

CODE: FBCD.AR

EFFECTIVE DATE: (24-02-2009)

TOPIC: Mandatory Records Check(s) for Employees

ISSUE DATE: (16-06-2023)

REVIEW YEAR: (2030)

OBJECTIVE

To provide guidance related to Division and legislative requirements for mandatory records checks for employees, as may be amended from time to time.

DEFINITIONS

Certificated Staff Member means an individual who is employed by a board in a position that requires the individual to hold a certificate of qualification as a teacher, a leadership certificate or a superintendent leadership certificate.

Employee means any individual employed by Edmonton Public Schools on any basis, including full-time, part-time, hourly, supply, permanent and temporary.

Managing Director means the Managing Director of Human Resources Consulting.

Mandatory Records Check refers to the required review of a potential or current employee's records, including a current criminal records check (as used by the Royal Canadian Mounted Police) or a current information police check and a vulnerable sector check (as used by the Edmonton Police Service).

Prospective Employee means an individual offered employment within the Division.

Temporary Employee means any employee (with the exception of teachers) who does not have permanent status with the Division.

REGULATION

A. GENERAL

This regulation applies to employees and prospective employees of Edmonton Public Schools and does not apply to an Edmonton Public Schools' student.

B. REQUIREMENT TO PROVIDE CHECK(S)

1. Each prospective employee will provide a mandatory records check prior to the start date, as specified by the Managing Director.
2. Temporary employees in a probationary period (excluding certificated staff) may be required to provide a mandatory records check as required for their position within one month of transitioning from a probationary period into a permanent status.

3. Certificated staff members will provide a mandatory records check upon offer of employment and every five years thereafter, in alignment with legislative requirements.

C. EMPLOYER CONSIDERATIONS AND RESPONSIBILITIES

1. The Managing Director will take into consideration the nature and date of any charges or convictions revealed through a mandatory records check to determine whether the individual is suitable for employment in the position.
2. Any costs associated with securing the required mandatory records check will be the responsibility of the Division only when an employee, prospective employee or temporary employee is directed to do so by the Managing Director.

D. FAILURE TO PROVIDE OR UNSATISFACTORY CHECK

1. If an employee fails to provide a mandatory records check within the time specified, or if the contents are considered by the Managing Director to be unsuitable with employment with the Division, the employee's contract of employment may be terminated or recommended for termination, as applicable.
2. If a prospective employee fails to provide a mandatory records check within the time specified, or if the contents are considered by the Managing Director to be unsuitable with employment with the Division, the prospective employee's offer of employment may be rescinded.

E. COLLECTION, USE AND STORAGE OF INFORMATION

1. The collection and use of personal information related to mandatory records checks will be for the stated purpose of determining the suitability of an individual to work for the school Division and will be in accordance with the requirements of the *Freedom of Information and Protection of Privacy Act* of Alberta.
2. All mandatory records checks and related information will be securely stored and managed according to the Division's records retention procedures and protocols.

REFERENCES

CN.BP Managing Division Information
CN.AR Creation, Use and Maintenance of Division Information
CNA.BP Information Security
CNA.AR Security of Personal and Division Information
FBCB.AR Division Staff Code of Conduct
Education Act Section 229.1
Freedom of Information and Protection of Privacy Act