

Chapter 352-18 WAC
BACKGROUND CHECKS FOR JOB APPLICANTS, VOLUNTEERS AND INDEPENDENT CONTRACTORS

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WAC

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WAC 352-18-010 What definitions apply to this chapter? The following definitions apply:

"Child" means an individual that has not reached the age of sixteen.

"Criminal background check" means a criminal history record information search that may include but is not limited to, the following:

(a) A record check of arrests and convictions through the Washington state patrol;

(b) Fingerprints processed through the FBI to obtain a complete criminal history.

"Independent contractor" means any independent for-profit or non-profit private person or organization with which the commission has or is considering a contractual relationship. In the case of large organizations, the contractor background to be reviewed is that of the organization's principal on-site manager.

"Job applicant" means any applicant for a Washington state parks position who is not permanently employed by Washington state parks as of July 24, 2005.

"Unsupervised access" means that an individual will or may be left alone with a child or vulnerable adult at any time or any length of time.

"Volunteer" means a person who is willing to work without expectation of salary or financial reward.

"Vulnerable adult" means adults of any age who lack the functional, mental, or physical ability to care for themselves. As defined in chapter 74.34 RCW "vulnerable adult" includes a person: Found incapacitated under chapter 11.88 RCW; or who has a developmental disability as defined under RCW 71A.10.020; or admitted to any facility; or receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; or receiving services from an individual provider.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and 79A.05.065. WSR 08-24-006, § 352-18-010, filed 11/20/08, effective 12/21/08. Statutory Authority: RCW 79A.05.070 and 79A.05.030(10). WSR 07-24-001, § 352-18-010, filed 11/21/07, effective 12/22/07.]

WAC 352-18-020 Who may be subject to criminal background checks?

The Washington state parks and recreation commission requires criminal background checks on job applicants, volunteers, and independent contractors who:

- (1) Have unsupervised access to children or vulnerable adults; or
- (2) Persons who will be responsible for collecting or disbursing agency cash or processing credit/debit card transactions.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and 79A.05.065. WSR 08-24-006, § 352-18-020, filed 11/20/08, effective 12/21/08. Statutory Authority: RCW 79A.05.070 and 79A.05.030(10). WSR 07-24-001, § 352-18-020, filed 11/21/07, effective 12/22/07.]

WAC 352-18-021 Will a criminal conviction prohibit me from working, volunteering, or contracting with Washington state parks? (1) Conviction of a crime will not automatically preclude a person from working, volunteering, or contracting with Washington state parks. The nature of the conviction and any extenuating or mitigating circumstances will be considered.

(2) Convictions for certain crimes may prohibit you from working, volunteering, or contracting with Washington state parks. Those convictions include but are not limited to:

- (a) A crime against another person;
- (b) A crime against a child (including child pornography);
- (c) Child abuse and/or neglect;
- (d) Spousal abuse;
- (e) Animal cruelty crimes;
- (f) A crime relating to the possession, sale, distribution, manufacture or use of an illegal drug;
- (g) Indecent exposure;
- (h) Fraud or false pretenses in obtaining something of value;
- (i) Larceny or a misdemeanor theft by taking;
- (j) Soliciting for prostitutes;
- (k) Pattern of failure to file federal tax returns in years in which taxes are due;
- (l) Criminal issuance of a bad check;
- (m) Make a false report of a crime.

(3) Washington state parks may consider the following mitigating factors:

- (a) The seriousness of the crime that led to the conviction;
- (b) The number and types of other convictions in your background;
- (c) Your age at the time of conviction;
- (d) The amount of time that has passed since your conviction; and
- (e) Documentation indicating that you have successfully completed all court-ordered programs and restitution.

[Statutory Authority: RCW 79A.05.070 and 79A.05.030(10). WSR 07-24-001, § 352-18-021, filed 11/21/07, effective 12/22/07.]

WAC 352-18-022 To whom is the criminal background check information released? (1) Washington state parks will only share pass/fail results of the criminal background check with the supervisor(s) except as provided by chapters 42.56 and 10.97 RCW.

(2) Washington state parks will follow laws related to the release of criminal history records (chapter 10.97 RCW and RCW 43.43.570) and public disclosure (chapter 42.56 RCW) when releasing any information.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and 79A.05.065. WSR 08-24-006, § 352-18-022, filed 11/20/08, effective 12/21/08. Statutory Authority: RCW 79A.05.070 and 79A.05.030(10). WSR 07-24-001, § 352-18-022, filed 11/21/07, effective 12/22/07.]

WAC 352-18-023 How will I know if I have been disqualified by the criminal background check? Job applicants, volunteers, and independent contractors who fail to pass a background check will be notified in writing by Washington state parks that they did not pass the criminal background check.

[Statutory Authority: RCW 79A.05.070 and 79A.05.030(10). WSR 07-24-001, § 352-18-023, filed 11/21/07, effective 12/22/07.]

WAC 352-18-024 What do I do if I disagree with the results of the criminal background check? (1) Job applicants, volunteers, and independent contractors who do not pass the criminal background check are entitled to challenge the accuracy and completeness of any information contained in their background check. Contact may be made with Washington state parks human resources or the volunteer programs to review the information.

(2) Disqualified individuals may provide, in writing, justification/explanation with supporting documentation to the state parks director requesting further consideration at P.O. Box 42650, Olympia, WA 98504.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and 79A.05.065. WSR 08-24-006, § 352-18-024, filed 11/20/08, effective 12/21/08. Statutory Authority: RCW 79A.05.070 and 79A.05.030(10). WSR 07-24-001, § 352-18-024, filed 11/21/07, effective 12/22/07.]

WAC 352-18-030 What happens if I do not comply with the criminal background check or make false statements in my application? (1) Washington state parks will not hire, continue to employ, allow volunteering or contracting with individuals who do not consent to a criminal background check or refuse to be fingerprinted.

(2) Washington state parks will not hire, continue to employ, allow volunteering, or contracting with individuals who make false statements orally or in writing regarding the criminal background check.

(3) Any person making false statements regarding their criminal background check may be denied employment or their employment terminated.

(4) Any person refusing a criminal background check may be refused employment.

[Statutory Authority: RCW 79A.05.070 and 79A.05.030(10). WSR 07-24-001, § 352-18-030, filed 11/21/07, effective 12/22/07.]