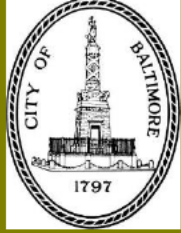


FROM	NAME & TITLE	Quinton M. Herbert, J.D., Director and Chief Human Capital Officer, Department of Human Resources	CITY of BALTIMORE MEMO 
	AGENCY NAME & ADDRESS	Department of Human Resources 7 East Redwood Street, 17 th Floor Baltimore, Maryland 21202	
	SUBJECT	OIG Management Alert 21-0027-I	

TO: Isabel Mercedes Cumming, Inspector General
Office of the Inspector General (“OIG”)

DATE: July 6, 2022

The Department of Human Resources (“DHR”) acknowledges and appreciates the efforts of the OIG regarding Management Alert Case 21-0027-I concerning “DHR & BCRP Background Check Processes.” DHR remains committed to recruiting and retaining high-performing employees and implementing best practices and policies that help to create and sustain a safe and healthy working environment. Additionally, the department recognizes the continual need for review of all of our processes, policies, and procedures and will continue to evaluate our standing toward improvement. Relatedly, the department is committed to sustaining open communication with all agencies on ways that we can better partner and serve toward making, and keeping, the city’s HR administration a world class service.

DHR will work with BCRP to develop a notification procedure regarding instances when BCRP receives adverse information in any background report, to ensure DHR’s preliminary review and recommendation are fully informed. To reiterate, as noted in the alert, Agency Heads (or their designees) as appointing authorities, have full discretion and final decision-making authority on determining whether to move forward with any employee with an adverse background report, DHR only makes recommendations on whether to hire those with adverse background information. In the instant case, [REDACTED] decided to move forward after deliberation with [REDACTED] agency’s HR, and DHR would have deferred to [REDACTED] discretion even in the instance that the department had received full information. It is worth noting that a prior conviction does not automatically disqualify a candidate, even for a position of trust. In fact, guidance from the EEOC makes clear that blanketly excluding candidates because of prior criminal convictions could violate Title VII of the Civil Rights Act of 1964, as amended. EEOC guidance further encourages that employers consider such factors as:

- The nature and gravity of the offense or conduct;
- The time that has passed since the offense, conduct and/or completion of the sentence; and
- The nature of the job held or sought.

Again, the [REDACTED] Recreation and Parks after weighing these factors exercised [REDACTED] discretion in hiring [REDACTED].

With the recent vendor change for background checks¹, the department has also emphasized, on the job requisition form, that employees will be subject to background checks including fingerprinting. Further, as a part of DHR’s ongoing and comprehensive review of

[REDACTED]

[REDACTED]

the 200 series of the Administrative Manual, which commenced pre-pandemic, the newly drafted Positions of Trust policy, AM 200-4, which is currently under Executive Review, had been updated prior to this alert, to include a requirement that all positions of trust require fingerprinting through DHR, further entrenching the new practice and reducing the opportunity for error regarding employee background checks. These updates, once effectuated, should reduce the instances of non-matching information on background checks in DHR and any agency going forward.

The other policies (AM 231-1 – Hiring and Transfers; AM 231-1-2 Non-City Resident Approval Request; and AM 232-1-1 Filling a Permanent Position by Hiring or Transfer) cited as being outdated and requiring review by the alert, have also been reviewed and updated as a part of this comprehensive review, again preceding this alert. Those updates are currently under Executive Review for eventual BOE consideration. The responsive highlights of the updates to those policies are below:

- AM 231-1 – Hiring and Transfer Policy– among other updates, the entire “City Residence” portion of the existing policy has been removed.
- AM 231-1-2 Non-City Resident Approval Request – as a result of the review process this policy is being recommended for abolishment.
- AM 232-1-1 Filling a Permanent Position by Hiring or Transfer Updates – among other updates, this AM is being recommended for abolishment and updated guidance from it is being moved to the City’s HR Personnel Manual (“PM”). Additionally, any reference to residency consideration has been removed.

DHR welcomes the opportunity to further discuss this matter and invites any questions regarding this.