**Department of Public Health CORI Hiring Review Process (101 CMR 15.00)**

**Background:**

Subject to the requirements detailed below, entities funded or licensed by the Department of Public Health (DPH) may hire qualified candidates[[1]](#footnote-1) with criminal record histories; however, in certain circumstances, DPH is required to conduct a secondary review of a proposed hiring decision in accordance with 101 CMR 15.00.

If an entity falls within the scope of the regulation, it must receive approval to hire prospective candidates with the most serious offenses. The purpose of the regulation is to ensure that the vulnerable populations served by EOHHS and its agencies are protected, while also ensuring that qualified, rehabilitated criminal offenders are given a fair opportunity to be employed and reintegrate successfully into the workforce. 101 CMR 15.02.

This Guidance does not represent the entirety of laws and regulations regarding the use of Criminal Offender Record Information (CORI) background investigations and is not intended to be legal advice. **Hiring authorities should review the regulation in its entirety, including 803 CMR 2.00 and 101 CMR 15.00.**

**Applicability of 101 CMR 15.00**

101 CMR 15.00 applies to vendors and certain licensees:

1. Vendor Programs

101 CMR 15.00 and the below hiring requirements apply to programs administered by individuals or entities that provide services to EOHHS or its agencies (including DPH) under a contract issued by EOHHS or the agency in accordance with 808 CMR 1.00. *See* 101 CMR 15.04.

1. Certain Licensees (e.g. BSAS)

Some DPH programs’ licensing regulations require licensees to follow 101 CMR 15.00 when hiring staff. For instance, the Bureau of Substance Addiction Services (BSAS), requires its licensees to adhere to 101 CMR 15.00. *See* 105 CMR 164.041(E).

After a CORI investigation is conducted[[2]](#footnote-2) and indicates that a candidate has a criminal history, the hiring authority should carefully review 101 CMR 15.08 and 15.09 to determine whether it may hire the candidate with the proper review or whether a secondary review at the Department level is necessary.

When hiring a candidate with a criminal offender record subject to review, the hiring authority must use the [Hiring Review Form](https://www.mass.gov/doc/eohhs-cori-hiring-review-form/download) issued by EOHHS. The form is downloadable under the “Relevant Forms” section at the bottom of the [EOHHS CORI website](http://www.mass.gov/hhs/cori). Always check for updates to this form.

**Table A Crimes Subject to Secondary Review at the Department/Agency Level**:

If a hiring authority wishes to hire a candidate that shows a Table A conviction on their CORI report[[3]](#footnote-3) (conviction or pending case), a secondary review of the hiring decision is required as follows:

* By DPH, for any vendor funded by DPH or licensed by BSAS
* By an EOHHS Agency, for its funded vendors.

For a DPH secondary review, the hiring authority must submit a package including documentation that supports the hiring authority’s decision to hire the candidate.  Documents typically found in a secondary review request are listed below:

• A brief recommendation letter of hiring decision, requesting a secondary review.

• Completed CORI Hiring Review form.

• CORI Report (dated no more than 60 days prior to submission date)

• Job Description.

• A personal statement from the candidate describing the circumstances surrounding the criminal activity, and his/her rehabilitative efforts, past and current (if applicable).

• Evidence of Rehabilitation (certificates, letters of completion, etc.).

• A resume or employment history, along with references.

**How to Request Approval to Hire**

In accordance with EOHHS guidelines, review requests and CORI materials may only be transmitted using encrypted means. Email is not considered a secure method for transmitting such information. Submit requests via traditional mail or secure fax as provided in the table below, or via secure fax at (617) 624-5234.

**Hiring Authority Contact at DPH**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Department | Name | Fax | Email Address | Address |
| Department of Public Health | William Anderson | 617-624-5234 | [William.Anderson@mass.gov](mailto:William.Anderson@mass.gov)  *Do not send CORI requests via email.* | **William Anderson**  Program Coordinator  Privacy & Data Compliance Office  Massachusetts Department of Public Health  250 Washington Street  Boston,  MA 02108 |

A complete list of EOHHS Department contacts can be found on the [EOHHS CORI website](http://www.mass.gov/hhs/cori).

**Additional Information:**

For further information, please refer to the EOHHS CORI website at: <http://www.mass.gov/hhs/cori>.

1. Note that a candidate for employment includes temporary employees, volunteers, trainees, interns, and students, regardless of whether the individual receives compensation and the source of funding for the position. [↑](#footnote-ref-1)
2. When conducting criminal background investigations, the hiring authority must also comply with the requirements of 803 CMR 2.00, promulgated by the Department of Criminal Justice Information Services (DJCIS**).** For more information about the CORI process through DCJIS, see: <https://www.mass.gov/lists/cori-forms-and-information>. [↑](#footnote-ref-2)
3. *See* 101 CMR 15.15: “Tables of Offenses.” Also available in the document “CORI Regulation and Crime Tables” on the [EOHHS CORI website](http://www.mass.gov/hhs/cori). [↑](#footnote-ref-3)