

Testimony to Committee

Intro: Streamlining Criminal Background Checks

Dozens of occupations in the private and public sector require a criminal background check. Like home care workers; school employees; dentists, physicians, counselors and therapists, escrow agents, and funeral service providers. Separate checks are required for an individual working at the same occupation for different businesses or in different counties, creating additional work. The expense and time add up to another burden on non-profit organizations, local business, schools and other organizations

In 2012 the legislature passed HB 4091 to signal an intent to change the picture – from a disjointed set of non-coordinated and autonomous processes to something more like a system, or set of processes, that could work to protect Oregonians, work for the agencies that are engaged in that work, and help the good Oregonians trying to work at jobs that require these checks. That bill directed that a work groupⁱ be established; it was, it worked hard for several months.

HB 3331: A Voluntary Registry

This is one of the set of recommendations: it establishes a voluntary registry, so that, basically, if someone is in it because they've cleared a background check, the results of that can be used for other, similar jobs.

In this proposal, an applicant must successfully complete a fingerprint-based background check. If the result of the check establishes the applicant has **no criminal history**, the applicant would then have the option to **voluntarily** be placed in the registry for a fee. An amendment to the original bill was included to address concerns that an employer might discriminate against someone during the hiring process, who is not enrolled in the registry. The current version in front of you clarifies that a check will be conducted only **after** an offer of employment has been made. Oregon State Police will also have the authority to establish an appeal process through rulemaking.

Here are some other features: A fingerprint check would be required only for the initial clearance and not at renewal. Once the applicant is placed in the registry, an annual name-based, Oregon-only check of LEDS is run on the individual. As long as the applicant continues to have no criminal history, he or she remains in the registry. The registry expires after two years, but may be renewed upon application and payment of the fee. A person in the registry would also have the option to “opt-out” at any time.

This bill is designed to save time and money for employees and employers. A few of you who were around in the previous session heard the stories about multiple background checks for the same person, delays in certifying someone to take care of a disabled person or go to work for a non-profit agency, and increase nuisance and burden factor for people applying for jobs and businesses and organizations trying to hire workers.

Here are two examples where a voluntary registry would be useful:

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- A constituent reported a real life story to me about her daughter, who had a background check as a teacher, was required to get another one for Childcare Division to provide care for one of the young children she taught, and then after getting a master's degree and applying for a job doing behavioral consultation, was required to get another background check because that certification is through a different agency. She was providing that service to the same child she had worked with continuously for 4.5 years.
- A worker clears the background check and gets a job working part time at a nursing facility or adult foster home in one location. To put in some more hours working for a different provider, even just down the street, they have to get another background check. That's one too many.

Closing

This is one in the package of bills to finally make some progress in streamlining the background check process, helping government work smarter, and save time and money for Oregonians. This bill won't compromise public safety, and will improve our efforts to protect children, seniors, and other Oregonians.
