



Presentation to the Senate Committee on Human Services

Background Check Unit

Jeff Akin, Background Check Unit (BCU) Administrator

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Scope and Authority

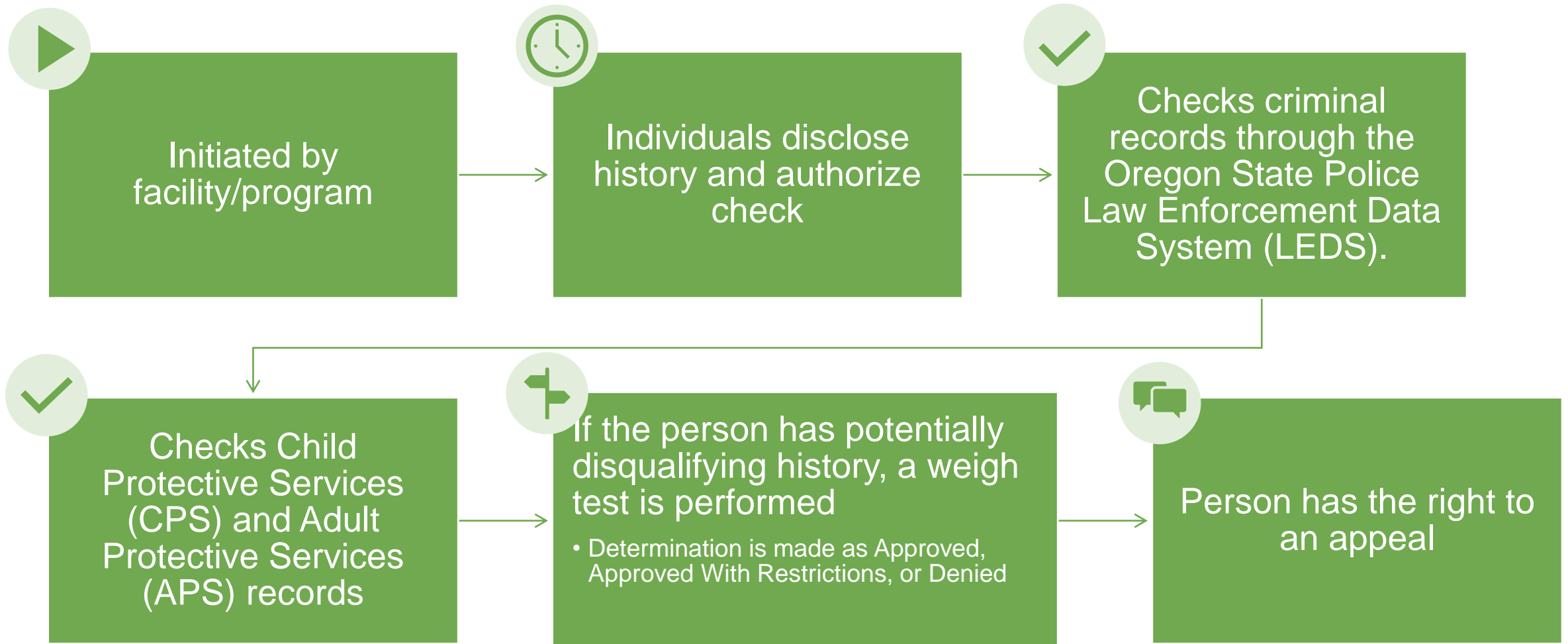
The Background Check Unit (BCU) conducts criminal records checks and protective services checks to determine if Subject Individuals (SI) have behavior such that they should not be allowed to work, volunteer, be employed, or otherwise perform in positions that serve vulnerable people.



Annual Background Check Volume



Process



Weigh Test

ORS 181A.195 (10)(c) establishes what should be considered in a weigh test. Factors to be considered include:

- **The nature of the crime,**
- **The facts that support the conviction or pending indictment** or that indicate the making of a false statement,
- The **relevancy**, if any, of the crime or the false statement to the specific requirements of the subject individual's present or proposed position, services, employment, license, certification or registration,
- **Intervening circumstances** relevant to the responsibilities and circumstances of the position, services, employment, license, certification, registration or permit



Intent of the Weigh Test

Green v. Missouri Pacific Railroad, 549 F.2d 1158 (8th Cir. 1977) led to guidance from the Equal Employment Opportunity Commission (EEOC).

- The EEOC Guidance is to consider:
 - The nature and gravity of the offense or conduct,
 - Time that has passed since the offense or conduct and/or completion of the sentence, and
 - Nature of the job held or sought.

Appeals

Appealing a decision



1. Administrative review process and separate BCU staff represent the department

2. Work with person to gather relevant information

3. Can be referred to Office of Administrative Hearings

4. Final appeal level involves an Administrative Law Judge



Questions?
