

Legal Update Article

Massachusetts CORI Verification Requirements Temporarily Changed to Allow Use of Teleconference

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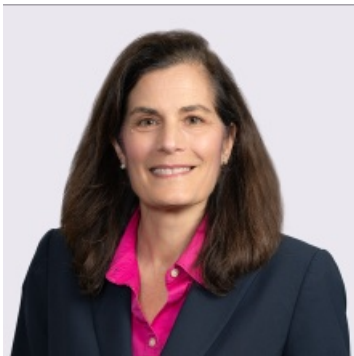
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Massachusetts has issued emergency regulations allowing employers to verify an individual's identity by teleconference to comply with the state Criminal Offender Record Information (CORI) law during the current state of emergency caused by the COVID-19 crisis.

As Massachusetts (and most of the rest of the country) moved to remote working, a unique issue arose for employers that run criminal background checks for applicants and employees through Massachusetts' "iCORI" system. Under CORI regulations, employers were required to verify an individual's identity *in person* as part of the iCORI authorization process. With mandatory lockdowns, work-from-home requirements, and social distancing mandates, it was impossible for employers to verify an individual's identity.

The Massachusetts Department of Criminal Justice Information Services (DCJIS) resolved that problem by issuing emergency regulations, allowing employers to verify an individual's identity by teleconference during the current state of emergency.

Accordingly, if an employer is unable to verify an individual's identity in person or by acceptance of a notarized CORI authorization form (two practices always available to employers), and the employer's CORI request is in "response to the 2020 COVID-19 Pandemic," the employer may review the individual's identification and verify identity by teleconference.

Upon termination of the current state of emergency, all CORI requests verified in this manner must be verified either in person or through submission of a notarized CORI acknowledgement form within seven business days.

With the emergency regulation, Massachusetts employers conducting CORI checks during the state of emergency can verify identity remotely, either through FaceTime, Zoom, or another videoconferencing platform. This regulation eases the burden on businesses (such as nursing homes) trying to hire staff during this pandemic.

The regulation limits the ability to verify identities by teleconference to CORI requests done "in response to the 2020 COVID-19 Pandemic." Therefore, employers need to be prepared to demonstrate the CORI request is in response to the state of emergency. If possible, therefore, teleconference verification of an individual's identity should be limited to situations in which the hiring, or the request, is directly related to the pandemic.

If you have any questions regarding Massachusetts' CORI emergency regulation, contact the Jackson Lewis attorney with whom you regularly work.

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