

Lewis Center for Educational Research

AR 4112.5 PERSONNEL CRIMINAL RECORD CHECK

Adopted: June 5, 2003

Revised: September 10, 2007

Applicants for Employment

The Manager, Human Resources or designee shall ensure that each person to be employed submits fingerprints, electronically through the Live Scan system for processing by the Department of Justice. The Manager, Human Resources or designee shall provide the applicant with a Live Scan request form and a list of nearby Live Scan locations.

The Manager, Human Resources or designee shall ensure that no person is hired who has been convicted of a violent or serious felony as listed in Penal Code 667.5(c) or 1192.7(c), and applicable ed code provisions, unless that person has obtained a certificate of rehabilitation and a pardon.

All information obtained from the Department of Justice is confidential. The LCER will ensure that information received will be stored in a locked file separate from other files, and shall only be accessible to the HR Manager or designee. Information received shall be destroyed upon the hiring determination in accordance with the California Code of Regulations.

Subsequent Arrest Notification

The Manager, Human Resources or designee shall request subsequent arrest notification from the Department of Justice as provided under Penal Code 11105.2.

Temporary Certificate of Clearance

Before issuing a temporary certificate of clearance to an applicant whose credential is being processed, the Manager, Human Resources or designee shall obtain a criminal record summary from the Department of Justice and shall not issue a temporary certificate of clearance if the applicant has been convicted of a violent or serious felony, unless the applicant has obtained a certificate of rehabilitation and pardon.

The Manager, Human Resources or designee may issue a temporary certificate of clearance without obtaining a criminal record summary to an employee currently and continuously employed by a district within the county who is serving under a valid credential and has applied for a renewal of that credential or for an additional credential.

The Manager, Human Resources or designee may issue a temporary certificate of clearance to a person who has been convicted of a serious felony that is not also a violent felony, if that person can prove to the sentencing court of the offense in question, by clear and convincing evidence, that he/she has been rehabilitated for the purposes of school employment for at least one year.

Current Employees

Upon verbal notification by the Department of Justice of such conviction as outlined above, the CEO or designee shall immediately place that employee on leave without pay.

When the LCER receives written notification of the fact of conviction from the Department of Justice, the CEO or designee shall automatically terminate that employee without regard to any other procedure for termination specified in the LCER procedures; unless that employee challenges the Department of Justice and the Department of Justice withdraws in writing its notification to the LCER. Upon receipt of written withdrawal of notification from the Department of Justice, the CEO or designee shall immediately reinstate that employee with full restoration of salary and benefits for the period of time from the suspension without pay to the reinstatement.