position for which he/she is being considered; and
- Determine if a risk is posed to at risk individuals, co-workers, the general public, financial assets, and/or confidential personal information if this person is hired by the City.
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## APPLICATION

This Policy applies to employees (all employment categories – e.g. term, temporary, auxiliary, regular, contract), and potential employees (all employment categories), who engage in program or service delivery for the City of Surrey. The following individuals are required to undergo a PIC:

- External applicants for designated City of Surrey positions (all employment categories), and
- Internal applicants for designated City of Surrey positions (all employment categories).

Applicants responsible for working with at risk individuals will have the PIC process, supplemented with the VSC process.

## DEFINITIONS

**Certain terms used in this Policy are defined below:**

- **Designated Positions** are those positions where the employee works with at risk individuals, financial assets, and/or confidential personal information. HR, working with the appropriate GM, will determine Designated Positions using reasonable standards.
- **At risk individuals** are people who because of age or emotional, mental or physical difficulties or communication barriers, are limited in their ability to remove themselves from a harmful situation.
- **Working with at risk individuals** is defined as working with at risk individuals directly, or having or potentially having unsupervised access to at risk individuals in the ordinary course of employment or in the practice of an occupation.
- **Financial assets** include transaction data or banking equipment, City bank accounts and/or any legal tender including money, cheques, debit cards, credit cards, etc., to which an employee may have either physical access or data access.
- **Working with financial assets** is defined as working with financial assets directly or having or potentially having unsupervised access to financial assets in the ordinary course of employment or in the practice of an occupation with the City.
- **Confidential personal information** includes confidential information related to individuals such as social insurance number, banking information, HR records, payroll records, etc. This information is typically not available from alternate sources.
- **Working with confidential personal information** is defined as working with confidential personal information directly or having or potentially having unsupervised access to confidential personal information in the ordinary course of employment or in the practice of an occupation.

## REQUIREMENTS FOR EMPLOYEE TO DISCLOSE:

All employees in Designated Positions are required to immediately disclose to the Human Resources Designated Representative (HRDR), criminal offences that have occurred since engagement with the City of Surrey. Failure to immediately disclose this information may be cause for termination of employment. Upon disclosure to the HRDR, the employee may be required to undergo a PIC and/or VSC.

## CITY INITIATED POLICE INFORMATION CHECK

Nothing in this Policy limits the City's right to require an employee in a Designated Position to undergo a PIC and/or VSC, when reasonable grounds exist to make such a request. If an employee fails to participate in the request, the City may take action up to and including termination of employment.

## EMPLOYEE CATEGORIES

Employment positions with the City of Surrey fall into one of 4 categories:

**Level 0** – a position where the employee has limited or no exposure to at risk individuals, financial assets or confidential personal information.

**Level 1** – a position where the employee has some exposure to at risk individuals, financial assets or confidential personal information. Employees in this category must complete a PIC and be found to be eligible for employment **before his/her original hire** to the City post January 1, 2009, in accordance with this Policy.

**Level 2** – a position where the employee has exposure to at risk individuals, financial assets and/or confidential personal information. Employees in this category must complete a PIC (inclusive of a VSC if dealing with at risk individuals) and be found to be eligible for employment before hire in accordance with this Policy. Current employees who are the successful candidate on a Level 2 opportunity, must complete a PIC (inclusive of a VSC if dealing with at risk individuals), and be found to be eligible for employment before being awarded the new position.

**Level 3** – a position where the employee interacts with RCMP systems. Employees in this category are required to complete the RCMP Reliability Status Process as determined by the RCMP/Federal Legislation. This may include Top Secret clearance.

## POLICE INFORMATION CHECK PROCESS

### External Applicants:

1. The City requires applicants for Designated Positions (all categories of employment) (Level 1, 2 or 3) to complete a PIC (and for applicable positions a VSC) before hire.
2. The requirement to undergo a PIC is included in recruitment postings, the Internet and related advertisements. At the interview, candidates will again be informed of the PIC process.
3. Hiring managers will only request a PIC for a preferred/valid candidate as step in the selection process. The PIC is a confirmation tool, not a selection tool.
4. A completed PIC/VSC is valid for 12 months from the date it is issued by the RCMP/City Police Detachment for employment with the City. However, if in the reasonable judgment of the Hiring Manager or HR a more current PIC is required, the candidate must comply. Failure to comply will result in the individual being deemed ineligible for employment.
5. Individuals required to complete a PIC will be provided with the PIC Package (Appendix A) by the Hiring Manager or HR. The forms are available on the Intranet. The package has two (2) components: an applicant instruction sheet, and a PIC form. The package may be supplemented with the VSC document. Individuals may decline to participate in, or complete, the PIC process and will be deemed ineligible for employment at that time.
6. Any costs associated with the PIC process will be paid by the City. If the PIC is completed by another RCMP/Police Detachment, the cost of completion will be reimbursed to the applicant by the City upon proof of payment.
7. Questions about the PIC process should be referred to the HRDR to maintain confidentiality. If the PIC/VSC identifies a criminal record and/or outstanding charge(s), the applicant will be advised that the record does not automatically disqualify him/her from employment. Hiring Managers will not ask candidates about their criminal record.
8. Individuals who reside in the City of Surrey will take the required PIC form(s) to the Surrey RCMP Detachment.
9. Individuals who do not reside in the City will take the required PIC form(s) to the Police/RCMP Detachment of the city where they reside.
10. The PIC results will be returned to the individuals. Individuals are responsible to return the original of the completed PIC to the HRDR at the City. Photocopies, emails or faxes will not be accepted.

11. Individuals new to Canada will be required to provide copies of the security clearance information prepared for their immigration application, security clearance from their country of origin, and/or an RCMP PIC.
12. The HRDR (or designate) will review the completed PIC/VSC. The HRDR may contact and interview the applicant in order to gather further information about the information provided through the PIC process.
13. If it is confirmed that a criminal record exists, the HRDR will assess whether it is relevant to the job (i.e. determine suitability) and whether the interests of the City would be prejudiced as a result of the appointment. Factors to be considered include:
  - The number, type and circumstances of conviction (s) and/or charge(s);
  - How long ago the offence(s) are reported to have taken place;
  - The age and circumstances of the individual at the time;
  - The conduct of the individual since convicted or charged;
  - The relevance of the conviction(s) and/or charge(s) to the position applied for;
  - The type, nature and level of the position applied for; and
  - The risk to the public, the City and/or co-workers if appointed.
14. The HRDR (or designate) will notify the Hiring Manager of the individual's eligibility for hire. Managers will not be provided with specific details of the PIC but may be required to provide clarity on job requirements and the potential for accommodation.

**Internal Applicants:**

1. The City has identified positions which are covered by this Policy based on the individual's exposure to at risk individuals and/or financial assets and/or confidential personal information (Level 2 or Level 3).
2. The requirement to undergo a PIC/VSC will be included in the job posting. At the interview stage, candidates will be reminded of the PIC process.
3. Hiring Managers will only request a PIC for a preferred/valid candidate as a step in the selection process. The PIC is a confirmation tool, not a selection tool.
4. A completed PIC/VSC is valid for 12 months from the date it is issued by the RCMP/Police detachment for employment with the City. However, if in the reasonable judgment of the Hiring Manager or HR a more current PIC is required, the applicant/employee must comply. Failure to comply will result in the individual being deemed ineligible for the job posting.
5. Individuals required to complete a PIC will be provided with the PIC Package (Appendix A) by the Hiring Manager or HR. The forms are available on the Intranet. The package has 2 components: an Applicant Instruction sheet, and a PIC form. The package may be supplemented with the VSC document. Individuals may decline to participate in or complete the process and will be deemed ineligible for the posting at that time.
6. Any costs associated with the PIC process will be paid by the City. If the PIC is completed at another RCMP/Police Detachment, the cost of completion will be reimbursed to the individual by the City upon proof of payment.
7. Questions about the PIC process must be referred to the HRDR to maintain confidentiality. If the PIC results identify a police record and/or outstanding charge(s), the applicant will be advised that the record does not automatically disqualify him/her from employment. Hiring Managers will not ask candidates about their criminal record.
8. Individuals who reside in City will take the required form(s) to the Surrey RCMP Detachment.
9. Individuals who do not reside in the City will take the required form(s) to the Police Detachment of the city in which they reside.
10. The PIC results will be returned to the individuals. Individuals are responsible to return an original of the completed PIC to the HRDR. Photocopies, emails or faxes will not be accepted.
11. The HRDR will review the PIC/VSC results. The HRDR may contact and interview the employee to gather information about the information provided through the PIC process.

12. If it is confirmed that a criminal record exists, the HRDR will assess whether it is relevant to the job (i.e. determine suitability) and whether the interests of the City would be prejudiced as a result of the appointment. Factors to be considered include:
  - The number, type and circumstances of conviction (s) and/or charge(s);
  - How long ago the offence(s) are reported to have taken place;
  - The age and circumstances of the individual at the time;
  - The conduct of the individual since convicted or charged;
  - The relevance of the conviction(s) and/or charge(s) to the position applied for;
  - The type, nature and level of the position applied for; and
  - The risk to the public, the City and/or co-workers if appointed.
13. The HRDR will notify the Hiring Manager/supervisor of the individual's eligibility for consideration. The HRDR may also notify the individual's current Manager if the individual is currently in a Designated Position and the HRDR determines this it is necessary to determine the relevance of conviction or charge to the individual's current position and/or to determine appropriate accommodation. Managers will not be provided with specific details of the PIC but may be required to provide clarity on job requirements and the potential for accommodation.

## POLICE INFORMATION CHECK INFORMATION

The information obtained from the PIC process is confidential to the HRDR and will not be used for any purpose other than expressly noted in this Policy. PIC results will not be maintained on personnel files. The HRDR will ensure all PIC results are maintained in a secure and confidential area. The City will comply with the requirements of the *Freedom of Information and Protection of Privacy Act* with respect to the storage and destruction of these records.

The City reserves the right not to employ, contract with, promote, or allow to volunteer any individual who refuses to authorize a PIC, or an individual whose PIC results contain a police offence that HR have deemed to disqualify the prospective candidate.

### **Retention and Destruction of Police Information Check/Vulnerable Sector Check documents:**

PIC's and VSC's are corporate records. As such, their retention and destruction are governed by the *Corporate File Plan* (which provides the authority for the disposition of all City records).

The retention and destruction of PIC and VSC documents will accord with the "*Police Information Check-Retention and Destruction-Administrative Policy*"

### **Accommodation of existing employees:**

For an existing employee in a Designated Position who proactively discloses a criminal record issue, the City will attempt to modify his/her duties, and/or transfer the employee to a position/location where they will not work in conflict with this Policy, if such work is available. If no such work is available, then, depending on the circumstances, the employee may be subject to an unpaid leave of absence, a suspension without pay, or termination of employment due to the failure to meet a *bona fida* qualification for the Designated Position.

An existing employee, who applies for a Designated Position and then provides a relevant criminal record will not be placed in the new position. If the employee is already in a Designated Position, the City will consider the employee's reason for failing to disclose the issue, and it may then modify his/her duties and/or transfer the employee to a job/location where he/she will not work in conflict with this Policy, if such work is available. If no such work is available, then, depending on the circumstances, the employee may be subject to an unpaid leave of absence, suspension without pay, or termination of employment due to failure to meet a necessary qualification for the position. If the employee's current role is not

designated, no further action may be required.

**Responsibilities:**

City employees who are responsible for new hires, and/or for hiring for Designated Positions (either internal or external candidates), must ensure that the PIC process is completed before hire. Staff are responsible to advise applicants of the requirement to provide a PIC.

HR is responsible for administrating the PIC Administrative Policy, training hiring managers/ supervisors, ongoing compliance monitoring, and Policy modifications.

HR will designate an HRDR to administer the Policy. The GM HR and the HRDR will consult with the GM of the hiring department if additional information is needed.