

ATTACHMENT _____
CRIMINAL BACKGROUND CHECK REQUIREMENT
FOR
CONTRACTORS PROVIDING SERVICES TO DWS CLIENTS
YOUTH AND CLIENTS WITH DISABILITIES

Contractor shall conduct an annual criminal background check for all contractor, subcontractor employees and volunteers who have access to DWS customer confidential information and/or who provide direct services to any DWS customer.

Additionally, the provider must complete an annual fingerprint-based national criminal background check conducted by the BCI for all employees and volunteers before allowing unsupervised access to youth or individuals with disabilities. Background checks shall be based on official records obtained by the Utah Bureau of Criminal Identification.

It is the provider's responsibility to prevent unsupervised access to youth or individuals with disabilities by employees or volunteers whose criminal history record shows any of the following offenses:

- Any matters involving an alleged sexual offense.
 - Any matters involving an alleged felony or class "A" misdemeanor drug offense.
 - Any matters involving an alleged "crime against the person" under Utah Code 76- 5.
- A. Contractor/subcontractor shall be responsible for all fees associated with the background check unless otherwise assigned to the individual by the contractor/subcontractor, or otherwise provided for by DWS herein.
- B. "Direct Service" includes, but is not limited to, providing individual services including counseling, mentoring, job coaching, training, job search activities, testing and/or providing mental health and medical services to DWS customers.
- C. "Confidential Information" includes but is not limited to, personal identifying information, medical/clinical/counseling records, financial records, case information, etc.
- D. For each individual subject to this policy, the Contractor shall keep in their personnel file an annual and verifiable background check. Personnel files must be made available to DWS upon request.
- E. DWS may restrict or prohibit an individual from accessing confidential information or providing direct customer service until a valid criminal background check is completed or in the event the background check indicates:
1. convictions or a plea in abeyance involving such offenses as theft, illegal drug use and/or trafficking, fraud, sexual offenses, lewdness, domestic violence, assault, battery, identity theft, any felony, any class A misdemeanor, or any other conduct or action that may, in the judgment of DWS, create a risk of harm to a DWS customer and/or suggests that the individual is at risk for compromising confidential information.

- F. Contractor/subcontractor must immediately report all adverse information on an individual's background check to DWS.
- G. DWS may terminate this Agreement in the event the Contractor fails to complete and maintain records of background checks for staff members in a manner consistent with this policy.