

§9057. Employment

1. Contingent offer of employment. An employer that has made a contingent offer of employment to a direct access worker shall secure a background check and receive a final background check report prior to allowing the individual to commence employment as a direct access worker, except where the individual is conditionally employed as described in this chapter.

[PL 2015, c. 299, §25 (NEW).]

2. Opportunity to challenge inaccurate records. An employer that has made a contingent offer of employment under subsection 1 shall provide the individual subject to a background check a copy of the background check report and afford the individual a reasonable amount of time up to the 60th calendar day of conditional employment as described in subsection 4 to allow that individual an opportunity to challenge inaccurate information in the background check report.

[PL 2015, c. 299, §25 (NEW).]

3. Employment determination. An employer that has made a contingent offer of employment under subsection 1 shall obtain a final nondisqualifying background check report after an individual has been allowed an opportunity to correct or update that individual's record prior to making an employment determination.

[PL 2015, c. 299, §25 (NEW).]

4. Conditional employment. In accordance with subsection 2, an employer may employ an individual as a direct access worker on a conditional basis for up to 60 calendar days before the employer receives a final background check report or from the date the employer receives a disqualifying background report on the following conditions:

A. The employer initiates the background check by entering the individual into the Background Check Center database as a conditionally employed worker; [PL 2015, c. 299, §25 (NEW).]

B. The individual is not identified in the Background Check Center database as a disqualified person based on an earlier background check; [PL 2015, c. 299, §25 (NEW).]

C. The individual has agreed to submit to the steps necessary to comply with this chapter, including taking substantial steps toward correcting inaccurate data in the disqualifying background check report if applicable; [PL 2015, c. 299, §25 (NEW).]

D. The individual signs a statement declaring that a background check will not reveal a disqualifying offense or that an offense that appears is inaccurate; [PL 2015, c. 299, §25 (NEW).]

D-1. The individual provides evidence to the employer that the individual has submitted the individual's biometric identifier data for the background check; [PL 2023, c. 241, §75 (NEW).]

E. The employer verifies and documents that the individual has submitted the individual's biometric identifier data required for the background check and the mandatory identity verification and employment eligibility documents required by rules adopted in accordance with this chapter; and [PL 2023, c. 241, §76 (AMD).]

F. The individual is subject to direct personal supervision during the course of the conditional employment as described in rules adopted pursuant to this chapter. [PL 2015, c. 299, §25 (NEW).]

[PL 2023, c. 241, §§75, 76 (AMD).]

SECTION HISTORY

PL 2015, c. 299, §25 (NEW). PL 2023, c. 241, §§75, 76 (AMD).

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