



CITY OF VANCOUVER CORPORATE POLICY

SUBJECT: Positions of Trust - Hiring and Employment	
CATEGORY: Employment	POLICY NUMBER: AE-025-01

PURPOSE

The Positions of Trust policy is to ensure that individuals providing services to the City or external organizations in designated appointments obtain the necessary clearance and maintain the check requirements. Checks are used as screening tools to determine suitability. The application of checks supports the City's values to create a safe work environment and to provide safe and effective services to the community.

SCOPE

This policy applies to employees, volunteers and contractors providing services in a designated appointment and internal and external applicants during the selection process for designated appointments.

DEFINITIONS

Check - is a Police Record Check, a Credit Record Check or an Enhanced Reliability Check, and is a process which verifies whether an individual has a criminal record or an analysis of a person's credit files and provides relevant details from police service databases or accredited credit bureau.

Clearance - the status an individual received when they have the appropriate approved and recorded check(s) on file related to the designated appointment.

Criminal charges and convictions - Criminal charges and convictions include:

- A conviction for which a pardon has not been granted
- A conditional discharge within three years from the date on which the offender was discharged on the conditions prescribed in a probation order
- An absolute discharge within one year from the date on which the offender was discharged absolutely
- Stays of proceedings within one year from the date the stay was entered
- A conviction for which a pardon has been granted where the offence is listed in the Criminal Records Act [sexual offences] and the person works with vulnerable people
- A conviction which resulted in a sentence under the Youth Criminal Justice Act (Canada) for which an adult sentence was imposed, and a conviction which resulted in a disposition, made before April 1, 2003 under the Young Offenders Act (Canada) as it then was, for which an adult sentence was imposed
- For external applicants, a conviction which resulted in a sentence under the Youth Criminal Justice Act (Canada), and a conviction which resulted in a disposition, made before April 1, 2003 under the Young Offenders Act (Canada) as it then was
- An order under sections 810, 810.1 and 810.2 of the Criminal Code, commonly known as peace bonds
- A charge pending disposition

Designated Appointment - any position, role, or contract where an employee, volunteer or contractor is responsible for protecting City employees, clients and/or material assets.

Material assets - include but are not limited to: facilities, property, systems, communication and information technologies and financial assets.

Significant volumes of cash - refers to cash amounts in the thousands of dollars either on a regular basis or during peak periods.

Vulnerable people - are people who because of their age, disability or other circumstances, are in a position of dependence on others or are otherwise at greater risk than the general population of being harmed by persons in a position of authority or trust.

POLICY STATEMENTS

1 General

- 1.1 Individuals covered under this policy are responsible for protecting City employees, clients and/or material assets.
- 1.2 Checks will only be conducted when an appointment has been designated.
- 1.3 Individuals will not begin or continue to operate in a designated appointment where no valid check is recorded and on file.
- 1.4 Honesty and accuracy is necessary on the part of all individuals providing information to obtain a check.
- 1.5 The City ensures that personal information obtained for a check is handled in strict confidence.

2 Types of Checks Related to Positions of Trust

- 2.1 **Police Record Check:** A police record check includes a search of information held in databases of police agencies and may include provincial court records. This check is used to determine if an individual has any criminal charges or convictions that indicate a significant risk in performing duties of the designated position or performing services in a designated role.

Designated appointments that require a police record check meet one or more of the following criteria:

- Appointments that have an ongoing or significant relationship with vulnerable people, where the nature of the work places them in a position of trust or care; or where the appointment requires unsupervised access to vulnerable people in the ordinary course of employment or providing services
- Appointments where the primary duties involve protecting the security of people and/or material assets
- Appointments responsible for regulatory and/or inspectional work involving by-law enforcement related to public safety and which generate major revenue collections for the City

- Appointments that have a significant amount of power and/or discretion which is exercised independently in the context of by-law enforcement related to public safety
- Appointments responsible for managing, collecting or accessing unverified and significant volumes of cash without onsite supervision or outside the application of financial controls
- Appointments having authority on behalf of their department to override or bypass financial controls

- 2.2 **Credit Record Check:** A credit record check includes a search of records held by an accredited credit bureau. This check is used to determine whether an individual is subject to significant financial pressure that indicates a significant risk in performing the duties of the designated position.

Designated appointments that require a credit record check are roles of financial trust with the authority on behalf of their department to override or bypass financial controls.

Individuals requiring a credit record check must also complete a police record check. There is no renewal period for a credit record check.

- 2.3 **Enhanced Reliability Check:** An enhanced reliability check is conducted by either the Vancouver Police Department or the RCMP and includes a police record check, an in-depth background check and may include a credit record check.

The Enhanced Reliability Check is required for designated appointments that have access to confidential police or emergency response data, communications and/or facilities. This check is required prior to working in a designated appointment and must be maintained.

3 Roles and Check Requirements

- 3.1 **Employees in positions of trust** including employees who regularly work in or fulfill other positions that are covered under the scope of this policy described in this section:
- undergo the required check
 - maintain clearance
- 3.2 **Volunteers and contractors providing services in designated appointments** who regularly provide services in or fulfill other duties that are covered under the scope of this policy described in this section:
- undergo the required check
 - maintain clearance
- 3.3 **Managers and supervisors** are individuals in a direct reporting relationship with employees, volunteers, or contractors requiring a check:
- determine designated appointments in consultation with Human Resource Services
 - ensure that applicable checks are conducted for designated appointments

- 3.4 **Program Organizers** are individuals employed by the City in a direct reporting relationship with volunteers requiring a check:
- determine designated appointments in consultation with their manager and Human Resources
 - ensure that applicable checks are conducted for designated appointments
 - obtains check results and makes clearance decisions
 - notifies employees and their supervisors about clearance decisions
 - manages the information related to checks in the volunteer database
- 3.5 **Human Resource Services staff:**
- provide advice on the application of this policy including the designation of appointments
 - provide support to all parties concerning clearance and appointment decisions
- 3.6 **City Designate** is a manager that is not in a direct reporting relationship to designated appointments requiring the enhanced reliability check and acts as a liaison between the City and police agencies (Vancouver Police Department and the RCMP):
- obtains and forwards check results to the applicable police agency
 - notifies employees and their supervisors about enhanced reliability clearance decisions made by the applicable police agency
 - provides information about check results to the supervisor to the extent necessary for employment purposes when a clearance is denied
 - retains relevant documentation in a secure file
- 3.7 **Police and Credit Check Designate** is a Human Resources representative who does not work within a business unit and does not have a direct reporting relationship to designated appointments requiring a police record check or a credit record check:
- obtains check results and makes clearance decisions
- 3.8 **Police and Credit Check Designate Assistant** is a Human Resources representative who does not work within a business unit and does not have a direct reporting relationship to appointments requiring a police record check or a credit record check:
- manages the check databases
 - notifies employees of check renewal requirements
 - maintains check documentation in a secure file
- 3.9 **Human Resources Partnership Manager:**
- notifies employees and their supervisors about clearance decisions
 - provides information about check results to the manager or supervisor to the extent necessary for employment purposes when a clearance is denied
- 4 **Decisions Arising from Check Decisions Made by the City**
- 4.1 Decisions to approve or deny clearances are based on whether the check results are related to the duties of the designated appointment.

- 4.2 If there are concerns about check results, the individual will be contacted to review the circumstances prior to a clearance decision.
- 4.3 Whenever there are concerns about a record (i.e. criminal charges and/or convictions resulting from a police record check and credit history for a credit record check), the following factors are taken into consideration to make a decision:
- Nature of employment including the duties of the position and the working conditions (e.g. working under close supervision or independently)
 - Whether the behaviour that led to the record, if repeated, poses a threat to the City's ability to carry on its business safely and/or efficiently
 - Whether the record would damage the reputation of the City or affect the public's confidence in City services
 - Details of record
 - Circumstances of the record
 - Length of time between the record and employment decision;
 - Employment history of the individual
 - Individual's efforts at rehabilitation since the time of the record
- 4.4 Clearances will be denied when concerns from check results represent an unacceptable risk in performing the duties of the designated appointment.

5 Checks Required by External Organizations

- 5.1 The City has a relationship with some external organizations that require City employees, volunteers and contractors to obtain a check. The nature of the relationship is usually one in which the City leases space from or provides a service to the organization.
- 5.2 When clearance is required by an external organization for a City appointment, a police record check, a credit record check, an enhanced reliability check or some combination of these checks, may be required.
- 5.3 The City will advise employees, volunteers, contractors and internal and external applicants of an external organization's security requirements and include those requirements in posted hiring material.
- 5.4 Each external organization makes the decision to approve or deny clearance. Access to the external organization will be granted if clearance is granted. If clearance is denied, the consequences are outlined in Section 6 and Section 7.
- 5.5 Each external organization has conditions associated with maintaining clearance that may include disclosures of criminal records after receiving clearance and clearance renewal period. Employees, volunteers, contractors and internal and external applicants will be advised of the conditions when an application for clearance is made.

6 Applying Check Requirements to Hiring Situations

- 6.1 Conditions applicable to checks required by the City

- 6.1.1 **Clearances shall be obtained prior to the start date:** Check(s) shall be obtained prior to the individual's start date in a designated appointment.

In exceptional circumstances, positions may be filled prior to the verification of clearances, based on approval by the General Manager of the department or of Human Resources. When an exception is approved, the appointment is offered on the condition that clearance is obtained.

- 6.1.2 **Moves from one designated position to another:** When an employee, volunteer or contractor moves from one designated appointment to another requiring the same type of check, there is no requirement to renew the check provided that the clearance is reviewed and approved against the check criteria for the new position and that the move occurs within the renewal period.

This clause also applies to individuals who vacate a designated appointment and subsequently return to a designated appointment within one year and employees moving between positions of financial trust within five years.

If there is a lapse of greater than one year where an individual has not worked in a designated appointment, new clearance must be obtained. Clearances are subject to employee responsibilities outlined in Clause 2.

- 6.2 **Conditions applicable to checks required by the City and external organizations**

- 6.2.1 **Notification of check requirement:** Individuals will be notified of check requirements for posted and non-posted appointments that include but are not limited to:

- New and vacant positions open to employees applying for transfers and promotions and/or external applicants
- Temporary, acting and auxiliary assignments or positions
- Volunteer and contract appointments

- 6.2.2 **Consequences:** Consideration for the applicable appointments will be withdrawn when an individual provides false information when undergoing a check; refuses to submit the information required to conduct a check or is denied clearance.

7 Applying Checks during Appointments

7.1 Maintaining City required checks

- 7.1.1 **Renewals for City required police record checks:**
- A police record check has a five-year renewal period

- When a renewal is required, employees, volunteers, and contractors working in designated appointments will be notified and provided with a notice period to complete the check

7.1.2 Renewals for City required enhanced reliability checks:

- An enhanced reliability check has a five-year renewal period
- When a renewal is required, employees, volunteers, and contractors working in designated appointments will be notified and provided with a notice period to complete the check

7.1.3 Disclosures between renewal periods: While remaining in a designated appointment, employees, volunteers, and contractors are responsible for disclosing the following information:

- Criminal charges and/or convictions for a police record check and an enhanced reliability check
- Personal bankruptcies for a credit record check

Disclosures shall be made to:

- Police and Credit Check Designate or Volunteer Coordinator for a police record check and a credit record check
- The City Designated for an enhanced reliability check

7.2 Consequences when the City/External Organization's check requirements are not met

7.2.1 Consequences due to a failure to comply with the policy: A refusal to submit information required to complete a check; providing false information when undergoing a check; and/or failing to make disclosures as required for checks for the City or external organizations, may result in:

- Denial of the clearance
- Removal from the appointment
- Non-renewal of contractor agreement, and/or
- Discipline up to and including termination

7.2.2 Consequences for employees due to a check result: When a clearance is denied due to the results of a check, a discussion will be held with the employee and:

- Alternative work arrangements may be considered, or;
- The City may decide to terminate the employment relationship when there are exceptional circumstances; reasonable alternative work arrangements are not possible; the employee refuses alternatives that are offered; or the employee's record represents an unacceptable risk.

7.2.3 Recourse for clearance denials for employees: Bargaining unit employees may grieve clearance denials pursuant to the applicable collective agreement. Exempt staff working in designated positions may make an appeal through an internal appeal process.

- 7.2.4 **Consequences for volunteers and contractors due to a check result:**
When a clearance is denied due to the results of a check, the volunteer or contractor will be notified that they are no longer eligible to render services in the designated appointment.

8 Confidentiality

- 8.1 **Personal information:** Access to personal information is limited to those involved in securing or making clearance decisions and those involved in reviewing clearance decisions on appeal or through the grievance procedure.
- 8.2 **Retention of information:** Data collected to make clearance decisions is kept in a check file in a secure area separate and apart from the employee's personnel file. Files will be retained as required by the Corporate Records and Information Management Policy ([AG-002-01](#)).

9 Costs

- 9.1 The City provides reimbursement for City employees and volunteers of check costs when:
- Individuals who obtain a check are selected for a designated appointment
 - Existing employees who are unsuccessful in obtaining a job opportunity when the check is requested by the City
 - Existing employees who are successful in obtaining a designated appointment
 - All renewal checks for employees and volunteers
 - Employees required by the City to assume acting or temporary appointments, and
 - Volunteers
- 9.2 The City does not provide reimbursement of check costs for:
- Unsuccessful external candidates who complete the check
 - Employees who complete the check when it is not requested or required by the City, and
 - Contractors

REFERENCE

Freedom of Information and Protection of Privacy Act
BC Human Rights Code

RELATED POLICIES

[AG-002-01](#) Corporate Records and Information Management

APPROVAL HISTORY

ISSUED BY: General Manager of Human Resources	APPROVED BY: Corporate Management Team	DATE: 2006/07/27
REVISED BY: General Manager of Human Resources	APPROVED BY: Corporate Management Team	DATE: 2009/03/13

REVISED BY: General Manager of Human Resources	APPROVED BY: General Manager of Human Resources	DATE: 2015/01/09
---	--	-------------------------