

LIBRARY BACKGROUND CHECKS POLICY

I. Purpose Statement

This policy details how Eagle Mountain Library will handle criminal background checks for qualifying prospective employees.

II. Definitions

- a. "Conviction" or "Convicted" means a conviction by plea or verdict of a crime or offense and includes a plea of guilty or guilty with a mental condition, a plea of no contest, and the acceptance by the court of a plea in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, regardless of whether the charge is subsequently reduced or dismissed in accordance with the plea in abeyance agreement.
- b. "Disqualifying Offense" means a conviction for any of the offenses listed in Section III (b)(i) – (vi) of this policy
- c. "Human Resources" means the human resources department of Eagle Mountain City.
- d. "Library" means the Eagle Mountain City Library.
- e. "Minor" means an individual who is under 18 years old.
- f. "Qualifying Position" means any paid or unpaid position of employment with the Library, including volunteer positions, filled by anyone 18 years of age or older.
- g. "Qualifying Prospective Employee" means an individual who:
 - i. Is 18 years old or older; and
 - ii. Applies for a qualifying position with a public library.

III. Background Checks

- a. Pursuant to the requirements of Utah Code Section 9-7-218, all Qualifying Prospective Employees shall submit to a criminal background check prior to receiving any offer of employment from the Library.
- b. Any Conviction for any of the following offenses shall be deemed disqualifying:
 - i. Any domestic violence offense as defined in Utah Code Section 77-36-1.
 - ii. Any violation of Utah Code Title 76, Chapter 5 or 5b;
 - iii. Any violation of Utah Code Title 76, Chapter 10, Part 3, Part 4, Part 5, or Part 16;
 - iv. Any violation of Utah Code Title 76, Chapter 9, Sections 702, 702.1, 702.5, 702.7, or 705;
 - v. Any violation of Utah Code Title 76, Chapter 9, Part 8 or Part 9; or
 - vi. Any violation of a local law, the law of another state, or the law of the United States that is substantially similar to any of the offenses enumerated in Section III (b)(i) – (v) of this policy.

- c. A Qualifying Prospective Employee shall fill out any required paperwork with Human Resources to facilitate the criminal background check.
- d. Human Resources shall review the results of any criminal background check. The Human Resources Manager, or designee, shall allow the Qualifying Prospective Employee to view the results of the criminal background check prior to providing them to the Library. The Qualifying Prospective Employee shall have 7 calendar days to dispute the accuracy of the criminal background check.
- e. If the Qualifying Prospective Employee disputes the accuracy of the criminal background check, the Human Resources Manager, or designee, shall direct the Qualifying Prospective Employee to provide a written narrative identifying the specific inaccuracies contained in the criminal background check.
- f. If the claimed inaccuracy relates to a Conviction for a Disqualifying Offense and the Qualifying Prospective Employee has not been Convicted of another Disqualifying Offense whose accuracy the Qualifying Prospective Employee does not dispute, the Human Resources Manager, or designee, shall investigate the claimed inaccuracy and make a determination regarding the validity of the claim.
- g. 7 calendar days after Human Resources receives the criminal background check results, the Human Resources Manager, or designee, shall inform the Library of the results of the criminal background check, including any written narrative from the Qualifying Prospective Employee disputing its accuracy and any determinations regarding the validity of the claimed inaccuracy.
- h. If the Qualifying Prospective Employee has a Conviction, including Convictions that Human Resources determines are valid despite a claimed inaccuracy, for any Disqualifying Offense, Human Resources shall notify the Qualifying Prospective Employee of the disqualification and the reasons therefor.
- i. The Qualifying Prospective Employee shall have 10 calendar days to appeal the disqualification by filing a notice of appeal with Human Resources, stating the grounds for appeal with particularity.
- j. The Library Director, or designee, shall hear any appeal to a disqualification within 7 calendar days, unless the time is extended for good cause. The Library Director shall determine the format for any appeal. At a minimum, the Qualifying Prospective Employee shall be allowed to provide a written brief citing why the disqualification was improper. Decisions of the Library Director, or designee, regarding the process and outcome of any appeal are final.

IV. Effective Date

The effective date of this policy is July 1, 2024.

Library Board adopted policy on June 20, 2024 in a public meeting.