



Policy # Conditions for Employment

Policy Title: Conditions For Employment
Policy #:
Policy Category: Human Resources

Executive Policy Owner: Chief Compliance Officer
Approval Authority: CEO and Board of Trustees

EFFECTIVE DATE: 01/27/2021	Original Effective Date: 12/10/2012
	Last Revision Date: 12/10/2012
	Date of Last Legal Review: 12/10/2012
Related Policies: Additional Resources:	

Applicable Standards:	EMSA Code of Conduct
Applicable Statues/Regulations/Law:	

1. Purpose

EMSA is committed to employing the most qualified individuals to ensure the highest quality of patient/customer service and clinical excellence. EMSA has adopted this policy to safeguard the public from individuals who, in practice as an EMS professional or as an EMS support/administrative professional as EMSA Team Members, might pose a danger to the public or other erode public trust in the EMSA system. As an EMSA Team Member you are placed in a position of the highest trust. For these reasons, EMSA has adopted this policy to ensure that EMSA Team Members are identified and appropriately evaluated as to whether they would pose a risk to public safety as an EMSA Team Member.

EMSA performs background checks on applicants and existing Team Members to the extent necessary to determine their eligibility for employment or ongoing employment. Background checks may include, but are not necessarily limited to, drivers' license checks, outstanding warrant checks, criminal history, prior employment, education, licenses and certifications, and credit reports. EMSA also performs ongoing checks to determine if an individual has been excluded from participation in federal or state healthcare programs.

2. Scope

This policy applies to initial and continuing employment of EMSA Team Members, contract Team Members, and Volunteers.

3. Definitions

Conviction – as used herein the term conviction shall include a conviction or other adjudication of guilt by trial, a plea of nolo contendere, a guilty plea, plea agreement, deferred sentence, deferred judgment, or any other plea agreement which does not result in a complete dismissal of charges or acquittal.



Policy # Conditions for Employment

4. General Policy Parameters

- A. All prospective Team Members will have a background screening performed; the screening will consist a minimum of the following:
1. OIG check of regarding excluded Individuals/entities
 2. Criminal History Check (through state or local law enforcement agency or 3rd Party vendor, as appropriate)
 3. Previous employment
 4. Motor Vehicle Record (for applicable positions)
 5. Licensure and/or certifications held (for applicable positions)

4. Procedures

A. Requirements for Employment

All prospective Team Members must meet the following requirements before employment commences:

1. Have completed an EMSA employment application.
2. Have completed a successful interview process.
3. Have reached the minimum age of 18 unless approval by Senior Leadership on an as needed basis for certain applicable positions.
4. United States Citizen or Legal Alien eligible for employment in the United States.
5. Can perform the duties set forth in the job description of the position applying for.
6. The Team Member must not be presently under exclusion from, nor have ever been excluded from participation in Medicare, Medicaid, or any other Federally funded health care program, pursuant to 42 U.S.C. 1320a-7. Nor have been found in violation of any Federal, State, or Local Government Statute or regulation causing exclusion from working with EMSA by any federally or state funded healthcare program.
7. Must have a successful Criminal Background Check without any Disqualifiers as detailed herein below in Disqualifiers - Criminal.
8. Successful passing of physical agility testing, for applicable to positions
9. Are in compliance with EMSA's Drug and Alcohol Use Policy and its Drug Free Workplace Policy.
10. Oklahoma State Driver's License. (for applicable positions)
11. Any position requiring licensure, registration, or certification, must meet their respective requirements.
 - a. Candidates selected for employment must submit proof of licensure, registration, or certification prior to employment by EMSA.
 - b. Documented proof of licensure, registration or certification is maintained within the Team Member's departmental records.
12. Preferred but, not required
 - a. Proof of receiving Hepatitis B series.
 - b. Proof of receiving Tuberculous Vaccination.

- B. **Disqualifiers-Criminal, Credentials, and Other.** Incomplete or untruthful information



Policy # Conditions for Employment

intentionally provided by the applicant/Team Member may disqualify an individual for initial or continued employment with EMSA. EMSA may deny an applicant eligibility for employment or terminate a Team Member based on the following:

1. Conviction of a felony;
2. Conviction or an arrest (whether felony or misdemeanor) involving physical assault; use of a dangerous weapon; sexual abuse or assault; abuse of children, elderly individual, or infirm individuals; crimes against property – including robbery, burglary, embezzlement, felony theft, financial exploitation, computer crimes, forgery, or identity theft; or other offenses involving fraud or deceptive practices;
3. Any conviction (whether felony or misdemeanor) which involves the manufacturing, selling, possessing, distributing, diverting and/or stealing controlled substances;
4. Any conviction (whether felony or misdemeanor) which would cause the applicant or Team Member to be ineligible for licensure with the State of Oklahoma, which would include without limitation any of the following offenses:
 - a. assault, battery, or assault and battery with a dangerous weapon; aggravated assault and battery;
 - b. murder, attempted murder, or manslaughter;
 - c. rape, incest, or sodomy;
 - d. indecent exposure and indecent exhibition;
 - e. pandering; child abuse; abuse, neglect, or financial exploitation of any person entrusted to his care or possession;
 - f. burglary in the first or second degree; robbery in the first or second degree; robbery or attempted robbery with a dangerous weapon, or imitation firearm;
 - g. arson;
 - h. substance abuse;
 - i. or any other matter identified in the State of Oklahoma regulations relating to licensure in the EMS profession which would make the individual ineligible for licensure or renewal;
5. Any conviction or arrest (whether felony or misdemeanor) involving a dangerous weapon;
6. Any arrest for a felony while employed if such the charges are not resolved within thirty (30) days by way of dismissal or acquittal;
7. Failure to disclose a covered criminal conviction, withholding of any information regarding such conviction, or failure to self-disclose information relating to conviction or arrest covered by EMSA's policies shall be grounds for denial of initial employment or termination;
8. Any such other Conviction which in EMSA's sole discretion would render the applicant unfit for public service, is inconsistent with EMSA's mission, or otherwise might jeopardize public health and safety based on:
 - a. The seriousness of the crime;
 - b. Whether the crime relates to performance of the duties of an EMS professional or other job duties assigned by EMSA;
 - c. How much time has elapsed since the crime was committed;
 - d. Whether the crime involved violence to, or abuse of, another person;
 - e. Whether the crime involved a minor or a person of diminished capacity;



Policy # Conditions for Employment

- f. Whether the applicant's or Team Member's actions and conduct since the crime occurred are consistent with the holding of a position of public trust;
 - g. Whether the applicant or Team Member is a repeat offender or has a pattern of criminal conduct; and
 - h. Whether the applicant or Team Member has complied with all court orders and probationary or other requirements associated with the conviction;
9. Any denial, revocation, non-renewal of licensure, certification, or registration or other adverse decision or action by the Oklahoma State Department of Health, any other State Licensing Board or the National Registry of Emergency Medical Technicians;
 10. Misrepresentation regarding education, certification, licensure, other credentials, or prior work experience;
 11. Dishonorable discharge from the military;
 12. Any violation of the terms or conditions of a deferred adjudication or sentence, work release, or other probation requirements;
 13. Any exclusion from state or federal healthcare programs;
 14. Any crime involving moral turpitude.
- C. **Background Disqualifiers-Driving.** A Team Member will not be permitted to operate a EMSA vehicle in the performance of their job duties if the Team Member:
1. Is convicted, receives deferred adjudication, or pleads guilty or *nolo contendere* to DWI, DUI, or hit and run within the past 36 months, or more than once in the past ten years.
 2. If the Team Members driver's license and driving privileges have been suspended by the Department of Public Safety (DPS).
 3. Does not have a current, valid Oklahoma driver's license. A restricted driver's license, a temporary driving permit, and a temporary occupational license do not qualify as a current, valid Oklahoma driver's license under this policy.
 4. If the Team Member is under 21 and is required to drive an EMSA company vehicle, they must have a clear MVR.
 5. If the Team Member is ages 21-24, and is required to drive an EMSA company vehicle, they must have no more two moving violations within 24 months.
 6. If the Team Member is over 25, and required to drive an EMSA company vehicle, they can have no more than 4 serious traffic violations in any 36-month period. Examples of serious traffic violations include reckless driving, driving in excess of 20 miles over the speed limit, speeding in a school zone, driving without a license; failing to stop for a school bus; leaving the scene of an accident, open container violation, and failing to stop at stopped RR crossing or for a train.
 7. A Team Member, that is over 21, cannot have more than one vehicular accident within any 36-month period in which the Team Member is at fault: and/or
 8. Has any anything else in their driving record, including any combination of moving violations and/or accidents which EMSA deems unacceptable.



Policy # Conditions for Employment

D. Self-Reporting Requirements.

Team Members must disclose any criminal conviction (whether a felony or misdemeanor) or arrest (whether a felony or misdemeanor) to their immediate supervisor and/or manager, as well as Human Resources, before the beginning of their next scheduled work day after the conviction. Further if a Team Member is charged, arrested or indicted for a crime listed above as a disqualifier for initial or continued employment above (whether a felony or misdemeanor), the Team Member must disclose the charge, arrest or indictment to their immediate supervisor and/or manager, as well as Human Resources, before the beginning of their next scheduled work day after the charge, arrest or indictment.

Any Team Member who is charged, arrested or indicted for a crime listed above as a disqualifier for initial or continued employment above (whether a felony or misdemeanor) will be suspended without pay for thirty (30). If a dismissal of the charges or an acquittal is not rendered within the thirty (30) days, the Team Member will be terminated.

Any Team Member who operates company vehicles are likewise required to report any and all traffic citations or violations which might result in the revocation or loss of their driver's license to their immediate supervisor and/or manager, as well as Human Resources, before the beginning of their next scheduled work day after the citation. Team Members who never operate a vehicle as part of their job duties are not required to report minor traffic violations/citations.

Any Team Member holding a licensure, certification, or registration which was the subject of revocation, non-renewal or other adverse action is required to report such action to their immediate supervisor and/or manager, as well as Human Resources, before the beginning of their next scheduled work day after the revocation, non-renewal, or other adverse action.

A Team Member's failure to self-disclose or timely disclose any of the matters addressed above or elsewhere in the EMSA Policies will result in corrective action, up to and including separation from employment.

E. Requirements for Continuous Employment

1. EMSA will conduct routine and/or periodic background screenings against Local, State and Federal guidelines to ensure continued eligibility for employment.
2. It is mandatory that clinical Team Members will provide proof of renewal for any position requiring licensure, registration, or certification in accordance with the Oklahoma State Department of Health.
3. When licensure, registration or certification is obtained, it is the Clinical Team Members responsibility to present verification of licensure, registration, or certification to the Clinical Services Department.
4. Expiration of Licensure, Registration & Certification.



Policy # Conditions for Employment

- a. Clinical Team Members whose licensure, registration or certification expire or is suspended or revoked and/or fail the testing standards set forth by the Office of the Medical Director, are given a written warning and placed on an immediate unpaid leave of absence not to exceed thirty (30) calendar days unless the licensing agency grants a specific grace period. Proof of renewal must be presented to the Clinical Services Department within 30 calendar days.
 - b. Clinical Team Members will not be allowed to use accrued leave while their services are suspended. Any time missed will be considered leave without pay / unscheduled occurrence.
 - c. If a Clinical Team Member is ineligible for licensure, registration or certification renewal or fails to renew his/her license, registration, or certification within thirty (30) calendar days, the Team Member will be terminated.
- F. In the event the background screening reveals findings or issues of concern regarding prospective Team Member/Team Members, the following procedures will commence:
1. The reporting agency will be contacted to confirm the identity of the prospective Team Member as the facts underlying the report.
 2. The prospective Team Member will be presented with the findings.
 3. If the questionable history is confirmed, the conditional offer of employment will be withdrawn, or if a current Team Member, this could result in corrective action, up to and including separation of employment.