

Can municipalities get criminal record checks on employees or prospective employees?

Criminal record checks are available, but only under certain circumstances. If the town has an applicant for either a paid or volunteer position, and the town provides care or services to “vulnerable classes” of people, it may ask for a criminal record check. “Vulnerable classes” include children, the elderly and some persons with disabilities.

Both Vermont and out-of-state record checks are available from the Vermont Criminal Information Center (802/244-8727) if:

- the applicant has signed a release;
- the town has filed a user’s agreement with the center; and
- only after the applicant has been offered the position conditioned on the results of the record check.

As an example, if your town has interviewed applicants for employment or volunteer positions to run the summer recreation program for kids or a special Olympics event, the town should be able to get the record check. Note that any abuse of the record check or the process for getting it *shall* result in a \$5,000 fine *for each violation*. So, if a municipal employee tells 10 unauthorized people about an applicant’s criminal record, a \$50,000 fine will result. 20 V.S.A. § 2056c.

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