

***Children & Family Services
Committee***

HB 1776

Brief Description: *Regarding background checks.*

Sponsors: *Representatives Miloscia, Boldt, Kagi, Conway, Darneille and Dickerson; by request of Department of Social and Health Services.*

Brief Summary of Bill

- *Requires background check investigations be conducted on all current Department of Social and Health Services' employees and applicants for a state position who will or may have unsupervised access to children, juveniles, vulnerable adults, or individuals with developmental disabilities or mental illness.*

Hearing Date: *2/14/01*

Staff: *Tracey Taylor (786-7196).*

Background:

Criminal history checks for felony convictions are required for many state employees, state agency contractors and their employees, and state agency licensees and their employees if there is access to a vulnerable population. This population includes children, the elderly, and the developmentally disabled. Usually the criminal history check is performed on an applicant prior to hiring or licensing. The criminal history check is performed by the Washington State Patrol and, in some instances, through the Federal Bureau of Investigation.

Currently, employees of the Department of Social and Health Services who have unsupervised access to a vulnerable population are not required to have a background check. Last year, the legislature required service providers outside of the department to undergo such a check if there was the possibility for unsupervised access to a vulnerable adult, child or person with a developmental disability. Only persons being considered for department positions that will be directly responsible for the supervision, care, or treatment

of children and the developmentally disabled undergo a background investigation.

Additionally, current law prevents a felony conviction more than 10 years old from being the sole basis for disqualifying a person from employment by the state, one of its subdivisions or agencies, such as the Department of Social and Health Services. However, in 1993, the Legislature provided an exception to this rule in the issuance of teaching certificates and in employment by school districts, educational service districts and their contractors. Teaching certificates and employment by schools districts, educational services districts and their contractors may be denied if an applicant has a guilty plea or conviction involving the sexual exploitation of a minor, a sexual offense involving a minor, or promoting the prostitution of a minor, even if the conviction is over 10 years old.

Summary of Bill:

The Department of Social and Health Services is allowed to disqualify applicants for employment based on any felony conviction, even if it is over 10 years old, so long as the position being sought involves unsupervised access to children, juveniles, vulnerable adults or individuals with developmental disabilities or mental illness.

The Washington Personnel Resources Board , in cooperation with the Secretary of the Department of Social and Health Services, must adopt rules requiring the background checks of current employees or applicants seeking or being considered for any position that will or may allow unsupervised access to children, juveniles, vulnerable adults, or individuals with developmental disabilities or mental illness. The investigation and disqualification criteria for these positions must be the equivalent to what is required of outside service providers and other entities. A one year grace period is authorized prior to this act taking effect. This will allow the department to develop the necessary policies, including how to handle a failed background investigation of a current employee. This grace period also allows current employees, who know they will fail a check, to make alternative employment arrangements.

Definitions for applicant,- background investigation,- department finding,- disciplinary board final decisions,- juvenile,- license status,- and vulnerable adult or an individual with developmental disabilities or mental illness- are adopted and placed in statute. These terms are used often in the many statutes governing background investigations.

The Department of Social and Health Services and the Washington Personnel Board must adopt emergency rules to implement this act.

Appropriation: *None.*

Fiscal Note: *Available.*

Effective Date: *The bill contains an emergency clause and takes effect immediately.*